

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING**

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**Chapter 200, ZONING**

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[HISTORY: Adopted by the Mayor and Council of the Borough of Northvale 10-13-1955; amended in its entirety 5-31-1979 by Ord. No. 450-79 (Ch. 74 of the 1969 Code). Subsequent amendments noted where applicable.]

**GENERAL REFERENCES**

- Housing agencies -- See Ch. 25.**
- Land use procedures -- See Ch. 29.**
- Open Space Trust Fund -- See Ch. 38.**
- Certificates -- See Ch. 80.**
- Uniform construction codes -- See Ch. 84.**
- Development Fees -- See Ch. 95.**
- Fees -- See Ch. 97.**
- Flood damage prevention -- See Ch. 105.**
- Site plan review -- See Ch. 159.**
- Site work permits -- See Ch. 162.**
- Stormwater Management -- See Ch. 172.**
- Subdivision of land -- See Ch. 178.**

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
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General Provisions**

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**ARTICLE I, General Provisions**

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**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE I,  
General Provisions / § 200-1. Title.**

**§ 200-1. Title.**

This chapter shall be known and may be cited and referred to as the "Revised Zoning Ordinance of the Borough of Northvale."

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE I,  
General Provisions / § 200-2. Purpose.**

**§ 200-2. Purpose.**

The purpose of this chapter is to exercise to the fullest extent the powers granted to the Borough to manage land use through zoning to the fullest extent permitted by the Municipal Land Use Law and the Constitutions of the United States and the State of New Jersey and to generally exercise the police power. To that end and without limiting the foregoing, the stated purpose of this chapter is the same as the Municipal Land Use Law and, in particular, N.J.S.A. 40:55D-2.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE I,  
General Provisions / § 200-3. Limiting Schedules and Zoning Map.**

**§ 200-3. Limiting Schedules and Zoning Map.**

The Limiting Schedules and Zoning Map annexed to this chapter are hereby made a part hereof as if set forth at length herein.<sup>EN(1)</sup>

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE I,  
General Provisions / § 200-4. Word usage and definitions.**

**§ 200-4. Word usage and definitions.**

- A. For purposes of this chapter, definitions or words used in this chapter shall have the same meanings as the definitions of said words in the Municipal Land Use Law,<sup>EN(2)</sup> unless the context clearly indicates a different meaning. Where a word is defined in this chapter and is defined in the Municipal Land Use Law, the definition in this chapter shall prevail unless the context clearly indicates a different meaning. Where a word is not defined in this chapter, the definition in the Municipal Land Use Law shall be applicable as if set forth herein. When not inconsistent with the context, words used in the present tense include the future; the singular number includes the plural and the plural, the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "zone" includes the word "district"; the word "occupied" includes the words "designed" or "intended to be occupied"; the word "used" includes the words "arranged," "designed" or "intended to be used"; the word

"shall" is always mandatory and not merely directory or permissive.

- B. In accordance with the within stated provisions, the following words and their derivations shall have the meanings herein given:

**ACCESSORY BUILDING** -- A building subordinate to the principal building on a lot and used for the purposes customarily incidental to those of the principal building. Where an accessory building is attached to a principal building in a substantial manner by a wall or roof, such accessory building shall be considered part of the principal building.

**ADDITION** -- An extension or increase in floor area or height of a building or structure.

**ADMINISTRATIVE OFFICER** -- The Zoning Officer who is designated pursuant to this chapter.

**ALTERATION** -- A change or rearrangement in the structural parts or in the means of egress or an enlargement, whether by extending on a side or by increasing in height, or to change the use from that permitted in one zone to a use permitted in another, or to move a structure from one location or position to another.

**APPLICANT** -- The landowner or the agent, optionee, contract purchaser or other person authorized to act for and acting for the landowner submitting an application under this chapter.

**APPROVING AUTHORITY** -- The Planning Board or Zoning Officer when acting pursuant to the authority of this chapter. [Amended 4-8-1998 by Ord. No. 726-98]

**BOARD** -- The municipal board that is reviewing an application in accordance with the requirements of the New Jersey Municipal Land Use Law<sup>EN(3)</sup>, either the Borough of Northvale Planning Board or Zoning Board of Adjustment. [Added 5-9-2001 by Ord. No. 762-2001]

**BODY SHOP** -- A facility for the repair of damage to motor vehicles.

**BUFFER** -- Land area or areas used to visibly separate one use from another or to shield or block noise, lights or other nuisance elements to ensure privacy. [Amended 5-9-2001 by Ord. No. 762-2001]

**BUILDING** -- Any structure having a roof and intended for the housing, enclosure, shelter or protection of persons, animals or property. For the purposes of this chapter, a "building" shall be deemed to include a deck, porch or stoop, whether covered or uncovered.

**BUILDING AREA** -- The total of areas, taken on a horizontal plane at the main grade level, of the principal building and all accessory buildings, including all areas comprised of decks, porches or stoops, all of which must comply with the Limiting Schedules adopted herein along with any of its subsequent amendments or revisions.<sup>EN(4)</sup>

**BUILDING LINE** -- A line parallel to the front line and removed from it by the depth of the required front yard. The "building line," for the purposes of this chapter, shall be the same as the setback line.

**CLEANERS** -- A service cleaning establishment with machines to be used by an operator on the premises.

**CONDITIONAL STANDARDS** -- The definite specifications and standards which are to be used by the approving authority in the review of a conditional use application.

**CONDITIONAL USE** -- A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of an authorization therefor by the Planning Board.

**CONSTRUCTION OFFICIAL** -- The person appointed pursuant to that section of the Code of the Borough of Northvale establishing a State Uniform Construction Code Agency.<sup>EN(5)</sup>

**DRIVE-IN FACILITY** -- An establishment designed or operated to serve a patron while seated in an automobile.

**DWELLING** -- Any building designed and containing one or more dwelling units used and occupied as the principal residence or abode of the persons residing therein. [Amended 12-22-1982 by Ord. No. 450-H]

- (1) **DWELLING UNIT** -- An area or space within a dwelling designed for or occupied by one or more persons living together and providing complete and common living facilities for their exclusive use, including permanent provisions for living, sleeping, dining, cooking and sanitation.
- (2) **SINGLE-FAMILY DWELLING UNIT** -- A detached dwelling containing one dwelling unit.
- (3) **TWO-FAMILY DWELLING UNIT** -- A building designed for or occupied by two or more persons living in two separate and distinct dwelling units, as that term is defined herein.
- (4) **MOTHER-DAUGHTER DWELLING UNIT** -- A single-family dwelling unit, as that term is defined herein, which has been expanded or altered to accommodate one or more persons related to the principal occupants by blood, adoption or marriage, including foster children, that provides some, but not all, of the living, dining, cooking and sanitation facilities usually associated with an independent and separate dwelling unit and which shares a common front entrance and common metered utilities to the

dwelling. [Amended 5-9-2001 by Ord. No. 762-2001]

- (5) TOWNHOUSE DWELLING UNIT -- An attached dwelling unit that has its own front and rear access to the outside, is not located over another unit and is separated from any other unit by one or more vertical common fire-resistant walls. [Added 5-9-2001 by Ord. No. 762-2001]
- (6) TOWNHOME DWELLING UNIT -- An attached dwelling unit with direct access to the outside with units located over one another and each unit separated by vertical fire-resistant walls and horizontal fire-resistant floors and ceilings. [Added 5-9-2001 by Ord. No. 762-2001]

EFFICIENCY APARTMENT -- An apartment unit where there is no bedroom, but within a room, such as a living room, there is a convertible bed or screened area with a bed.

FAMILY -- One or more persons related by blood, adoption or marriage, including foster children, living and cooking together as a single housekeeping unit, exclusive of household servants; or a number of persons, but not exceeding three, living and cooking together as a single housekeeping unit, where one or more of such persons are not related by blood, adoption or marriage to others shall also be deemed to constitute a "family."

FENCE or FENCE WALL -- An enclosing or dividing framework for land, yard, property or garden, composed generally of materials to form a vertical plane perpendicular to the ground.

GARAGE -- The building or part thereof where motor vehicles are kept without any provisions for the general maintenance or repair of such vehicles.

GREEN AREA -- The percentage of area of the lot not devoted to building, structures, paving, driveways, ingress and egress, sheds, open storage and similar uses and landscaped or left to remain in a wooded or natural state.

HEIGHT -- The vertical distance measured from the average elevation of the finished grade at the front yard of the building or structure to the highest point of the roof for flat roofs, to the decline of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

HOME OCCUPATION -- The professional office studio or service of a resident physician, surgeon, dentist, lawyer, architect, artist, accountant, musician, teacher or psychologist, or a person in a substantially similar profession, provided that the professional service or office work therein complies with Section 200-10. [Amended 5-9-2001 by Ord. No. 762-2001]

HOUSE TRAILER -- Any portable or mobile structure or vehicle used as a dwelling unit or for sleeping purposes or for the conduct of business, whether or not such vehicle or structure is

attached to a foundation.

**LAUNDROMAT** -- A service cleaning establishment with machines for hire to be used by customers on the premises.

**LOT** -- A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit; one or more contiguous parcels of land united by a common interest or use considered as a unit occupied by a principal building or zoning use and its accessory buildings and uses, if any, including the open spaces of such unit of land. It may or may not coincide with the deed description thereof or the boundaries of the same as shown on the Tax Assessment Map of the Borough of Northvale or a map filed for record or otherwise.

**LOT AREA** -- The area of a horizontal plane bounded by the front, side and rear lot lines.

**LOT, CORNER** -- A lot having two or more front lot lines. A "corner lot," as so defined herein, shall comply with the setback requirements on both front lot lines or streets.

**LOT COVERAGE** -- The percentage of area of a lot devoted to a principal or accessory building or structures; provided, however, that roof eaves shall not be included in the computation of "lot coverage."

**LOT, DEPTH OF** -- The mean horizontal distance between the front and rear lot lines.

**LOT FRONTAGE** -- The horizontal distance measured along the full length of the front lot line.

**LOT, INTERIOR** -- A lot other than a corner lot.

**LOT LINE, FRONT** -- A boundary of a lot which is along an existing or dedicated public street or, where no such existing or dedicated public street exists, along a public way. If a lot has two or more front lines, as in the case of a corner lot, the owner or developer shall designate to the approving authority the location of the "front lot line."

**LOT LINE, REAR** -- The lot line which is more distant from and most nearly parallel to the front lot line. If a "rear lot line" is less than 15 feet in length or if a lot comes to a point at the rear, the "rear lot line" shall be a line at least 15 feet in length, lying wholly within the lot and parallel to the front lot line. If a lot has two or more front lot lines, the owner or developer shall designate to the approving authority the location of the "rear lot line."

**LOT LINE, SIDE** -- Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT, WIDTH OF** -- The straight line distance between points on opposite side lot lines where the boundary between the front yard and the side yards meet such side lot lines.

**MANUFACTURE** -- The converting of raw, unfinished materials or products, or any or either of

them, into an article or articles or substance of a different character or for use for a different purpose.

**MASTER PLAN** -- A composite of the mapped and written proposals recommending the natural, physical and economic development capacities and goals of the Borough which has been adopted by the Northvale Planning Board.

**MINIMUM LIVING FLOOR AREA** -- The habitable area of a home or apartment customarily used for living such as a kitchen, dining room, living room, bedroom, bathroom, family room, game room, hall, foyer, entry and closet and excluding basements, attics, garages and storage areas.

**MUNICIPAL LAND USE LAW** -- P.L. 1975, c. 291, N.J.S.A. 40:55D-1 et seq., and all the subsequent amendments thereto.

**NONCONFORMING LOT** -- A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

**NONCONFORMING STRUCTURE** -- A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

**NONCONFORMING USE** -- A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

**OFF-STREET PARKING** -- The on-site parking of motor vehicles.

**PARKING SPACE** -- An area available for parking of a motor vehicle and designed in accordance with Section 200-13. [Amended 5-9-2001 by Ord. No. 762-2001]

**PREMISES** -- The lot and any structures thereon, on or in which a subject use is situated.

**PROPERTY LINE** -- The same as a lot line for the purposes of this chapter.

**RESIDENTIAL AGRICULTURE** -- The on-site growing, harvesting or keeping of plants for the consumption and enjoyment of residents of the property and not for commercial purposes.

**RESTAURANT** -- A public eating or drinking establishment in which the primary function is the preparation and serving of food and drink on the premises and for on-site consumption. Retail establishments that may serve food and drink as an accessory use, such as delicatessens or

supermarkets, are excluded from this definition for the purposes of this chapter, provided that no facilities for the consumption of food and drink exist on the premises. Any building or premises used as a restaurant shall comply with the standards in Section 200-10. [Amended 10-9-1991 by Ord. No. 635-91; 8-10-1994 by Ord. No. 675-94; 5-9-2001 by Ord. No. 762-2001]

**RESTAURANT, DRIVE-IN** -- An establishment serving food to persons outside the building in which the food is prepared and/or providing tables, benches or automobile parking spaces where food may be eaten outside such building.

**RESTAURANT, TAKE-OUT** -- An establishment preparing food to be taken outside of the establishment and consumed off the premises. Take-out restaurants shall comply with the following standards: [Added 8-9-1995 by Ord. No. 689-95]

- (1) Tables, chairs and stools shall be prohibited inside the establishment.
- (2) No food or drink shall be consumed at the counter or any other place within the establishment or outside on the premises.
- (3) Chairs may be permitted, only with prior written approval of the Code Compliance Official, solely for the convenience of customers waiting for food to be prepared.
- (4) A sign not smaller than 11 inches by 14 inches in size must be posted in a conspicuous place, or as required by the Code Compliance Official stating that it is prohibited to eat or drink in said establishment.

**SERVICE CLEANING ESTABLISHMENT** -- A retail business that uses washing, drying, dry-cleaning, pressing, ironing and similar machines for the care and cleaning of customers' clothes and household dry goods. Excluded from this definition for the purposes of this chapter are laundry areas which serve as accessorial use to apartments and the exclusive use by tenants and owner.

**SERVICE STATION** -- Any building, place or location designed to supply motor vehicles with gasoline and fuel for propulsion, oils, greases and automobile sundries or for the inspection, testing, examination and cleaning of motor vehicles or for the repair or replacement of parts, and shall include fuel pumps and fuel storage tanks. "Service stations," for the purpose of this chapter, are what may be commonly referred to as "filling, gas or gasoline stations."

**SETBACK** -- The distance from the property line to a building or parking or other space, measured at right angles to the property line. The front, interior side, corner side and rear setbacks shall be measured from the front, interior side, corner side and rear lot lines, respectively.

**SHOPPING CENTER DEVELOPMENT** -- A group of commercial establishments which provide for the sale of the daily living needs, such as food or drugs, as well as personal services,



such as apparel or furniture, banking, professional services and recreation. Such center should be developed as a unit. A shopping center development shall be comprised of no less than 20,000 contiguous square feet of ground space and shall comply with the standards in Section 200-10. [Amended 5-9-2001 by Ord. No. 762-2001]

STORAGE SHED -- Any structure having a roof and intended for the enclosure, shelter or protection of personal property. [Added 12-23-1981 by Ord. No. 450-G]

STORE -- A building structure devoted primarily to the retail sales of goods and services and where the service is performed or the goods to be sold are prepared in their finished form on the premises.

STREET LINE -- The dividing line between the street and the lot.

STRUCTURAL PART -- A principal member which is used to support live and/or dead loads such as a bearing partition, bearing wall, beam, girder, column, pier or post; but, however, excluding such secondary elements as a joist, flooring, decking or lintel whose supporting area is no greater than 40 square feet and excluding nonbearing partition walls.

USE -- The specific purpose for which land or a building is occupied, intended or maintained.

USE, ACCESSORIAL -- A use clearly incidental to the principal use and located on the same lot with such principal use. "Accessorial use" shall have the same meaning as "accessory use." [Amended 5-9-2001 by Ord. No. 762-2001]

USE, PRINCIPAL -- The primary purpose for which a lot is used.

USE, PROHIBITED -- A use not permitted within a district. Those uses not expressly permitted within this chapter are prohibited. The listing of certain uses as specifically prohibited reiterates the prohibition regarding those particular uses to avoid doubt or confusion.

YARD -- The area on a lot extending along a lot line between such lot line and a building, structure or use occupying such lot.

YARD, FRONT -- A yard extending the full width of a lot and situated between the street line and the line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the line of the building and the street line.

YARD, REAR -- A yard extending the full width of the lot situated between the rear line of the building and the rear line of the lot.

YARD, SIDE -- A yard situated between the building on the side line of the lot and extending from the front yard to the rear yard.

ZONING OFFICER; DEPUTY ZONING OFFICER -- That person who shall be responsible for

the administration and enforcement of the zoning and land use laws of the Borough of Northvale. The Zoning Officer shall serve for a one-year term commencing in January of each year. The Zoning Officer shall be appointed by nomination of the Mayor and confirmation by the majority of the full membership of the Council. There shall also be a Deputy Zoning Officer whose term shall coincide with that of the Zoning Officer and who shall be appointed in the same manner as the Zoning Officer. The Deputy Zoning Officer shall report directly to the Zoning Officer and shall in all respects be subordinate to and subject to the direction of the Zoning Officer. The Deputy Zoning Officer shall have the power to issue summonses only in the absence of the Zoning Officer or at the express direction of the Zoning Officer. [Amended 4-22-1981 by Ord. No. 450-F; 5-8-1985 by Ord. No. 532-85; 7-10-1985 by Ord. No. 539-85]

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
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II, Districts**

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**ARTICLE II, Districts**

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**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
II, Districts / § 200-5. Enumeration of districts; boundaries; map.**

**§ 200-5. Enumeration of districts; boundaries; map.**

A. Classification and use.

- (1) For the purpose as set forth in § 200-2 of this chapter; for the purpose of promoting the health, safety, morals and general welfare of the community; for the purpose of lessening congestion in the streets; for the purpose of securing safety from fire, panic and other dangers; for the purpose of preventing the overcrowding of land and avoiding undue concentration of population; for the purpose of facilitating adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; for the purpose of conserving the value of buildings and encouraging the most appropriate use of land throughout the Borough; for the purpose of providing for public health, comfort and general welfare in living and working conditions; for the purpose of regulating and restricting the location of trades and industries and the location of buildings designed for specified uses; for the purpose of regulating and limiting the height and bulk of buildings hereafter erected; and for the purpose of regulating and determining the area of yards, courts and other open spaces hereafter erected, the Borough of Northvale is hereby

divided into the following classes of zones as shown on the Building Zone Map which accompanies these development regulations:<sup>EN(6)</sup> [Amended 8-10-1994 by Ord. No. 675-94; 5-9-2001 by Ord. No. 762-2001]

R 12.5	Residential Single-Family
R 7.5	Residential Single-Family
R M	Residential Multifamily
AHZ	Adult Housing Zone [Added 11-14-2005 by Ord. No. 811-2005]
AH-2	Affordable Senior Housing
C	Commercial
C-1	Commercial
C-2	Commercial
C-3	Commercial/Light Industrial
LI	Light Industrial
LI-1	Light Industrial

- (2) No building or premises shall be used and no building shall be erected or altered except in conformity herein prescribed for the zone in which such building or premises is located.
- B. Boundary lines. The zone boundary lines are intended generally to follow street lines, existing lot lines and development boundaries as indicated on the Zoning Map, but, where a boundary line does not coincide with such line, its location is indicated on said map by means of figures expressing distance in feet from a street line. In case of uncertainty as to the true location of any zone boundary line, the determination thereof shall lie with the Board of Adjustment of the Borough of Northvale.
- C. Zoning Map. The zoning districts as set forth in this chapter are bounded and defined as

shown on the map entitled the "Zoning Map of the Borough of Northvale," dated May 9, 1979, which map, with all explanatory matter thereon, and properly certified by the Borough Clerk of the Borough of Northvale, is hereby made a part of this chapter.<sup>EN(7)</sup>

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
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III, Regulations and Restrictions**

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**ARTICLE III, Regulations and Restrictions**

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05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
III, Regulations and Restrictions / § 200-6. R 12.5 and R 7.5 Residential Zones.**

**§ 200-6. R 12.5 and R 7.5 Residential Zones.**

A. In the R 12.5 and R 7.5 Residential Zoning Districts, the following uses are hereby expressly permitted, and no building, land or premises shall be used and no building shall be erected or altered which is constructed, designed, arranged or intended to be used in whole or in part for any other use than that which is expressly set forth herein:

(1) Principal uses.

(a) Single-family, detached dwellings.

(b) Churches and other houses of worship. [Amended 5-9-2001 by Ord. No. 762-2001]

(2) Accessorial uses.

(a) Home offices and occupations. [Amended 5-9-2001 by Ord. No. 762-2001]

(b) Garages, maximum four vehicles of the passenger type, in accordance with Section 200-10. [Amended 7-10-1985 by Ord. No. 536-85; 5-9-2001 by Ord. No. 762-2001]

(c) Off-street parking.

(d) Swimming pools.

(e) Tennis courts.

(f) Greenhouses.

- (g) Residential agriculture.
  - (h) Storage sheds. [Added 12-23-1981 by Ord. No. 450-G]
  - (i) Fences or fence walls.
  - (j) Signs.
- (3) Conditional uses. [Added 12-22-1982 by Ord. No. 450-H]
- (a) [Amended 5-9-2001 by Ord. No. 762-2001] The following conditional uses are permitted:
    - [1] Mother-daughter dwelling unit. The Planning Board may, upon proper application and hearing, authorize the expansion or alteration of a dwelling in the R12.5 or R7.5 Residential Zone to create a mother-daughter dwelling unit, provided that the Planning Board shall conduct a hearing and determine that the following conditions and standards have been met:
      - [a] That the second housekeeping unit is occupied by persons related to the principal occupants by blood, adoption, or marriage, including foster children.
      - [b] That the bulk requirements as set forth in the Limiting Schedules have been complied with.<sup>EN(8)</sup>
      - [c] That adequate provision has been made to provide off-street parking.
      - [d] That the expansion or alteration of the single-family dwelling unit shall not exceed 25% of the floor area of the entire dwelling.
      - [e] That the expansion or alteration does not divide nor give the appearance of dividing into two separate dwelling units capable of independent occupancy.
      - [f] The above requirements shall be updated and certified annually with the Zoning Officer. Such recertification shall be recorded as part of the certificate of occupancy.
  - (b) The review by the Planning Board shall include any site plan review pursuant to Chapter 159, Site Plan Review, of the Code of the Borough of Northvale.
  - (c) Any conditional use authorized by the Planning Board under this chapter shall terminate immediately when and if the conditions and standards set forth herein are found to have been violated.

- (d) The Planning Board shall grant or deny an application for a conditional use within 95 days of submission of a complete application by a developer to the Secretary of the Planning Board or within such further time as may be consented to by the applicant.
- B. Prohibited uses. The following uses are expressly prohibited in an R 12.5 or an R 7.5 Residential Zoning District: [Amended 12-10-1980 by Ord. No. 450-D; 12-22-1982 by Ord. No. 450-H]
- (1) Open storage of more than one motor vehicle which does not have a current license plate and motor vehicle registration.
  - (2) The parking of any truck, trailer or van used for commercial purposes in the R 12.5 Zoning District and the parking of any truck, trailer or van used for commercial purposes in excess of one-ton capacity in the R 7.5 Zoning District, unless said truck, trailer or van used for commercial purposes is in the process of providing a service to the property owner.
- C. Minimum living floor area. [Amended 12-22-1982 by Ord. No. 450-H]
- (1) The minimum living floor area in the R 12.5 Zoning District shall be no less than 1,200 square feet.
  - (2) The minimum living floor area in the R 7.5 Zoning District shall be no less than 1,000 square feet.
- D. Bulk requirements; Limiting Schedules. Subject to modification or supplementary regulations in special cases as specified in subsequent or proceeding sections of this chapter, regulations as to use, lot size, bulk of buildings, off-street parking, signs and special requirements in the R 12.5 and R 7.5 Zoning Districts shall be as set forth in the Limiting Schedules which are hereby adopted and made a part of this chapter.<sup>EN(9)</sup> [Amended 12-22-1982 by Ord. No. 450-H]

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III, Regulations and Restrictions / § 200-7. C, C-1 and C-2 Commercial Zones.  
[Amended 9-12-1979 by Ord. No. 450-C; 12-10-1980 by Ord. No. 450-D; 4-22-1981  
by Ord. No. 450-F; 12-23-1981 by Ord. No. 450-G; 11-19-1984 by Ord. No. 526-84;  
9-11-1996 by Ord. No. 704-96; 5-9-2001 by Ord. No. 762-2001]**

**§ 200-7. C, C-1 and C-2 Commercial Zones. [Amended 9-12-1979 by Ord. No. 450-C;  
12-10-1980 by Ord. No. 450-D; 4-22-1981 by Ord. No. 450-F; 12-23-1981 by Ord. No.  
450-G; 11-19-1984 by Ord. No. 526-84; 9-11-1996 by Ord. No. 704-96; 5-9-2001 by Ord. No.**

**762-2001]**

A. The following uses are expressly permitted in the C, C-1 and C-2 Commercial Zones in the Borough of Northvale, and no building, land or premises shall be used and no building shall be erected or altered which is constructed, designed, arranged or intended to be used in whole or in part for any other use than that which is expressly set forth herein, provided further that all commercial uses located within the C-1 Zoning District shall have frontage on either Paris Avenue or Livingston Street:

(1) Principal uses.

(a) Retail sales of goods and services.

(b) Banks.

(c) Business, professional and governmental offices.

(d) Funeral parlors (single-family accessory residential uses permitted).

(e) Printing shops.

(f) Restaurants.

(g) Residential uses in the C-1 Zoning District, provided that said residential use is not in any way combined with a commercial use. Multiple-family dwellings shall be prohibited in all zones unless specifically allowed. Two-family dwellings shall be prohibited in all zones within the Borough. [Amended 9-6-2005 by Ord. No. 809-2005]

(2) Accessorial uses.

(a) Signs.

(b) Fences or fence walls.

(c) Garages.

(d) Enclosed storage.

(e) Off-street parking.

(f) Storage shed, provided that the same is accessory to a permitted residential use in the C-1 Zoning District.

(3) Conditional uses.

- (a) Service cleaning establishments in the C-1 and C-2 Commercial Zones.
- (b) Service stations in the C-1 and C-2 Commercial Zones.

B. Prohibited uses.

- (1) C and C-1 Zoning districts. The following uses are expressly prohibited in the C and C-1 Zoning Districts:

- (a) Shopping center development.

- (2) All commercial zones. The following uses are expressly prohibited in all commercial zones, except as hereinafter provided:

- (a) Sales or service establishments for motor vehicle use, including but not limited to the following:

- [1] Used car lots and automobile sales rooms.

- [2] Automotive storage shops, repair garages or body shops.

- [3] Automobile car washing stations.

- (b) Residential uses, except in the C-1 Zoning District as set forth in this chapter.

- (c) Open or enclosed theaters of any type.

- (d) Service cleaning establishments, except as they may be provided for as a conditional use in this chapter.

- (e) Service stations, except as they may be provided for as a conditional use in this chapter.

C. Buffer strips. The following buffer strip requirements shall apply to any commercial use in the Borough of Northvale that adjoins or is adjacent to a residential use:

- (1) The commercial use shall be screened along those portions of the property that are adjacent to or that adjoin a residential use by a buffer strip of not less than 15 feet in width and by a fence or fence wall not less than five feet in height or with a four-foot planting strip consisting of shrubs or trees which are at least four feet high at the time of planting.

- (2) Such screening shall extend to an equidistant point between the minimum setback line for the district and the public right-of-way.

D. Bulk requirements. The bulk requirements for the commercial zoning districts shall be those



as set forth in the Limiting Schedules which are hereby adopted and made a part of this chapter.<sup>EN(10)</sup>

E. Service cleaning establishments.

- (1) In addition to the requirements set forth in the Limiting Schedules<sup>EN(11)</sup> and elsewhere in this chapter for any particular conditional use, the following requirements shall apply to a service cleaning establishment which is herein permitted by conditional use:
  - (a) No part of a service cleaning establishment building may be situated within a radius of 1,500 feet of the building of another cleaning establishment.
  - (b) An attendant shall be present upon the premises at all times when it is open for customer use.
  - (c) The service cleaning establishment shall not be open for business prior to 7:00 a.m. or later than 10:00 p.m., prevailing time.
  - (d) The floor area of the premises shall be no greater than 3,000 square feet.
  - (e) The applicant for development or other interested party shall present extensive evidence to the approving authority that there will be no pollution, fire hazard or generation of excessive noise or vibration.
  - (f) The service cleaning establishment shall be housed in a fully enclosed structure.

F. Service stations.

- (1) In addition to the requirements set forth in the Limiting Schedules<sup>EN(12)</sup> and elsewhere in this chapter for any particular conditional use, the following requirements shall apply to a service station establishment which is herein permitted by conditional use:
  - (a) No part of a lot upon which a service station is located may be situated within a radius of 1,500 feet of the property line of:
    - [1] A public school or any organized school other than a public school conducted for children.
    - [2] Any place of public assemblage with a seating capacity of 100 persons or more.
    - [3] A public library.
    - [4] Any public playground or athletic field.
    - [5] Another service station.

- (b) The minimum frontage requirements for a service station shall be 200 feet, and the minimum depth of any lot upon which a service station is located shall be 200 feet.
- (c) The area for use by motor vehicles, except access drives thereto, as well as any structures contained on the property, shall not encroach on any required yard area.
- (d) No fuel pump shall be located within 20 feet from any side lot line nor within 35 feet of any front lot line.
- (e) All repair work, servicing and the like shall be performed within a fully enclosed building.
- (f) All automobile parts, scrap material and similar articles shall be stored within a fully enclosed building. No dismantled or wrecked vehicles shall be stored outside a fully enclosed building for a period in excess of 10 days.
- (g) The area of all driveways and all areas over which motor vehicles will drive or be parked shall be paved with a bituminous or concrete surface.
- (h) All lights used to illuminate the service station shall be arranged so as to reflect down and so as to cause the minimum amount of glare to the surrounding properties.
- (i) No product displays, parked vehicles or other obstructions shall be allowed that may adversely affect visibility at intersections or station driveways.
- (j) Automobile repair work shall be permitted, provided that such automobile repair work shall not include spray paint operations or body or fender repair.
- (k) All ingresses and egresses as well as dropped curbing shall comply with the standards and requirements as set forth by the New Jersey Department of Transportation.

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05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
III, Regulations and Restrictions / § 200-7.1. C-3 Commercial/Light Industrial  
Zone. [Added 5-9-2001 by Ord. No. 762-2001]**

**§ 200-7.1. C-3 Commercial/Light Industrial Zone. [Added 5-9-2001 by Ord. No. 762-2001]**

- A. Purpose. The purpose of this zone is to provide an appropriate location for light industrial uses while enabling the redevelopment of other properties in the zone for high-quality commercial uses in accordance with certain conditions. In the C-3 Zone, particular attention should be given to the relationship with neighboring residential properties, circulation,

parking design and the scale and design of development.

B. The following uses are expressly permitted in the C-3 Commercial Zone.

- (1) Principal uses. All LI Light Industrial Zone permitted principal uses.
- (2) Accessorial uses. All LI Light Industrial Zone permitted accessorial uses except open storage of motor vehicles.
- (3) Conditional uses. All C-2 Commercial Zone permitted principal uses in accordance with the requirements of this section.

C. Prohibited uses.

- (1) All uses prohibited in the C-2 Commercial Zone.
- (2) Drive-through windows for food and beverage service.

D. Development regulations.

- (1) Bulk requirements.
  - (a) Minimum frontage: 120 feet.
  - (b) Minimum lot area: one acre.
  - (c) Minimum lot width: 200 feet.
  - (d) Minimum lot depth: 200 feet.
  - (e) Building setback: 50 feet.
    - [1] Minimum side setback: 25 feet.
    - [2] Minimum rear setback: 50 feet.
  - (f) Maximum building coverage: 25%.
  - (g) Maximum total impervious coverage: 50%
  - (h) Maximum building height: 35 feet.
  - (i) Green area: 25%.
- (2) Other requirements.
  - (a) Circulation.

- [1] In order to minimize the number of curb cuts and enhance the appearance of

properties, common vehicular access points and shared parking areas are encouraged for adjacent parcels in the C-3 Zone.

- [2] Pedestrian and bicycle amenities shall be provided when possible. These may include benches, bicycle racks, walkways and other enhancements.
- (b) Development character. When reviewing the site plan for commercial developments in the C-3 Zone, the Board shall ensure that the character of the proposed development is consistent with the intent of the Master Plan regarding this section of the Borough.
- E. Buffer strips. The buffer strip requirements in Section 200-8C shall apply to all developments in the C-3 Zone.

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05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
III, Regulations and Restrictions / § 200-8. LI and LI-1 Light Industrial Zones. EN**

**§ 200-8. LI and LI-1 Light Industrial Zones. EN<sup>(13)</sup>**

- A. The following uses are expressly permitted in the Light Industrial Zones in the Borough of Northvale, and no building, land or premises shall be used and no building shall be erected or altered which is constructed, designed, arranged or intended to be used in whole or in part for any other use than that which is expressly set forth herein:
  - (1) Principal uses.
    - (a) Research laboratories.
    - (b) Business, industrial or governmental offices.
    - (c) Publishing houses or printing firms.
    - (d) Manufacture by distillation, fabrication, assembling or other handling of products for industrial sale.
    - (e) Wholesale distribution centers or warehouses.
    - (f) Body shops in LI-1 Zones only, provided that no repair work of motor vehicles shall be done out of doors except the changing of tires and emergency work, that no body shop shall be located within 1,200 feet from any other body shop and that a security fence of the chain-link type, not exceeding six feet in height, shall be provided.

- (2) Accessorial uses.
  - (a) Off-street parking.
  - (b) Fences or fence walls.
  - (c) Signs.
  - (d) Garages.
  - (e) Storage buildings.
  - (f) Buildings used for the purpose or processing or assembling of goods.
  - (g) Employee cafeterias.
  - (h) Open storage of motor vehicles when screened by a buffer zone in accordance with the requirements of this chapter.
- B. Prohibited uses. The following uses are expressly prohibited in the Light Industrial Zones:
  - (1) Residential uses.
  - (2) Retail sales of goods or services.
- C. Buffer strips. The following buffer strip requirements shall apply to any use permitted in the Light Industrial Zones in the Borough of Northvale:
  - (1) The erection or construction of a buffer as shown on the Zoning Map of the Borough of Northvale which is hereby adopted and made a part of this chapter.
  - (2) All required buffers shall be at least 75 feet in width.
  - (3) All required buffers shall be landscaped with evergreens of at least six feet in height and shall be of sufficient density as to prevent the use from being visible by adjoining residential properties.
- D. Bulk requirements. The bulk use requirements for the Light Industrial Zones shall be as set forth in the Limiting Schedules, which are hereby adopted and made a part of this chapter.<sup>EN(14)</sup>
- E. Open door industrial uses prohibited. All uses in the light industrial zones shall be limited to the confines of the physical premises so as not to emit any noise or odor, which the Mayor and Council find to be hazardous to the health and welfare of the citizens of the Borough of Northvale. [Added 12-23-1981 by Ord. No. 450-G]

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
III, Regulations and Restrictions / § 200-9. Provisions applicable to all zones.**

**§ 200-9. Provisions applicable to all zones.**

The following provisions are applicable to all zones:

- A. Principal uses. The following uses are expressly permitted in all zoning districts in the Borough of Northvale:
- (1) Municipal, governmental or agency uses as shown on the Official Map which is hereby adopted and made a part of this chapter.<sup>EN(15)</sup>
- B. Prohibited uses. The following uses are expressly prohibited in all zones in the Borough of Northvale:
- (1) Motor courts, trailer camps, house trailers, hotels, motels or recreational vehicles which are being used as a dwelling or sleeping place.
  - (2) <sup>EN(16)</sup>Drive-in facilities.
  - (3) Shooting galleries, skating rinks, bowling alleys, billiard parlors, dance halls, discotheques, model slot car racing, tattoo parlors, skateboard facilities, pinball establishments or other similar facilities.
  - (4) No automobile repair work shall be done out of doors except for the emergency repair of motor vehicles or the changing of tires.
  - (5) Metal- or wood working shops employing more than four persons. [Added 7-25-1979 by Ord. No. 450-A]
  - (6) Blast furnaces, boiler works or coke ovens. [Added 7-25-1979 by Ord. No. 450-A]
  - (7) Premises involved in the manufacture and/or distribution of disinfectant, insecticide, creosote or poisons. [Added 7-25-1979 by Ord. No. 450-A]
  - (8) Premises involved in the manufacture, treatment and/or distribution of explosives, fireworks, match manufacture or storage or any type of substance possessing radioactive qualities. [Added 7-25-1979 by Ord. No. 450-A]
  - (9) Any other trade or use that is noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise. [Added 7-25-1979 by Ord. No. 450-A]

(10) Outdoor storage of any type. [Added 7-25-1979 by Ord. No. 450-A]

C. Closing hours. [Added 9-11-1996 by Ord. No. 704-96]

- (1) Intent. The purpose of this section is to exercise to the fullest extent the powers granted to the Borough to manage land use through zoning to the fullest extent permitted by the Municipal Land Use Law and the Constitutions of the United States and the State of New Jersey and to generally exercise the police power. The Mayor and Council of the Borough of Northvale do find it necessary to regulate the hours of service or operation of certain establishments located in the Borough of Northvale. These establishments are located in a residential milieu, and it is necessary, therefore, to regulate the hours of operation in order to protect the health, peace and comfort of the surrounding residential uses as well as the public health and welfare of the residential community.
- (2) All establishments operating as service stations as defined by this chapter are prohibited from conducting any business whatsoever between the hours of 11:00 p.m. and 6:00 a.m. [Amended 5-9-2001 by Ord. No. 762-2001]
- (3) All commercial uses in the C or C-1 Commercial Zones, with the exception of pharmacies, restaurants or professional offices open to the public, are prohibited from conducting any business whatsoever between the hours of 12:00 midnight and 6:00 a.m. [Added 5-9-2001 by Ord. No. 762-2001]

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
III, Regulations and Restrictions / § 200-10. General design standards. [Added  
5-9-2001 by Ord. No. 762-2001EN]**

**§ 200-10. General design standards. [Added 5-9-2001 by Ord. No. 762-2001<sup>EN(17)</sup>]**

A. Residential garages. The following design standards shall apply:

- (1) Garages, maximum four motor vehicles of the passenger type. If the garage is detached from the principal use and it is located less than 70 feet from the front street line, it must comply with the Limiting Schedules<sup>EN(18)</sup> set forth in this chapter. In the event that the detached garage is more than 70 feet from the front street line, the side and rear yards of said detached garage shall be not less than five feet. If the garage is attached to the principal use, it must comply with the Limiting Schedules. Any detached garage shall be subject to a maximum height limitation of 20 feet.

B. Home occupations. The following design standards shall apply:

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation, and an occupant shall have a proprietary interest in the occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and provided further that such professional service or office is located on the first floor of said dwelling and not more than 25% of the floor area of the dwelling unit, including basement, shall be used in the conduct of the home occupation.
- (3) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign which shall be erected in compliance with the relevant provisions of Article VIII, Signs, of this chapter.
- (4) The professional service or office shall be carried on wholly within the principal building and shall not be conducted in any accessory building.
- (5) There shall be no on-site sales in connection with such professional service or office.
- (6) No overnight hospital facilities shall be provided for animals or persons in connection with such professional service or office.
- (7) No such professional service or office shall generate traffic in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (8) No equipment or process shall be used in such professional service or office which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- (9) A "home occupation," as defined herein, does not include a veterinarian, construction or repair contractor, a real estate or insurance agent, a carpenter, cabinetmaker or furniture repairman, an animal hospital or kennel, an auto repairman, a restaurant, tearoom, coffee shop, tavern, mortuary or beauty or barber shop.

C. Restaurants. The following design standards shall apply:

- (1) Location; frontage and depth; conflicting provisions.
  - (a) Any part of the lot upon which the proposed restaurant is to be situated cannot be



- within a radius of 1,000 feet of the property line of another restaurant.
- (b) The minimum frontage of the lot of a restaurant shall be 200 feet, and the minimum depth shall be 200 feet.
  - (c) This subsection shall take precedence over any conflicting provisions set forth in the Limiting Schedules which are hereby adopted and made a part of this chapter.<sup>EN(19)</sup>
- (2) In order to assure compliance with the requirement that a restaurant have as its primary function the preparation and serving of food and drink on the premises and for on-site consumption, the following requirements are hereby imposed:
- (a) All food and drink is to be ordered by a customer and served to the customer while he is seated at a table or counter where it is to be consumed.
  - (b) The restaurant shall not be designed in such a manner as to allow the ordering of food and drink in any location other than at the table or counter where it is to be consumed.
  - (c) All consumption of food and drink is to be within the building area designed for restaurant use. No food or drink shall be consumed in any other portion of the buildings and lot.
  - (d) Food and drink may be taken from the premises only when such take-out service is incidental to the primary restaurant use.
- (3) Screening; wastes; property values.
- (a) In the event that a restaurant use abuts a residential use or zone or institutional premises, the restaurant shall be screened along those portions that are adjacent to such residential zone or institutional premises by a fence or fence wall not less than five feet in height or with a four-foot planting strip consisting of shrubs or trees which are at least four feet high at the time of planting. Such screening shall extend to an equidistant point between the minimum setback line for the district in the public right-of-way.
  - (b) The developer, as a condition for approval, shall present evidence to the approving authority that there will be provisions for the disposal of solid, liquid and gaseous wastes and that there will be no air pollution or unreasonable odors.
  - (c) The restaurant use shall not depreciate the value of contiguous properties or create instances of discomfort or annoyance to the neighborhood residential uses and zones.
- (4) All premises that are in existence at the time of the passage of this chapter and which fall

within the definition of a "restaurant" only, as contained herein, are hereby declared to be legal conforming uses, regardless of the fact that they may not comply with the bulk or volume requirements contained in this definition. The within distinction is set forth expressly herein due to the findings of the Mayor and Council that numerous restaurants are currently operating in the Borough of Northvale that, but for this subsection, would otherwise be rendered nonconforming and would be depreciated in value.

D. Shopping centers. The following design standards shall apply:

- (1) The developer shall present extensive evidence to the approving authority that there will be no traffic problems created by the proposed shopping center development. The approving authority's considerations in determining the existence or nonexistence of traffic problems are to include but not be limited to the following:
  - (a) The capacity of existing roadways to take any increased traffic flow.
  - (b) The need for left-hand turns in order to accommodate the ingress to and egress of traffic from the proposed use.
  - (c) Sight lines.
  - (d) The effect the proposed shopping center development will have on increasing traffic through the local residential streets.
  - (e) The location and design of the access driveways.
  - (f) Pedestrian and cyclist safety.
  - (g) The number, manner and design of all physical traffic control devices to be located in the interior parking lot and driveway.
- (2) The proposed shopping center development shall promote a desirable visual environment through creative development techniques and good civic design in arrangements in accordance with the Municipal Land Use Law.<sup>EN(20)</sup> All masonry walls that serve as a facing shall be constructed of brick or a material of similar aesthetic appeal. Cement or cinder blocks shall not be exposed to view on a visually finished masonry wall.
- (3) The developer shall comply with all provisions of Article VIII, Signs, of this chapter.

E. Commercial and light industrial buildings. The following design standards shall apply:

- (1) All light industrial buildings shall be constructed with an exterior facing of a decorative masonry with a minimum thickness of four inches and approved by the Board at the time that the development application is being considered. The facing of commercial

buildings shall be as required for light industrial buildings, except that commercial structures may be constructed with an exterior facing of shingles or siding at the discretion of the Board at the time that the development application is being considered. The Board shall give due consideration to the advice of the Borough Engineer, the aesthetics and the quality of construction for the structure and design, provided that all are in accordance with the purpose and principles of the Northvale Master Plan as well as the contents of this chapter.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
III, Regulations and Restrictions / § 200-11. Nonconforming buildings or uses.**

**§ 200-11. Nonconforming buildings or uses.**

The following rules and regulations shall apply:

- A. Any nonconforming use or structure existing at the time of the passage of this chapter may be continued upon the lot or in the building so occupied, and any such structure may be restored or repaired in the event of partial destruction thereof; provided, however, that any use or structure existing at the time of the passage of this chapter shall not be modified, intensified or altered by addition to the number of tenancies for said structure. A building or structure shall be considered to have sustained partial destruction when the frame of the building or structure, exclusive of its foundation, has been destroyed by no more than 50% of said frame. Then, and in that event only, said building or structure may be rebuilt, and the use of said building or structure as it existed at the time of its destruction may be continued. [Amended 7-14-2004 by Ord. No. 796-2004]
- B. No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.
- C. No building shall be enlarged unless the use therein is changed to a conforming use.
- D. No nonconforming use shall be extended so as to diminish the extent of a conforming use.
- E. No nonconforming use or structure existing at the time of the passage of this chapter shall be modified, intensified or altered by addition to the number of tenancies for said structure. [Added 7-14-2004 by Ord. No. 796-2004]

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
III, Regulations and Restrictions / § 200-12. Location of accessory buildings in**

**residential zones.**

**§ 200-12. Location of accessory buildings in residential zones.**

Accessory buildings, except garages, in residential zones shall conform to the following regulations as to their location upon the lot:

- A. In the case of an interior lot fronting on only one street, no accessory building shall be erected or altered so as to encroach upon that half of the lot depth nearest the street.
- B. In the case of an interior lot fronting upon two or more streets, no accessory building shall be erected or altered so as to encroach upon that fourth of the lot depth nearest each and every street.
- C. In the case of a corner lot fronting upon two streets, no accessory building shall be erected or altered so as to encroach upon the area between each respective street and a line drawn parallel to such street in a manner to divide the lot into two equal parts.
- D. Notwithstanding any requirement in this section, the foregoing rules shall not restrict the location of any accessory building 70 feet or more from any street bounding the block or require such accessory building to be set back from a street which is not more than 25 feet in width.
- E. Such accessory buildings shall additionally comply with all other bulk requirements set forth in this chapter.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
III, Regulations and Restrictions / § 200-13. Off-street parking. [Amended  
12-10-1980 by Ord. No. 450-D; 12-22-1982 by Ord. No. 450-H; 5-9-2001 by Ord. No.  
762-2001]**

**§ 200-13. Off-street parking. [Amended 12-10-1980 by Ord. No. 450-D; 12-22-1982 by  
Ord. No. 450-H; 5-9-2001 by Ord. No. 762-2001]**

- A. No building or premises shall be used nor shall any building be erected nor shall any building be altered so as to expand its usable floor area unless there is provided parking space on the same premises upon which the use or structure is located or upon such nearby premises as may be provided for in the site plan approval.
- B. Off-street parking spaces for residential uses shall be provided in accordance with the State Residential Site Improvement Standards (N.J.A.C. 5:21). Required parking spaces for

mother-daughter dwelling units shall be provided based upon the total number of bedrooms in the structure.

- C. Parking spaces for nonresidential uses shall be not less than 10 feet in width and not less than 200 square feet in area, exclusive of adequate interior driveways for ingress and egress to connect the parking space with a public street.
- D. Parking spaces required by this chapter for any use except dwellings may be provided on premises other than those upon which the use is located, provided that such premises are within a walking distance of 200 feet from the building entrance, and further provided that such premises are owned in fee by the owner of the lot upon which the use is located or that the owner of the lot upon which such use is located holds a lease or license which grants to him the right of uninterrupted use for parking purposes for at least 20 years.
- E. Required off-street parking space may be reduced by the amount to which other off-street parking space, such as publicly owned space or jointly or cooperatively owned space, satisfying the requirements of this chapter is provided for the use that is involved, or such amount as may be justified by the reduction in need for such space by reason of a reduction in the size or change in the nature of the use to which such space is appurtenant.
- F. All off-street parking spaces and driveways shall be paved with asphalt or concrete.
- G. All off-street parking areas adjacent to any residential zone and used by more than three vehicles shall be screened by a buffer strip in accordance with the requirements of this chapter.
- H. The total width of all driveways on a lot used in a commercial or light industrial zone shall not exceed 30% of the width of the lot.
- I. The Board is hereby authorized to establish the required number of parking spaces for any nonresidential use erected or to be erected pursuant to this chapter. In establishing the required number of parking spaces for any use, the Board shall use the following standards:
  - (1) All commercial and office uses in any zone shall be required to provide one parking space for every 300 square feet of floor area or any part thereof.
  - (2) All industrial uses in any zone shall be required to provide one parking space for every 600 square feet of floor area or any part thereof.
  - (3) All such parking areas shall be paved with five inches of one-and-one-half-inch quarry process base course and two inches of bituminous concrete surface course.
- J. All off-street parking and off-street loading areas shall be separated from walkways, sidewalks, streets or alleys by curbing or other protective devices approved by the Borough

Engineer and Construction Official of the Borough of Northvale.

- K. Each lane of an interior driveway shall be at least 24 feet wide where used with ninety-degree-angle parking, at least 18 feet wide where used with sixty-degree-angle parking and at least 12 feet wide where used with forty-five-degree-angle parking. Where used with parallel parking or where there is no parking, interior driveways shall be at least 12 feet wide for one-way traffic movement and at least 24 feet wide for two-way traffic movement. Parking shall be prohibited in the interior driveways, and no part of this space shall be computed as part of the parking space requirement. All parking areas shall be a minimum distance of five feet from the exterior wall of any building; provided, however, that this subsection shall not apply to the residential uses.
- L. Each off-street parking or loading area shall be connected to a street by means of a driveway constructed in accordance with at least the minimum standards required by the Borough of Northvale.
- M. Each off-street parking space shall be clearly marked in pavement, and directional arrows or signs shall be provided wherever necessary. Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum efficiency; provided, however, that this subsection shall not apply to the residential uses.
- N. Adequate lighting shall be provided if the off-street parking facilities are used at night. If said parking facilities are near residential land, the lighting shall be arranged and installed so as not to reflect or cause glare on the residential land in accordance with the standards as required by the approving authority of the Borough of Northvale.
- O. All applications for building permits and/or certificates of occupancy in the Commercial Zone or Light Industrial Zone shall be accompanied by a site plan setting forth a paved parking area with the number of spaces to be provided.
- P. If, in the course of its site development plan review, the approving authority determines that, by reason of the proposed use of particular premises or for any other reason, the number of parking spaces which will be required to meet the parking needs of such premises is less than the number of spaces which would otherwise be required under this chapter, the approving authority shall have the power to permit the applicant to construct and pave only such number of parking spaces as the approving authority determines to be necessary to meet such requirements and to permit the remaining area, which would otherwise be required to be constructed and paved for parking purposes, to remain unpaved in a landscaped condition; provided, however, that the site development plan shall delineate the full number of parking spaces which, but for such finding of the approving authority, would be required, and any certificate of occupancy issued for such premises shall note the decision of the approving authority as described herein, and provided further that the Zoning Officer shall, from time to

time, inspect said premises to determine the adequacy of existing parking spaces and report thereon to the approving authority, and the approving authority shall have the power, at any time that it determines that construction and paving of the remaining parking area is necessary in order to satisfy the parking requirements of the premises, to order such additional construction and paving. In the event that there is a transfer of ownership of the premises or a change in its use or if said premises are leased to a tenant other than as set forth in the original certificate of occupancy or should the holder of the certificate of occupancy, either as owner or tenant, increase the use beyond which the certificate of occupancy was issued, the approving authority shall have the power at that time to request additional site plans for presentation in order to determine whether the parking requirement shall be increased or decreased.

- Q. Every off-street parking area shall be subject to site plan approval by the approving authority. The approving authority shall consider the effect of any parking area upon traffic safety and abutting properties.
- R. All parts of all yards not used for off-street parking areas shall be adequately landscaped, subject to approval by the approving authority and maintained in good condition.
- S. No certificate of occupancy shall be issued until the applicant has transferred to the Borough of Northvale a certified check only in an amount specified by the Zoning Officer, which amount shall be equal to 100% of the total cost of the unfinished paving and/or unfinished landscaping required herein. The total cost of unfinished paving and/or unfinished landscaping as set forth in the site plan shall be established by the Zoning Officer in the following manner:
  - (1) The Zoning Officer shall cause two estimates of the costs of such work to be made by qualified individuals chosen by the Zoning Officer; the cost of these estimates shall be paid by the property owner. The higher of the two estimates shall be designated as the cost of the landscaping and/or paving as set forth in the site plan.
  - (2) Said amount shall be released only upon said landscaping being completed and said macadam parking areas being completed within three months of the date of the certificate of occupancy or such further time as may be designated by the approving authority.

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05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
III, Regulations and Restrictions / § 200-14. Off-street loading.**

**§ 200-14. Off-street loading.**

- A. No building shall be used, erected or expanded unless off-street loading space shall be provided in such amount and manner that all loading and unloading operations will be conducted entirely within the boundaries of the lot concerned, and no vehicles shall in any manner use public streets, sidewalks or rights-of-way for loading or unloading operations except for access to the lot.
- B. All exterior loading platforms of any commercial or industrial building shall be erected in the rear of said buildings so as to provide for rear yard loading and unloading only.

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05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
III, Regulations and Restrictions / § 200-15. Fences and fence walls. EN**

**§ 200-15. Fences and fence walls.** EN(21)

- A. Residential zones.
  - (1) No fence or fence wall in a required yard shall exceed six feet in height, measured from the highest point of ground at its base, except where required by this chapter to screen parking areas. No fence or fence wall in any required front yard shall exceed three feet in height.
  - (2) No fence, shrubs or other obstruction to visibility, exclusive of trim trees or existing buildings, shall be built, planted or maintained upon a corner lot within 25 feet of any street intersection. Any existing obstruction of this character which within the foregoing limits curtails the view of drivers of vehicles approaching the intersection shall be removed by and at the expense of the owner of such corner lots within six months of the date of the passage of this chapter.
  - (3) No fence or fence wall (except a retaining wall) over six feet in height shall hereafter be erected within 10 feet of a property line. Any fence or fence wall erected pursuant to this chapter in a residential zone shall be placed such that its good side faces outwards from the property on which it is so erected.
- B. Nonresidential zones. The regulations for residential zones shall apply herein. Nothing contained herein shall prevent an owner of nonresidential property, where necessary to protect the public from dangerous equipment, from applying to the Mayor and Council for permission to erect a security fence of the chain-link type above the six-foot height



requirement imposed herein.

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05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
III, Regulations and Restrictions / § 200-15.1. Communications towers. [Added  
5-14-1997 by Ord. No. 710-97; amended 3-11-1998 by Ord. No. 724-98; 5-9-2001 by  
Ord. No. 762-2001; 3-13-2002 by Ord. No. 773-2002]**

**§ 200-15.1. Communications towers. [Added 5-14-1997 by Ord. No. 710-97; amended  
3-11-1998 by Ord. No. 724-98; 5-9-2001 by Ord. No. 762-2001; 3-13-2002 by Ord. No.  
773-2002]**

- A. Definition. "Communications Towers," as defined herein shall include all vertical and linear radio communications transmitting and receiving apparatus and devices, along with other associated buildings and structures, used in the provision of retail communications services to the general public. Satellite earth stations providing commercial and/or private transmission services to others are expressly deemed not to be communications towers and antennas for the purpose of this section.
- B. Area, bulk and yard requirements.
- (1) The minimum front yard setback shall be 10 feet.
  - (2) The minimum rear yard setback shall be 50 feet or the height of the structure, whichever is greater.
  - (3) The minimum side yard setback shall be 75 feet.
  - (4) The maximum height of the structure shall be 90 feet, except where more than one set of commercial transmitting/receiving antennas are colocated on a tower, the total height of the tower shall be not greater than 150 feet. This shall be measured as the overall height, including antennas.
- C. Locations permitted.
- (1) Communications towers are permitted only on property owned or leased by the Borough of Northvale.
  - (2) The Borough of Northvale must consent to property being used for communications facilities.
  - (3) No such facility shall be located within 500 feet of a hospital or school.

D. Additional requirements.

- (1) All facilities shall be suitably secured. Chain fencing shall be required.
- (2) Courtesy review of a site plan by the Northvale Planning Board shall be required.
- (3) In the event that such communications towers are abandoned or not operated for a period of one year, the same shall be removed, at the option of the Borough, at the sole expense of the operator.
- (4) Noise levels at any property line shall not be more than 50 decibels.
- (5) Site lighting shall be oriented inward toward the site to ward off side impact.
- (6) Any access to a communications facility shall conform to the driveway provisions of the Code of the Borough of Northvale.
- (7) Any generator located on the site shall be within an equipment structure. All fuel shall be contained in accordance with New Jersey Department of Environmental Protection (NJDEP) requirements.
- (8) Site cleaning shall be minimized to preclude the removal of vegetation beyond that necessary to install and maintain the facility.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
IV, Multiple-Family Housing Districts [Added 6-27-1990 by Ord. No. 618-90;  
amended 5-11-1994 by Ord. No. 672-94; 5-9-2001 by Ord. No. 762-2001]**

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**ARTICLE IV, Multiple-Family Housing Districts [Added 6-27-1990 by Ord. No.  
618-90; amended 5-11-1994 by Ord. No. 672-94; 5-9-2001 by Ord. No. 762-2001]**

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**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
IV, Multiple-Family Housing Districts [Added 6-27-1990 by Ord. No. 618-90;  
amended 5-11-1994 by Ord. No. 672-94; 5-9-2001 by Ord. No. 762-2001] / § 200-16.  
Affordable Housing Community Commercial District.**

**§ 200-16. Affordable Housing Community Commercial District.**

A. Purpose. The purpose of this district is to provide additional housing options for Northvale

residents by permitting multifamily residential development in appropriate locations.

- B. Definitions. For the purpose of interpretation and implementation of this article, the following words and terms shall have the definitions provided. All other words and terms in this section shall have the definitions as provided herein.

**ACTIVE RECREATION AREA** -- A parcel of land dedicated and designed for the use and enjoyment of the owners and residents of the development, provided that said areas may be improved with building, structures and facilities incidental to the recreation use.

**BEDROOM** -- A room for sleeping. Each townhome unit shall have at least one bedroom with a minimum area of 150 square feet, and the other bedroom(s) shall contain a minimum area of 120 square feet.

**BUILDING COVERAGE** -- The percentage of gross development site area that is occupied by a building's footprint or structure, including all roof areas.

**COMMON OPEN SPACE** -- An area of unimproved land within the site designated for development; provided, however, that recreational facilities with attendant buildings, structures and facilities may be situated therein, as well as common building areas.

**DRIVEWAY** -- The limited vehicular access road serving a cluster of buildings and/or parking areas in the zone.

**GROSS DEVELOPMENT SITE AREA** -- The total gross acreage of a development within existing streets and/or property lines prior to development or subdivision, including streets, easements and common open space portions of the development.

**MINIMUM HABITABLE FLOOR AREA** -- The finished and heated areas of a dwelling unit that are fully enclosed by the inside surfaces of walls and windows, excluding cellars, basements, attics, porches, garages; terraces, carports, heating rooms and any unheated area. The ceiling height of 75% of the area must be at least seven feet six inches.

**MULTIPLE FAMILY DEVELOPMENT** -- An area with a specified minimum contiguous acreage to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate accessory or public or quasi-public uses all primarily for the benefit of the residential development.

**ROADWAY** -- The common arterial vehicular access road serving a cluster of buildings and/or parking areas in the zone.

**TOTAL SITE COVERAGE** -- The percentage of gross development site area occupied by structures and all uncovered impervious surfaces such as parking spaces, driveways and

walkways.

**TOWNHOMES** -- A building containing two or more dwelling units, each dwelling unit separated by vertical party walls and horizontal party floors and ceilings, separate and apart, each having direct access or separate external entrance and yards designed as an integral part of each unit and having been constructed in conformity with an approved subdivision and site development plan.

**TOWNHOUSE** -- One of a series of single-family dwelling units attached by a common vertical party wall between it and the adjacent unit or units, together with individual front and rear entrances and yards designed as an integral part of each unit and having been constructed in conformity with an approved subdivision and site development plan.

C. Permitted principal uses. Only one principal use shall be permitted on each lot or contiguous lots within their zone district. No building or structure shall be erected and no existing building or structure shall be reconstructed, moved, altered, added to or enlarged, nor shall any land, building or structure be designed, used or intended to be used for any purpose other than as follows:

- (1) Townhome or townhouse dwelling units in detached, semidetached or attached groups.
- (2) Utilities and essential services.

D. Accessory Uses.

- (1) Signs as otherwise regulated in the Code of the Borough of Northvale.
- (2) Noncommercial swimming pools, tennis courts and other outdoor recreation facilities.
- (3) Private garages and off-street parking for private vehicles.
- (4) Fences and walls.
- (5) Administration and clubhouse buildings.

E. Area, bulk and yard requirements.

- (1) Minimum lot area: three acres.
- (2) Minimum lot frontage: 150 feet.
- (3) Minimum lot width (at building setback line): 175 feet.
- (4) Average minimum lot depth: 200 feet.
- (5) Minimum setbacks from external lot lines:

- (a) Front yard: 40 feet.
- (b) Side yard: 30 feet.
- (c) Rear yard: 100 feet.
- (6) Lot coverage.
  - (a) Maximum building coverage: 25%.
  - (b) Maximum total impervious surface coverage: 55%.
- (7) Townhome or townhouse requirements:
  - (a) Maximum building or structure length: 100 feet.
  - (b) Maximum number of units in single structure: eight units.
  - (c) Maximum height: 30 feet.
  - (d) Maximum number of habitable stories: two stories.
  - (e) Maximum number of units before horizontal break: four units.
  - (f) Minimum break in horizontal alignment: four feet.
  - (g) Minimum distance between buildings:
    - [1] Front to front: 80 feet.
    - [2] Front to rear: 60 feet.
    - [3] Front to side: 45 feet.
    - [4] Side to side (average distance of sidewalks: 25 feet.
    - [5] Side to rear: 30 feet.
    - [6] Rear to rear: 40 feet.
  - (h) Minimum building setbacks from public or private main access roads: 25 feet.
  - (i) Minimum building setbacks from internal driveways and common parking areas: 10 feet.
  - (j) Minimum habitable floor area:
    - [1] One-bedroom unit: 750 square feet.

[2] Multiple-bedroom unit: 950 square feet.

F. Buffer.

- (1) The developer shall provide and maintain a buffer area, inclusive of the required yard, of not less than 15 feet from all external lot lines of the development adjacent to nonresidential uses or zones and not less than 50 feet adjacent to residential uses or zones. Said buffer area shall be kept in its natural state where wooded, and where natural vegetation is sparse or nonexistent, the area shall be planted to provide a year-round natural screen.
- (2) Only the following uses shall be permitted in a buffer area:
  - (a) Detention and recreational basins.
  - (b) Underground utilities.
  - (c) Walkways, trails and bicycle paths.
- (3) The required buffer area shall be included for the purpose of computing compliance with the common open space requirements and yard setback requirements of this article.
- (4) The Planning Board may modify the requirements for a buffer area upon finding that by reasons thereof the buffer area may be modified without detriment to existing or proposed uses.

G. Bedroom distribution.

- (1) One-bedroom units: 0% to 40%.
- (2) Multiple-bedroom units: 60% to 100%.

H. Maximum gross density.

- (1) Townhomes: eight dwelling unit per acre.
- (2) Townhouses: eight dwelling units per acre.

I. Off-street parking requirements.

- (1) Off-street parking for townhouses and townhomes shall be provided in accordance with the State Residential Site Improvements Standards (N.J.A.C. 5:21).
- (2) At least one parking space per unit must be in the form of a garage.
- (3) There shall be no parking of any vehicle along internal roadways.

J. Circulation requirements.

- (1) Roadway and driveway widths and grades shall be in accordance with the State Residential Site Improvement Standards (N.J.A.C. 5:21).

K. Accessory use requirements.

- (1) Accessory structures and uses shall meet the property line, access road, driveway and parking area setback requirements for principal buildings.
- (2) Minimum setback to residential buildings: 40 feet.
- (3) Maximum building height: 20 feet.
- (4) Required recreation area:
  - (a) A minimum of ten percent of gross site area shall be designated as active recreation space.
  - (b) Active recreation space shall be improved with facilities, buildings and structures for indoor and outdoor recreational activities consistent with the residential character of the development.
  - (c) All active open space shall be connected to residential areas with walkways or other reasonable means of access.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
IV, Multiple-Family Housing Districts [Added 6-27-1990 by Ord. No. 618-90;  
amended 5-11-1994 by Ord. No. 672-94; 5-9-2001 by Ord. No. 762-2001] / § 200-17.  
Adult Housing Zone (AHZ). [Added 11-14-2005 by Ord. No. 811-2005]**

**§ 200-17. Adult Housing Zone (AHZ). [Added 11-14-2005 by Ord. No. 811-2005]**

A. Purpose.

- (1) The purpose of the Adult Housing Zone (AHZ) is to provide housing opportunities that will satisfy the existing need for the Borough of Northvale's age-restricted residents and also by meeting the Borough's fair share obligation for the years 1999 to 2014 in accordance with the Master Plan housing element and fair share plan dated October 17, 2005, as revised.
- (2) The purpose of this section is to establish rules, regulations, standards and procedures designed to promote development of an area within the designated Block 908, Lot 1 and

Block 603, Lot 6 on the Borough's Official Tax Maps and to provide for an Adult Housing Zone. [Amended 5-18-2006 by Ord. No. 815-2006]

B. Permitted uses.

- (1) Permitted principal use. Adult community comprised of multifamily dwellings, such as townhouses or townhouses, in detached, semidetached or attached buildings and utilities and essential services are regulated herein. These dwellings are to be occupied in accordance with Subsection D of this document.
- (2) Permitted secondary use. Passive open space in the form of residual passive recreational open spaces and overflow parking in the form of a surface parking lot for the proposed age-restricted development.

C. Accessory uses.

- (1) Signs.
  - (a) One sign identifying the development, located at the entrance to such development. Signs shall have a maximum of two sign faces each not to exceed 25 square feet per side.
  - (b) Other signs shall be provided as otherwise regulated in Borough ordinances.
- (2) Recreational uses, such as but not limited to common open spaces, walking paths, gazebos, swimming pools, putting greens, and tennis, shuffleboard and bocce courts.
- (3) Clubhouse buildings, which may include athletic and recreational facilities, meeting rooms, club rooms and other facilities for social activities, homeowners' association offices, mailboxes, maintenance and equipment storage and ancillary kitchen facilities.
- (4) Off-street parking for private vehicles.
- (5) Fences and walls.
- (6) Administration, maintenance, storage and utility buildings.
- (7) Storage facilities. Each dwelling unit shall provide a minimum of 32 square feet of internal storage space, which space shall not be included in any garage.

D. Bulk regulations:

- (1) Minimum lot area: five acres.
- (2) Minimum lot width: 175 feet.



- (3) Minimum lost frontage along a county or municipal road: 500 feet.
- (4) Minimum lot depth: 300 feet.
- (5) Minimum front yard, Borough and/or county roads: 25 feet.
- (6) Minimum front yard, internal roads: five feet.
- (7) Minimum side yard: 10 feet.
- (8) Minimum rear yard: 10 feet.
- (9) Maximum building coverage: 35% of total site area.
- (10) Maximum total impervious coverage: 65% of total site area.
- (11) Minimum required active/landscaped open space: 20%.
- (12) Maximum density shall not exceed 14 units per acre. [Added 5-18-2006 by Ord. No. 815-2006]
- (13) Residential building requirements:
  - (a) Townhouse.
    - [1] Maximum building length: 150 feet.
    - [2] Maximum units/structure: five units.
    - [3] Minimum distance between building or structure: 20 feet.
    - [4] Maximum building height: 35 feet (three stories).
    - [5] Minimum building setbacks from public roads: 15 feet.
    - [6] Minimum building setback from internal road and parking areas: five feet.
  - (b) Townhome.
    - [1] Maximum building or structure length: 200 feet.
    - [2] Maximum number of units in a single structure: 22 units.
    - [3] Minimum distance between buildings: 28 feet.
    - [4] Maximum building height: 35 feet (three stories).
    - [5] Minimum building setback from public roads: 10 feet.

- [6] Minimum building setbacks from internal driveways: five feet.
- [7] Minimum habitable floor area per unit:
  - [a] Two-bedroom unit: 750 feet.
  - [b] Three-bedroom unit: 950 feet.
- (14) Accessory use standards.
  - (a) Accessory buildings shall meet the street and property line setbacks of principal buildings (excluding clubhouses).
  - (b) Minimum accessory building setback to residential buildings: 25 feet (excluding clubhouses).
  - (c) Minimum accessory building setback to another accessory building: 15 feet.
  - (d) Minimum setback of swimming pools, tennis courts and other surfaced recreation facilities to external property lines: 20 feet.
  - (e) Clubhouse buildings.
    - [1] Minimum setback to external property lines: 20 feet.
    - [2] Minimum setback to internal roadway: 10 feet.
    - [3] Maximum height: 2 1/2 stories or 35 feet.
    - [4] Maximum floor area: 5,000 square feet.
- (15) Buffer.
  - (a) The developer shall provide and maintain a buffer area, inclusive of required yard, of not less than 50 feet from all external lot lines of the development adjacent to nonresidential uses or zones. Said buffer area shall be kept in its natural state where wooded and, where natural vegetation is sparse or nonexistent, the area shall be planted to provide a year-round natural screen.
  - (b) Only the following uses shall be permitted in a buffer area:
    - [1] Detention and recreational basins.
    - [2] Underground utilities.
    - [3] Walkways, trails and bicycle paths.

- (c) The required buffer area shall be included for the purpose of computing compliance with the common open space requirements and yard setback requirements of this section. EN(22)

E. Occupancy restrictions.

- (1) All housing within the AHZ Zone is subject to an age restriction whereby each house unit in the District shall be fully occupied by at least one person 55 years of age or older.
- (2) A child or children residing with a parent age 55 or older, provided that the child or children is or are 18 years of age or older.
- (3) This restriction shall not apply to resident employees such as a manager or superintendent.
- (4) The foregoing occupancy restriction shall be set forth in a master deed or other recorded instrument applicable to all of the dwellings in the development. The master deed or other recorded instrument shall contain procedures governing the sale or transfer of units within the district so that the developer and homeowners' association can enforce the occupancy restriction set forth herein.
- (5) The master deed or other recorded instrument may be recorded on a phased basis as long as the above occupancy restriction applies to every dwelling within the phase. The above occupancy restriction also shall be set forth or referred to in every deed conveyance to an individual dwelling unit in the development.
- (6) Each unit shall be owner-occupied. [Added 5-18-2006 by Ord. No. 815-2006]

F. Affordable housing regulations. A total of 10 low- and moderate-income housing unit credits shall be provided within this Zone; five of which shall be built on site and five of which shall be provided for by a money-in-lieu contribution, in the amount of not less than \$60,000 a unit.

G. Common open space implementation requirements.

- (1) A minimum of 0.1 acre of active or passive recreation space shall be provided for each one acre of gross site area.
- (2) Buffer areas, wetlands and conservation easements shall be eligible as open space as required by this section.
- (3) Active recreation space shall be improved with facilities, buildings and structures for indoor and outdoor recreational activities consistent with the residential character of the development and the lifestyle needs of the residents therein.

- (4) All active open space shall be connected to residential areas with walkways or other reasonable means of access.

H. Circulation and parking standards.

- (1) All public streets, internal roadways and private driveways shall be in accordance with the requirements of the New Jersey Residential Site Improvement Standards.
- (2) All developments in this District shall provide two points of ingress and egress. One of these accesspoints may be for emergency use only.
- (3) Off-street parking shall comply with RSIS requirements.
- (4) Required off-street parking may be provided in common garages under residential buildings and surface parking units.
- (5) Said parking shall be landscaped, screened, lighted and conveniently located within 150 feet of the housing to be served, with the exception of guest parking.

- I. Developments subject to applicable ordinances. Any development in the Adult Housing Zone shall be subject to all applicable ordinances of the Borough of Northvale. Where there is any conflict between the provisions of this section and the provisions of the Site Plan Ordinance and/or the Land Subdivision Ordinance,<sup>EN(23)</sup> the provisions of this section shall prevail.

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amended 5-11-1994 by Ord. No. 672-94; 5-9-2001 by Ord. No. 762-2001] / § 200-18.  
General requirements for RM and AH-2 Districts. [Amended 5-9-2001 by Ord. No.  
762-2001]**

**§ 200-18. General requirements for RM and AH-2 Districts. [Amended 5-9-2001 by Ord.  
No. 762-2001]**

A. Utility improvements and services.

- (1) Water facilities.
  - (a) All facilities shall be designed and installed in accordance with the standards of the applicable governmental bodies having jurisdiction thereof.
  - (b) All water mains shall conform with the minimum standards of the Borough of Northvale and shall be designed with fire hydrants to provide adequate fire

protection in accordance with the recommendations of the National Fire Underwriters Board. The location of the fire hydrants shall be determined by the Municipal Fire Department.

- (2) Sanitary sewerage system.
  - (a) All development regulated under this article shall be serviced by the Bergen County Utility Authority. The collection and facilities shall be designed in accordance with the standards of the New Jersey Department of Environmental Protection and/or appropriate local, county, state and federal officials and agencies.
  - (b) The developer shall provide an organization for the ownership and maintenance of any and all sewage collection facilities, including but not necessarily limited to all collectors, appurtenances, pumping facilities and outfall sewers, not located within municipal streets or rights-of-way. Said organization shall be fully responsible for compliance with all federal, state and local laws and regulations, for securing all pertinent permits and for the operations, function and maintenance of any on-site facilities. Said organization may be a firm, corporation or other legal entity owned and/or controlled by the developer.
- (3) Drainage and stormwater management.
  - (a) The development shall be serviced by a stormwater management system as designed by the applicant and shall conform to all relevant Borough, state and federal statutes, rules and regulations concerning stormwater management or flood control.
  - (b) The development will be required to provide a comprehensive drainage system for the entire property including a mandate that there will not be any increase in the rate of runoff, for a one-hundred-year storm, from the property than exists in its present state (zero percent 0% increase in peak runoff). As part of site plan approval, the developer shall be required to demonstrate to the Planning Board that there will be no significant adverse drainage impact from this development on adjoining properties.
- (4) Electric, gas, telephone and cable television services, if available, shall be provided by the developer in concert with the appropriate public utility providing such services and shall be installed underground, except high-voltage electric primaries over 30,000 volts. One master television antenna or one cable television connection shall be provided for each building.
- (5) Street improvements, monuments, street names and other traffic control devices, shade trees, streetlights, sidewalks, curbs, fire hydrants and all aspects of street construction, as well as other improvements, shall be subject to local and state regulations and Borough

Engineer approval.

- (6) Refuse pickup areas shall be provided and shall be located for the convenience of the residents of the developments. All such areas shall be screened on all sides with fencing of four feet in height and exterior shrubs of not less than two feet in height on at least three exposed sides.
- (7) The residents' association(s) of the development shall be required to provide for and/or contribute to the expense or cost of the upkeep, maintenance and expense of sanitary sewer system, roads, drives, parking facilities, drainage facilities, streetlighting, refuse pickup, snowplowing and all other services not provided by the Borough. Payment and provision of these services shall be in accordance with applicable laws.

B. Indoor and outdoor recreational facilities implementation requirements.

- (1) The area for detention basins and other drainage control devices shall not qualify as active recreation space as required by this article. Chronically wet marsh land shall not qualify as active recreation space as required by this article.
- (2) Active recreation space for swimming pools, tennis courts and other sport and recreational activities may be improved with facilities, buildings and structures for indoor and/or outdoor recreational use consistent with the residential character of the development.
- (3) All improvements of the common open space area, as shown on the approved site plan, including recreational facilities, buildings and structures, shall be completed before a certificate of occupancy shall be granted to more than 75% of the proposed dwelling units.
- (4) All owners and residents of the development shall have the right to use the common open space and active recreational facilities, subject to reasonable rules and regulations. In the event that the proposed development shall consist of a number of stages, the developer shall provide active recreational areas proportionate in size to the stage being considered for final approval.
- (5) All open space shall be connected to residential areas with walkways or other reasonable means of access.

C. General design standards.

- (1) Building design.
  - (a) Each building and structure and each complex of the same shall have a compatible architectural theme with appropriate variations in design to provide attractiveness to

the development. Such variation shall result from the use of landscaping and the location and orientation of buildings and structures to the natural features of the site. Architectural design shall be compatible and consistent with present character of development within the Borough of Northvale. An Architectural Review Board may be formed to ensure that the architectural design is compatible and consistent with the present character of development within the Borough. This Board should have at least one architect as a member and should be a subcommittee of the Planning Board. Such design as agreed to by the Planning Board shall be made an integral part of the site plan approved herein.

- (b) All external mechanical equipment shall be enclosed in an enclosure with a veneer that matches the exterior of the structure.
  - (c) Any new construction and additions thereto shall require periodic surveys approved by the Building Code Official to ensure compliance with prior site plan approvals and Borough ordinances.
- (2) Landscaping.
- (a) Landscaping shall be provided throughout the development site to provide a natural setting for buildings, structures and recreational facilities. The adequacy of the landscaping design and plan shall be determined by the agency reviewing the application. Shade trees shall be planted at the discretion of the Planning Board adjacent to public or private roadways. The trees shall be hard maple or ash or similar trees as approved by the Planning Board. No tree shall be planted nearer than 25 feet to an intersection. No shrubs or hedges over three feet shall be planted within 25 feet of an intersection. Any plantings, including trees and shrubs, shall be maintained and replaced, if dead or damaged, by the developer/association at the developer's/association's expense.
  - (b) All island or unpaved areas within a street shall be landscaped.
  - (c) Within any area of clearing not occupied by a building, structure, street, parking area or recreational facility, there shall be provided a minimum of 18 trees per acre calculated on gross acreage. The trees shall have a minimum diameter of 2 1/2 to three inches as measured three feet above the ground; existing trees meeting the aforesaid criteria shall be included in determining compliance herewith.
- (3) Concrete walkways shall be provided between residential buildings and common parking areas. Walkways shall have a minimum width of four feet.
- (4) No natural vegetation shall be disturbed except as approved by the Planning Board. The

site plan shall indicate the maximum area of clearing.

- (5) Adequate lighting fixtures for walks, steps, parking areas, driveways, streets and other facilities shall be provided at locations to provide for the safe and convenient use of the same. Fixtures shall be situated and designated in keeping with the character of the development and shall be adequately shaded to screen windows of dwelling units, both off and on the development site, from direct and indirect light. No flashing, intermittent or moving light shall be permitted. All lighting, including illumination levels, shall conform to the recommendation of the Borough Engineer.
- (6) Every dwelling unit shall have two means of ingress and egress to the exterior.
- (7) Adequate sound protection between dwelling units shall be provided and designed in accordance with sound engineering principals. In the case of a townhouse, sound protection must be provided between vertical walls; in the case of a townhome, sound protection must be provided between both the vertical walls and the horizontal ceiling/floors.

D. Ownership and maintenance.

- (1) The developer shall establish an organization(s) for the ownership and maintenance of off-street parking space, recreational, utility and essential service facilities for the benefit of the residents of the development, and for the maintenance of common open space. The same shall be held in perpetuity by the organization(s) subject to appropriate easements. Structures and facilities in support of recreational activity may be constructed in accordance with site plan approval. Such organization(s) shall not be dissolved and shall not dispose of said off-street parking space, recreational and/or utility and essential service facilities by sale or otherwise, except to an organization(s) conceived and established to own and maintain the same for the benefit of such development and the residents thereof. Thereafter such organization(s) shall not be dissolved or dispose of any of said off-street parking space, recreational, utility and essential service facilities without obtaining the consent of the members of the organization(s) as provided by law and also without offering to dedicate the same to the municipality. The developer shall be responsible for the maintenance of said off-street parking space, recreational, utility and essential service facilities and shall provide for all services to the development until such time as the organization(s) established for the ownership and maintenance of the same and the maintenance of common open space shall be formed and functioning.
- (2) Off-street parking spaces, recreational, utility and essential service facilities for the benefit of the residents of the development and common open space shall be maintained in reasonable order and condition and be under the jurisdiction of the applicable Property



Maintenance Code of the Borough of Northvale.<sup>EN(24)</sup>

- (3) All documents pertaining to any neighborhood association responsible for the maintenance of said off-street parking space, recreational, utility and essential service facilities and common space shall be subject to the review by the Borough Attorney as to compliance and consistency with local ordinances and may be recorded as a covenant running with the land. The foregoing shall not apply with respect to organization(s) formed and owned by the developer with respect to the ownership, operation and maintenance of sewage collection and treatment facilities as provided in Subsection A(2) herein hereof.

E. Administrative provisions.

- (1) Any application for development shall be processed and reviewed pursuant to the procedures and standards of Chapter 159, Site Plan Review, and, where applicable, Chapter 178, Subdivision of Land, and the laws, rules and regulations of any other governmental entity having jurisdiction over the subject matter. The Planning Board may engage at the cost and expense of the applicant and/or developer any and all necessary experts to assist the Planning Board in the review of any aspects of the application.
- (2) The applicant shall submit a comprehensive conceptual site plan for the entire area so zoned and under the applicant's control which shall include a rendering of the exterior of any new or reconstructed structure. Said plan shall be in accordance with the terms of this chapter, Chapter 159, Site Plan Review, Chapter 178, Subdivision of Land, and the laws, rules and regulations of any other governmental entity having jurisdiction over the subject matter. The comprehensive plan shall be submitted as part of the preliminary site plan application.
- (3) Off-tract improvement (if any) shall be governed by Chapter 167, Site Plan Review, and Chapter 178, Subdivision of Land, of the Code of the Borough of Northvale.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
IV, Multiple-Family Housing Districts [Added 6-27-1990 by Ord. No. 618-90;  
amended 5-11-1994 by Ord. No. 672-94; 5-9-2001 by Ord. No. 762-2001] / § 200-19.  
AH-2 Affordable Senior Housing District. [Amended 5-11-1994 by Ord. No. 672-94]**

**§ 200-19. AH-2 Affordable Senior Housing District. [Amended 5-11-1994 by Ord. No. 672-94]**

A. Purpose. It is the purpose of this district to provide an opportunity for the construction of

multifamily housing for senior households meeting the prevailing and established low and moderate income criteria.

B. Permitted principal uses. [Amended 5-9-2001 by Ord. No. 762-2001]

- (1) Townhome or townhouse dwelling units in detached, semidetached or attached groups.
- (2) Utilities and essential services.

C. Accessory uses. [Amended 5-9-2001 by Ord. No. 762-2001]

- (1) Signs as otherwise regulated in the Code of the Borough of Northvale.
- (2) Noncommercial swimming pools, tennis courts and other indoor and outdoor recreation facilities.
- (3) Private garages and off-street parking for private vehicles.
- (4) Fences and walls.

D. Special benefit provision allowance. The special benefit provision allowance may be permitted when senior citizen housing is proposed, provided that 100% of the units are affordable to low- and moderate-income households, as defined by the United States Department of Housing and Urban Development. This provision allows a density bonus equal to the base of fifteen units per acre times 2.40. [Amended 5-9-2001 by Ord. No. 762-2001]

E. Residential use area, bulk and yard requirements.

- (1) Minimum lot area: 12,000 square feet.
- (2) Minimum lot frontage along a county or municipal road: 120 feet.
- (3) Average minimum lot width (at building setback line): 120 feet.
- (4) Average minimum lot depth: 100 feet.
- (5) Setbacks from external lot lines.
  - (a) Front yard: 20 feet.
  - (b) Side yard: 25 feet.
  - (c) Rear yard: 30 feet.
- (6) Lot coverage.
  - (a) Maximum building lot coverage: 20%.

(b) Maximum total site coverage by impervious surfaces: 55%.

(c) Minimum required active open space: 20%.

(7) EN(25) Accessory buildings.

(a) Minimum distance setback from principal buildings: 10 feet.

(b) Minimum setback from roadway: 25 feet.

F. Residential unit standards.

(1) Townhomes or townhouses.

(a) Maximum building or structure length: 100 feet.

(b) Maximum number of units in single structure: 10 units.

(c) Maximum building height: 35 feet.

(d) Maximum number habitable stories: three stories.

(e) Minimum building setbacks from public or private main access roads: 20 feet.

(f) Minimum building setbacks from internal driveways: 15 feet.

(g) Minimum habitable floor area.

[1] Efficiencies: 400 square feet.

[2] One-bedroom unit: 450 square feet.

[3] Two bedroom unit: 950 square feet.

G. Off-street parking requirements shall be one-half (1/2) parking space for each one dwelling unit.

H. Buffer. [Amended 5-9-2001 by Ord. No. 762-2001]

(1) The developer shall provide and maintain a buffer area, inclusive of the required yard, of not less than 15 feet from all external lot lines of the development adjacent to nonresidential uses or zones and not less than 50 feet adjacent to residential uses or zones. Said buffer area shall be kept in its natural state where wooded, and where natural vegetation is sparse or nonexistent, the area shall be planted to provide a year-round natural screen.

(2) Only the following uses shall be permitted in a buffer area:

- (a) Detention and recreational basins.
  - (b) Underground utilities.
  - (c) Walkways, trails and bicycle paths.
- (3) The required buffer area shall be included for the purpose of computing compliance with the common open space requirements and yard setback requirements of this article.
- (4) The Planning Board may modify the requirements for a buffer area upon finding that by reasons thereof the buffer area may be modified without detriment to existing or proposed uses.
- I. Affordable housing regulations.<sup>EN(26)</sup>
- (1) At least 10% of the total number of units shall be made affordable and sold or rented to low-income persons, and at least 10% of the total number of units shall be made affordable and sold or rented to moderate-income persons.
- (a) "Low income" is defined as having total gross household income equal to 50% or less of the median household income for households of the same size using the median income data for household size prepared by the United States Department of Housing and Urban Development ("HUD") for the region which includes the Borough of Northvale or, if HUD data is not available, equivalent data from other sources acceptable to the Planning Board.
  - (b) "Moderate income" is defined as having total gross household income between 50% to 80% of the median household income for households of the same size for the region which includes the Borough of Northvale, using the median income data for household size prepared by HUD or, if HUD data is not available, equivalent data from other sources acceptable to the Planning Board.
  - (c) "Affordable" means that a household at the ceiling income for each income group, for each household size, is not required to pay more than 28% of its gross household income for the total of principal, interest, property taxes, insurance and homeowners' association assessments, calculated on the basis of 40% down payment and realistically available mortgage interest rates. In case of rental housing, such a household is not required to pay more than 28% of income for rent, excluding utilities.
- (2) In determining affordable rents and sale prices, the following criteria shall be used to establish uncapped Section 8 income limits by housing unit size:

- (a) Efficiency units shall be affordable to one-person households.
  - (b) One-bedroom units shall be affordable to two-person households.
  - (c) Two-bedroom units shall be affordable to four-person households.
  - (d) Three-bedroom units shall be affordable to six-person households.
- (3) Distribution.
- (a) The following distribution of prices shall be provided for in the Borough, as best as practical, for the purchase, using for every 20 low- and moderate-income units:
    - [1] Low:
      - 1 at 40: 42.5%
      - 3 at 42.6: 47.5%
      - 6 at 47.6: 50%
  
    - [2] Moderate:
      - 1 at 50.1: 57.5%
      - 1 at 57.6: 64.5%
      - 1 at 64.6: 68.5%
      - 1 at 68.6: 72.5%
      - 2 at 72.6: 77.5%
      - 4 at 77.6: 80%
  - (b) However, for initial occupancy, priority shall be given to those low- and moderate-income households that fall within the median income categories

- delineated above.
- (c) Average price of low- and moderate-income units within inclusionary development shall be, as best as practicable, affordable to households at 57.5% of the median income.
  - (4) At least 35% of all low- and moderate-income units shall be two-bedroom units; at least 15% of all low- and moderate-income units shall be three-bedroom units; and no more than 20% of all low- and moderate-income units may be efficiency units.
  - (5) For all low- and moderate-income housing units provided in inclusionary development, not more than 50% of the initial occupancy shall be made available to income-eligible households that reside in the Borough of Northvale or work in the Borough of Northvale and reside elsewhere. All other creation of low- and moderate-income housing units shall be provided to qualified low- and moderate-income households in the following order of priority:
    - (a) The first 50% of the units to residents and/or workers of the Borough of Northvale.
    - (b) The remaining units to residents of the region.
    - (c) All others.
  - (6) Phasing schedule.
    - (a) A developer shall submit a phasing schedule for the construction of low- and moderate-income housing units and shall be in accordance with the following schedule:

<b>Minimum Percentage of Low- and Moderate-Income Units Completed</b>	<b>Percentage of Market Housing Units Completed</b>
	25
10	25 + 1 unit
50	50
75	75
100	90

**Minimum Percentage of Low- and  
Moderate-Income Units Completed**

**Percentage of Market Housing Units  
Completed**

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100

- (b) The developer may construct the first 25% of the market units without constructing any affordable housing units. No certificates of occupancy shall be issued for any of the second 25% of the market units until 10% of the affordable units (of which half must be very low income) shall have been issued certificates of occupancy. No certificates of occupancy shall be issued for any of the third 25% of the market units until at least 50% of the affordable units (of which half must be very low income) have been issued certificates of occupancy. No certificates of occupancy shall be issued for any of the final 25% of the market units until at least 75% of the affordable units (of which half must be very low income) have been issued certificates of occupancy. Before the last 10% of the market units have been issued certificates of occupancy, 100% of the required affordable units shall have been issued certificates of occupancy.
  - (c) The affordable dwelling units shall be designated on the preliminary site plan and shall have compatible exteriors to the market units.
- (7) Covenants and controls on sales and rentals.
- (a) All affordable dwelling units shall be covered by covenant, with the Borough as a party beneficiary, to ensure that in all initial sales and rentals and in all subsequent resales and rentals, the units will continue to remain available and affordable to the lower-income households for which they were intended. All such covenants shall be approved by the Borough Attorney.
  - (b) The application for the issuance of a certificate of occupancy for any new designated affordable housing unit shall include certification by the Housing Officer to the Affordable Housing Board documenting the eligibility of the unit and the qualification of the new purchaser and/or occupant as a lower-income household.
  - (c) Prior to any resale or transfer of ownership or change of occupancy of a designated affordable housing unit, application shall be made for a new certificate of occupancy. The application for a certificate of occupancy shall include certification by the Housing Officer to the Affordable Housing Board documenting the continued eligibility of the unit and the qualification of the new purchaser and/or occupant as a lower-income household.

- (d) Affordable rental units may be leased for periods of up to but not exceeding one year. At least 60 days prior to the expiration of each lease which is subject to renewal, the owner of any affordable rental unit shall provide documentation to the Housing Officer that the rental unit continues to be occupied by and remains affordable to a lower-income household. At such time as an owner of a rental unit is informed by the Affordable Housing Board or by the Housing Officer at the direction of the Affordable Housing Board that the occupying household no longer qualifies as lower income, the rental units shall, within 90 days, be made available for occupancy by a qualified household.
- (e) All requests for certification shall be made by the seller or owner in writing, and the Housing Officer shall grant or deny such certification within 30 days of the receipt of the request.
- (f) The Borough shall develop reasonable administrative procedures for qualifying the occupants of affordable housing. Procedures shall be directed and administered by an Affordable Housing Board, appointed by the Mayor with the advice and consent of the Council, and a Housing Officer, appointed by the Mayor with the advice and consent of the Council. The Housing Officer may be a full- or part-time Borough employee or consultant, an outside agency or a housing authority.
- (g) Lower-income employees of the Borough and lower-income residents of the Borough living in substandard or overcrowded housing shall have first priority over 50% of all affordable housing for a period not to exceed 15 business days from the time such units are listed for sale or resale or made available for rent.
- (h) Each year, sales prices and rents may be increased over the original levels in accordance with the percentage increase in median income for each housing region as determined by applicable uncapped Section 8 income limits published by HUD. In the case of a transfer of ownership of a sales unit, the seller shall also be eligible for reimbursements for documented monetary outlays for capital improvements, increased over the original costs in accordance with the Annual Metropolitan New York Regional Consumer Price Index for Housing of the Department of Labor, plus reimbursements for reasonable costs incurred in selling the unit, less withholdings for the current costs of essential maintenance not undertaken by the owner, provided that in no case shall the maximum price of the improved unit exceed the limits of affordability. After 20 years from the date of its initial occupancy, an affordable housing unit may be sold or rented without restrictions; provided, however, that at the time of the removal of the deed restriction, the owner of a rental unit shall convey to the Housing Fund of the Borough the difference between the appraised value of the unit (as determined by an independent appraisal by an appraiser agreed upon by



the governing body and the unit owner) and the affordable rent level then applicable to the housing unit. With sales units, the difference between the actual sales price of the unit and the affordable sales price shall be conveyed to the Housing Fund at the time of the first transfer of ownership following the removal of the deed restriction.

- (i) Rental units may be converted for sale as condominium or fee simple units, but any sale of converted units shall continue to be restricted as to purchase price and occupancy to persons meeting the income eligibility standards as set for the particular unit until the twenty-year restriction period has passed.
- (8) The developer, in conjunction with the Affordable Housing Board, shall formulate and implement a written affirmative marketing plan acceptable to the Affordable Housing Board. The affirmative marketing plan shall be realistically designed to ensure that lower-income persons of all races and ethnic groups are informed of the housing opportunities in the development and feel welcome to seek to buy or rent such housing. It shall include advertising and other outreach activities realistically designed to reach the low- and moderate-income families. The plan shall include advertisement in newspapers, periodicals and other advertising media.
- (9) The Borough Council shall, at its discretion, provide by ordinance an Affordable Housing Board<sup>EN(27)</sup> established to enforce the foregoing provisions with respect to initial sales and resales controls contained in these general regulations.
- (a) Where the number of applicants exceeds the number of low- and moderate-income units available, the sale or rental of such units shall be in accordance with the date of application submitted, with earlier applicants being given preference over later applicants. The distribution of available units shall be consistent with the proportion of income categories as provided.
  - (b) All applicants for the purchase or rental of low- and moderate-income units shall meet the income qualifications established in this article at the time the application is filed and shall be qualified at the time of taking title or occupancy.
  - (c) In a multifamily development under management of a single landlord, all tenants of rented low- and moderate-income units shall be required to give proof of continued income qualification on the first and each subsequent anniversary date of taking occupancy. A tenant shall cease to remain qualified if total household income exceeds 125% of the moderate-income limit. Any tenant household not remaining so qualified on the first or subsequent anniversary date of taking occupancy shall be required to vacate the rented units upon nine months' written notice if there is a qualified applicant available for such unit; provided, however, that a household that ceases to meet the qualifications as a low-income household but does meet the

qualifications as a moderate-income household may continue to occupy the units, and the next unit to become available which is owned by the same owner as the unit changing from low- to moderate-income occupancy shall be rented to a low-income household. Upon the issuance of the written notice to vacate, the limitation of rental charges as set forth in this chapter shall cease to apply, and until the subject unit is vacated, the owner shall be entitled to an increase in rent, provided that the increase does not exceed 30% of the amount by which the tenant's income exceeds the current maximum income limitation for a moderate-income household. In the implementation of this subsection, income limitations shall be as adjusted for household size.

- (10) In the event that an affordable unit cannot be sold or rented, as applicable, within 60 days of notifying the Housing Officer of the availability of the unit, the Borough may purchase the unit pursuant to N.J.A.C. 5:92-12.7. If the Borough does not purchase the unit, the seller may apply to the Affordable Housing Board for relief. The application shall provide evidence of the seller's having undertaken an affirmative marketing effort, consistent with the Affirmative Marketing Program approved by the Affordable Housing Board, to sell or rent the unit. Relief to the seller shall not include exempting the unit from the required low (moderate) or very low (low) income sales price or rent level, nor shall relief include exempting the unit from restrictions on appreciation allowable upon resale or restrictions on escalation allowable upon rerelease. However, the Board may allow the seller to sell or rent the subject unit to a household whose income exceeds that otherwise required, provided that in no event shall an affordable housing unit be sold or rented to a household earning in excess of 80% of the applicable median income.
- (11) An action of foreclosure by a financial institution regulated by state and/or federal law shall extinguish controls on affordable housing units. Notice of foreclosure shall allow the Borough to purchase the affordable housing unit at a maximum permitted sales price. In the event of a foreclosure sale, the purchaser of the affordable housing unit shall be obligated to pay to the municipal Housing Fund the difference between the maximum price permitted at time of foreclosure and the amount necessary to redeem the debt to the financial institution, with foreclosure costs.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
V, Administration and Enforcement**

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**ARTICLE V, Administration and Enforcement**

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**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
V, Administration and Enforcement / § 200-20. Issuance of permits.**

**§ 200-20. Issuance of permits.**

The Zoning Officer shall not issue a zoning or building permit for any project other than a one-family dwelling, unless a site plan review of the Planning Board or the Board of Adjustment, in accordance with the use variance procedures has been filed with the Construction Official. Said site plan review shall include but not be limited to a written indication from the applicant and/or owner of the premises as to the anticipated use of the premises, materials or services to be utilized or provided, the number of persons expected to use the premises, such as employees and customers, and a sketch plan indicating the parking that will be provided for employees and customers. This section shall also be read in conjunction with Chapter 159, Site Plan Review, of the Code of the Borough of Northvale.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
V, Administration and Enforcement / § 200-21. Duties of Code Enforcement  
Official. [Amended 4-22-1981 by Ord. No. 450-F; 4-12-1995 by Ord. No. 683-95]**

**§ 200-21. Duties of Code Enforcement Official. [Amended 4-22-1981 by Ord. No. 450-F;  
4-12-1995 by Ord. No. 683-95]**

The provisions of this chapter, along with Chapters 76, 89, 118, 127, 147, 156, 162, 166, 174 and 178 of the Code of the Borough of Northvale, shall be enforced by the Code Enforcement Official. It shall be his duty to keep a record of all applications for building permits and certificates of occupancy even though the same may be filed with the Construction Official and to keep a record of all applications for zoning permits, with a notation of any condition that may have been imposed under the provisions of any of the chapters of the Code of the Borough of Northvale. He shall file and safely keep a record of every identifiable complaint of a violation of any of the aforementioned provisions of the Code of the Borough of Northvale and of the action taken consequent to each such complaint. All such records and plans shall form a part of the records of his office and shall be available for the use of the Mayor and Council and of the other official agencies and officials of the Borough. The Code Enforcement Official shall prepare a written report concerning all activity pursuant to said chapters and shall file the same on a monthly basis with the Mayor and Council. The Code Enforcement Official shall also be responsible for collaborating from time to time with the Construction Official of the Borough of

Northvale.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
V, Administration and Enforcement / § 200-22. Zoning permits.**

**§ 200-22. Zoning permits.**

- A. Zoning permit required. No structure shall hereafter be erected, nor land used, nor change made in the use of any land or structure, nor sign painted on any structure unless the owner, his agent or contractor shall first obtain a zoning permit from the Zoning Officer of the Borough of Northvale. A fee of \$25 shall be charged for a zoning permit. No fee shall be charged if the application is denied and/or referred to the Planning Board. [Amended 4-22-1981 by Ord. No. 450-F; 9-9-1998 by Ord. No. 730-98]
- B. Filing of plans.
- (1) All applications for zoning permits shall be made on forms provided by the Zoning Officer. It shall be accompanied by four copies of plans drawn to scale, showing the locations, shape and dimensions of the lot to be built upon, the location and dimensions, including height of existing and proposed structures, the existing and intended use of each building or part thereof, including the number of families, if any, intended to be accommodated and the use of all outdoor areas. Where site plan approval or review is required by this chapter, 15 copies of said site plan shall be submitted with the application.
  - (2) The Zoning Officer shall indicate his approval or disapproval of the application on the application and plans, attesting to the same with his signature. One copy shall be returned to the applicant and three copies retained by the Zoning Officer. If the Zoning Officer refuses to issue a permit hereunder, he shall state, in writing, the grounds of his refusal.
  - (3) The Planning Board shall require as a condition for any approval subject to its jurisdiction that no taxes or assessments for local improvements are due or delinquent on the property for which the application is made. [Amended 4-8-1998 by Ord. No. 726-98]
- C. Unless a certificate of occupancy is issued for the structure covered by the zoning permit within one year from the date of the issuance of said permit, the permit shall automatically lapse. Application may, however, be made for the renewal of the permit for an additional period of 90 days only, however, with the approval of the Mayor and Council. [Amended 12-10-1980 by Ord. No. 450-D]

- D. The definition of a "zoning permit" is as follows: a document signed by the administrative officer which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building, and which acknowledges that such use, structure or building complies with the provisions of this chapter or variance therefrom, duly authorized by a municipal agency pursuant to Section 47 (N.J.S.A. 40:55D-60), and Section 57 (N.J.S.A. 40:55D-70) of this Act.<sup>EN(28)</sup> [Amended 4-12-1995 by Ord. No. 683-95]

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VI, Penalties; Construal**

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**ARTICLE VI, Penalties; Construal**

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**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VI, Penalties; Construal / § 200-23. Violations and penalties.**

**§ 200-23. Violations and penalties.**

- A. Complaints regarding violations. Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a complaint. Such complaint shall be filed with the Zoning Officer or, in his absence, with the Construction Official or Police Department, who shall properly record such complaint, immediately investigate and take action thereon as provided by this chapter.
- B. Notice of violation. Upon becoming aware of any violation of any of the provisions of this chapter, the Zoning Officer, Construction Official or Police Department shall serve notice of such violation on the person, firm or corporation committing or permitting the same, and if such violation has not ceased within such reasonable time as has been specified in such notice, such action shall be instituted as may be necessary to terminate the violation, including revocation of any certificate of occupancy issued and/or the enjoining of any violation.
- C. Penalty. A violation of this chapter is an offense punishable as provided in Chapter 1, General Provisions, Article II, General Penalties. The imposition of one penalty for any violation of this chapter shall not excuse the violation or permit it to continue, and each day that prohibited conditions continue shall constitute a separate offense. [Amended 8-10-1994]

by Ord. No. 675-94]

- D. The application of the above penalty shall not be held to prevent the enforcement of this chapter by other methods permitted by law or equity or to prevent the removal of prohibited conditions.
- E. The owner or tenant of any structure or premises or part thereof and any architect, builder, contractor, agent or other person who commits, participates, assists or maintains a violation of this chapter may be found guilty of a separate offense and suffer the penalties provided.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VI, Penalties; Construal / § 200-24. Interpretation.**

**§ 200-24. Interpretation.**

- A. In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirements for the promotion of the public health, safety, convenience, prosperity and general welfare.
- B. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, chapter, deed, restrictions or covenants, the more restrictive or that imposing the higher standard shall govern.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VII, Schedules**

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**ARTICLE VII, Schedules**

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**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VII, Schedules / § 200-25. Limiting Schedules.**

**§ 200-25. Limiting Schedules.**

The Limiting Schedules for the Northvale Zoning Code shall be as follows.<sup>EN(29)</sup>

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VIII, Signs EN**

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**ARTICLE VIII, Signs EN(30)**

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**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VIII, Signs EN / § 200-26. Definitions.**

**§ 200-26. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**DOUBLE-SIDED SIGN** -- A sign with the same lettering on both sides. For purposes of construing the provisions of this chapter, a double-sided sign shall be considered to be one sign.

**ERECT** -- To build, construct, attach, place, suspend or affix and shall also include the painting of wall signs and the painting of signs or displays on the exterior surface of a building or structure, and the change in any sign shall be considered as the erection of a new sign.

**GROUND SIGN** -- Includes any sign supported by uprights or braces placed upon the ground and not attached to any building.

**HOUSING DEVELOPMENT** -- Any development which shall have been or shall be classified as a major subdivision by the Borough of Northvale Planning Board.

**ILLUMINATED SIGN** -- Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

**PERSON** -- Includes any person, firm or partnership, association, corporation, company or organization of any kind.

**PORTABLE SIGN** -- A sign which is not permanently installed and which is located inside the property lines.

**ROOF SIGN** -- Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

**SHOPPING CENTER DEVELOPMENT** -- A group of commercial establishments which provide for the sale of the daily living needs such as food and drugs as well as personal services

such as apparel and furniture, banking, professional services and recreation. Such a center should be developed as a unit. A shopping center development shall be comprised of no less than 20,000 contiguous square feet of ground space and shall comply with the requirements of Chapter 200, Zoning, of the Code of the Borough of Northvale. [Amended 8-10-1994 by Ord. No. 675-94]

**SIGN** -- Includes every sign, billboard, ground sign, wall sign, roof sign, sign painted on the exterior surface of a building or structure, illuminated sign, projecting sign, temporary sign and sign on an awning or canopy and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person, firm or corporation when the same is placed out of doors in view of the general public or when of a permanent nature and placed within the window of a commercial or other structure so as to be visible to persons from the outside for the purposes aforesaid.

**SIGN AREA** -- For projecting signs or ground signs, the actual outside dimensions of the sign erected; for wall signs, that rectangular area bounded by the lines in a horizontal and vertical plane delineating the extreme limits of lettering or border constitutes the sign surface on any wall space, awning or canopy.

**TEMPORARY SIGN** -- Includes any sign which is intended to be displayed for a period not in excess of 90 days.

**WALL SIGN** -- A sign which is affixed to or painted on an exterior wall of any building, when such sign shall project not more than six inches from the building or parts thereof. For purposes of this chapter, an attached sign shall be considered to be a wall sign.

**WINDOW SIGN** -- Any sign that is painted upon a window or placed in a window in such a manner or proximity that is intended to be viewed by the public. [Added 10-11-2000 by Ord. No. 757-2000]

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VIII, Signs EN / § 200-27. Permit required. [Amended 8-10-1994 by Ord. No.  
675-94]**

**§ 200-27. Permit required. [Amended 8-10-1994 by Ord. No. 675-94]**

Except as otherwise set forth herein, it shall be unlawful for any person to erect, alter, relocate or maintain within the Borough of Northvale any sign, as set forth and defined in this chapter, without first making application for and obtaining a sign permit from the Construction Official.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated**



**05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE VIII, Signs EN / § 200-28. Permitted signs.**

**§ 200-28. Permitted signs.**

Signs within each district shall be permitted as follows:

A. Residential A and B Districts:

- (1) A nameplate sign, situated within the property lines and bearing only the name and address of the principal occupant, provided that the sign does not exceed 72 square inches in total area. No application or fee or permit shall be required for signs under this subsection.
- (2) Not more than two temporary or ground signs for and located within any subdivision which has been approved by the Planning Board, provided that each such sign does not exceed 25 square feet in area. In no case shall any such sign be located closer than 25 feet to any street or side lot line. Any such sign shall be removed within 30 days after 50% of the lots in the subdivision have been either sold or residences built thereon.
- (3) One wall or ground sign not exceeding 20 square feet located on the premises of a place of worship, school buildings, public libraries, museums, art galleries, parish houses, etc., giving only the name and nature of occupancy and information as to the condition of use or occupancy, provided that said use is for nonprofit purposes. No fee shall be charged for any application or permit for signs under this subsection.
- (4) One sale or rent sign erected only on the property line to be sold or rented, but not to be placed on any street and not to exceed four square feet in area. No application or fee or permit shall be required for a sign under this subsection.

B. Business and industrial districts.

- (1) All signs as permitted in Residential A or B Districts shall be permitted, with the limitation as to size, number and type for the uses permitted therein.
- (2) In addition to the foregoing, there shall be permitted for any use:
  - (a) Ground signs with an overall width of not more than six feet and an overall height not exceeding eight feet above ground. The bottom of the facing of any ground sign shall be at least three feet above the ground.
  - (b) Wall signs not more than two feet high nor more than 24 square feet in area.
  - (c) A window sign shall be permitted in a window. No window sign shall exceed 25% of

the total window area nor 10% of any door window. In no event shall any window sign exceed the limits of permitted wall sign area requirements. [Added 10-11-2000 by Ord. No. 757-2000]

- (3) There shall be permitted no more than a total of one ground sign or a total of three signs of all types for each applicant.
- (4) No more than two wall signs advertising the name, products and seal of an industry will be allowed, provided that they comply with the following specifications:
  - (a) Signs shall be attached to the main building and are limited to one per facade.
  - (b) Signs must be permanently attached to or constructed with the building and shall not extend more than six inches from the facade of the building.
- (5) Illumination of signs shall be in such a manner as to cause no glare or blinding light to adjacent properties or roadways.
- (6) All signs shall be set back a minimum distance of 20 feet from the edge of the right-of-way of any public road and 10 feet from any side lot line and shall not be located so as to interfere with the view of adjacent properties.
- (7) Customary warning, trespassing and posted signs shall be allowed.

C. Shopping center developments.

- (1) Not more than two wall signs per established business shall be allowed in shopping center developments, and such signs shall not exceed a total of 10% of the area of that portion of the face of the building or buildings used in such business at the location in question, the face being the front side of the place of business and the area to include the window and door areas, provided that all signs shall advertise only the business carried on or the products made or sold on the premises, or both.
- (2) In shopping center developments, one freestanding sign shall be permitted, advertising the name of the shopping center, as defined in this chapter, or the uses found within; provided, however, that they meet the following specifications:
  - (a) The total height of each sign shall not exceed 15 feet.
  - (b) The total area of the sign shall not exceed 75 feet.
  - (c) The lowest edge of any sign shall not be less than three feet above the ground.
  - (d) Floodlights shall be so located and shielded as to prevent any glare or blinding effect upon any adjacent property or roadways.

- (e) All signs shall be set back a minimum distance of 20 feet from the edge of the right-of-way of any public road and 10 feet from any side lot line and shall not be located so as to interfere with the view of adjacent properties.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VIII, Signs EN / § 200-29. General regulations.**

**§ 200-29. General regulations.**

A. Directional signs.

- (1) Directional signs, meaning those signs which are located off the premises to which traffic or persons are to be directed, will be permitted in any district, provided that they do not exceed five square feet in area and:
  - (a) They are reasonably necessary to direct any traffic or persons to public or semipublic facilities, such as churches and other places of worship, nursing homes, hospitals, schools, libraries, museums, art galleries and parks and recreation areas, within or adjoining the Borough;
  - (b) They are reasonably necessary to direct any traffic or persons to any real estate developments; provided, however, that no more than two such signs will be permitted for each real estate development, and further provided that any such sign shall be removed within 30 days after 50% of the lots in the subdivision have been either sold or residences built thereon; or
  - (c) They are reasonably necessary to promote health, safety and welfare and provide traffic control as determined by the Planning Board upon application made thereto.
- (2) Directional signs shall require a permit, and nothing herein shall relieve the owner of such sign or the owner of the property on which such sign is to be erected from the responsibility for its erection and maintenance in a good and safe condition.

- B. In any case where a permitted use is located on premises which do not front on a public street, road or highway and it is reasonably necessary to direct traffic or persons to such premises or to identify such use, or both, ground signs for such purposes, not exceeding 16 square feet in area, may be permitted off said premises at driveway entrances or exits by special permit upon application to the Planning Board, which shall have the power to impose such conditions as to location, size, type, colors, lighting and design as it may find necessary to preserve the character of the neighborhood in which said signs are located.

- C. Except as otherwise provided in Subsections A and B of these general regulations, no sign shall be erected or exhibited within the Borough of Northvale except for the purpose of advertising a business or other use being conducted on the same property.
- D. In addition to other signs permitted, wall or ground signs not exceeding one square foot in area may be used for a driveway entrance or exit or for warning purposes on the grounds of libraries, schools, churches or other public buildings or uses. No application or fee shall be required in connection with the permit for such a sign.
- E. No advertising sign shall be permitted on or within any traveled right-of-way or any sidewalk.
- F. Floodlights or similar outside illumination are permitted, provided that all lighting, including sign lighting, shall be so arranged as to protect adjoining and nearby properties, streets and highways and traffic from direct glare and hazardous interference of any kind.
- G. There shall be permitted one wall or ground sign not exceeding 20 square feet located on the premises of places of worship, school buildings, public libraries, museums, art galleries, parish houses, buildings used exclusively by federal, state, county and local government for public purposes, public, private and parochial schools or public recreational and community center buildings and grounds. No application or fee shall be required in connection with the permit for such a sign.
- H. Gasoline station and public garage signs.
  - (1) In addition to other signs permitted in this chapter, gasoline service stations and public garages only may display the following special signs which are deemed customary and necessary to their respective business:
    - (a) One freestanding or pylon sign advertising the name of the station or garage and the principal products sold on the premises, or both, including any special company or brand name, insignia or emblem, provided that such sign shall not exceed 30 square feet in area on a side and shall be erected not less than 20 feet from the right-of-way line and not less than 10 feet from any side lot line and not less than 10 feet nor more than 25 feet above the ground. High-rise or turnpike-height signs are prohibited.
    - (b) One portable sign located inside the property line and specifically advertising special seasonal servicing of automobiles, provided that said sign does not exceed 12 square feet in area. No fee shall be required in connection with a permit for such a sign.
  - (2) Any permit may be denied where, by virtue of its location, size or structure, the sign would obstruct the view or motion of any pedestrian or vehicle driver so as to create a traffic hazard or would interfere with the use and enjoyment of an adjoining property

owner.

- I. Awnings or canopy signs. One awning/canopy is permitted subject to the following: [Added 10-11-2000 by Ord. No. 757-2000]
  - (1) Canopies or awnings must have a clearance of at least 10 feet above the sidewalk.
  - (2) All canopies or awnings must be of a single, neutral color and be constructed of non-glare canvas or canvas-look material which has a fire resistant rating. In no event shall awnings or canopies be made of any Day-Glo, fluorescent or multicolor material.
  - (3) An awning/canopy may contain lettering subject to the same size constraints as a wall sign.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VIII, Signs EN / § 200-30. Prohibited signs.**

**§ 200-30. Prohibited signs.**

The following types of signs are specifically prohibited:

- A. Any sign of which all or part is in motion by any means, including fluttering, rotating or moving devices set in motion by movement or atmosphere.
- B. Any sign displaying flashing or intermittent light or lights of changing intensity. No neon or similarly illuminated signs shall be of red, yellow or green color or located in such a fashion as to diminish or detract in any way from the effectiveness of any traffic signal or similar safety or warning device.
- C. Any illuminated tubing or strings of lights outside rooflines, doors, windows or wall edges of any building, except for holiday decorations during December and January. [Amended 8-10-1994 by Ord. No. 675-94]
- D. Any sign that uses the words "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger, which sign is likely to be confused with any sign displayed by a public authority.
- E. No banner-type sign shall be permitted in any location in the Borough of Northvale except where in celebration of public events or to call attention to dates of holidays of public significance and in such cases only when erected with approval of the governing body itself.
- F. All pylon or freestanding signs.

G. High or turnpike-height signs.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VIII, Signs EN / § 200-31. Sign permit exemptions.**

**§ 200-31. Sign permit exemptions.**

The following exemptions shall apply only to the requirement for a sign permit and shall not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance in a good and safe condition.

- A. Memorial tablets or signs, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- B. Traffic or other municipal signals or legal notices, railroad crossing signals or danger signs and such temporary emergency signs as may be erected by governmental or public utility employees in carrying out their official work.
- C. Names on mailboxes.
- D. Signs used on property warning the public against hunting or trespassing thereon.
- E. Any temporary signs advocating or advertising any candidate for public office.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VIII, Signs EN / § 200-32. Application for permit; issuance and duration.**

**§ 200-32. Application for permit; issuance and duration.**

- A. Application for sign permits shall be made by the owner of the premises or the person responsible for the erection of the sign, and both shall be responsible for compliance with the terms as herein set forth. Such application, accompanied by a fee as set forth in Chapter 84, Uniform Construction Codes, § 84-2H, shall be made to the Construction Official and shall contain the following information on forms supplied by him:
  - (1) The name, address and telephone number of the owner or lessee of the premises and the name of the person, firm, corporation or association erecting said sign, and both shall be considered applicants.
  - (2) The location of the building, structure or lot to which or upon which the sign is to be

- attached or erected.
- (3) The position of the sign in relation to nearby buildings or structures, sidewalks and streets.
  - (4) Such other information as the Construction Official shall require to show full compliance with this chapter.
- B. It shall be the duty of the Construction Official to examine the application and other data regarding the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed structure is in compliance with all the requirements of this chapter and the other laws and ordinances of the Borough of Northvale, he shall then issue the sign permit. The sign permit shall be issued or denied within 45 days of the date of application. [Amended 8-10-1994 by Ord. No. 675-94]
- C. If the work authorized under a sign permit has not been completed within 180 days after date of issuance, the permit shall become null and void.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VIII, Signs EN / § 200-33. Dangerous or nonconforming signs; responsibility of  
owner.**

**§ 200-33. Dangerous or nonconforming signs; responsibility of owner.**

- A. Whenever, in the opinion of the Construction Official, any sign becomes unsafe or endangers the safety of a building or premises or endangers the public safety, the Construction Official shall send a letter by certified mail to the owner of the sign or the owner of the premises on which the sign is located, ordering that such sign be made safe or be removed within 30 days of receipt of the letter. If the permittee fails to remove, alter or repair it within 30 days after such notice, such sign may be removed by the Construction Official with the reasonable expense thereof charged to the holder of the permit. The Construction Official may cause any sign structure to be removed summarily and without written notice if it is an immediate peril to persons or property by virtue of its construction or moorings. [Amended 8-10-1994 by Ord. No. 675-94]
- B. Subject to the provisions of the next subsection, any sign now or hereafter existing which no longer advertises a business or profession conducted or product sold or which is not used for a permitted use shall be taken down and removed by the permittee, owner, agent or person having the beneficial use of the building or structure or land upon which such sign may be found within 30 days after written notification from the Construction Official. If, in the

discretion of the Construction Official, said sign does not comply with the terms of this chapter and upon failure to comply with such notice within the time specified in such order, the Construction Official is hereby authorized to cause removal of such sign, and any reasonable expense incurred for the purpose shall be paid by the permittee or owner of the premises where such sign is located. [Amended 8-10-1994 by Ord. No. 675-94]

- C. Any signs now in existence, the erection or placing of which would be prohibited hereunder, may be continued on such building, structure, lot or land so occupied. However, at no time shall such sign be altered, rebuilt, enlarged, extended or relocated unless such action changes a nonconforming sign into a conforming sign as provided herein. This subsection shall not be construed to allow a nonconforming sign to be erected despite the fact that said sign would not extend the nonconforming use beyond 25% of the existing floor space.
- D. The failure to keep a nonconforming sign painted or in good repair for a period of six months shall constitute abandonment, and such sign may not be reused and must be removed.
- E. The owner of the premises on which the sign is located shall be responsible for the general maintenance of the sign.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VIII, Signs EN / § 200-34. Appeals; variance procedure.**

**§ 200-34. Appeals; variance procedure.**

- A. Appeals to the Planning Board may be taken by any person aggrieved by a decision of the Construction Official. Each appeal shall be taken within 45 days by filing a notice of appeal with the Construction Official from whom the appeal was taken, together with three copies of said notice with the Secretary of the Planning Board. Said notice of appeal shall specify the grounds for said appeal. The Construction Official from whom this appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. [Amended 8-10-1994 by Ord. No. 675-94; 4-8-1998 by Ord. No. 726-98]
- B. The owner of any premises or the person responsible for the erection of the sign who is aggrieved by a decision of the Construction Official may apply to the Planning Board for a variance. Said application procedure shall be in accordance with the provisions of Chapter 29, Land Use Procedures, and the provisions of Chapter 291 of the Laws of New Jersey 1975 and any subsequent amendments or supplements thereto.<sup>EN(31)</sup> [Amended 8-10-1994 by Ord. No. 675-94; 4-8-1998 by Ord. No. 726-98]



- C. The Planning Board shall follow the procedural provisions of P.L. 1975, c. 291, and any subsequent statutes or ordinances adopted in accordance therewith.<sup>EN(32)</sup> [Amended 8-10-1994 by Ord. No. 675-94; 4-8-1998 by Ord. No. 726-98]
- D. Any variance granted pursuant to the terms of this chapter shall expire within 180 days of the day of its granting unless the permitted use has actually been commenced.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VIII, Signs EN / § 200-35. Violations and penalties. [Amended 8-10-1994 by Ord.  
No. 675-94]**

**§ 200-35. Violations and penalties. [Amended 8-10-1994 by Ord. No. 675-94]**

Any person or persons, firm or corporation who or which violates any provision of this chapter shall be punishable as provided in Chapter I, General Provisions, Article II, General Penalties. Each and every day such violation continues shall constitute a separate and distinct offense.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
VIII, Signs EN / § 200-36. Identification of means of egress and ingress. [Added  
10-11-2000 by Ord. No. 757-2000]**

**§ 200-36. Identification of means of egress and ingress. [Added 10-11-2000 by Ord. No.  
757-2000]**

All permitted signs within the Borough of Northvale which contain letters, numbers or symbols in a language other than English shall also include an English translation or Arabic numbers with appropriate visibility to allow the reasonable identification of the location and means of egress from and ingress to the premises and the nature of the activity conducted therein. In addition, such signs shall comply with all other requirements of the Borough of Northvale.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
IX, Administration of Affordable Housing Program [Added 5-10-2006 by Ord. No.  
820-2006]**

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**ARTICLE IX, Administration of Affordable Housing Program [Added 5-10-2006 by Ord. No. 820-2006]**

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**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
IX, Administration of Affordable Housing Program [Added 5-10-2006 by Ord. No.  
820-2006] / § 200-37. Purpose.**

**§ 200-37. Purpose.**

The purpose of this article is to create the administrative mechanisms needed for the execution of the Borough of Northvale's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
IX, Administration of Affordable Housing Program [Added 5-10-2006 by Ord. No.  
820-2006] / § 200-38. Definitions.**

**§ 200-38. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

ADMINISTRATIVE AGENT -- The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Borough of Northvale to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

MUNICIPAL HOUSING LIAISON -- The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Borough of Northvale.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE  
IX, Administration of Affordable Housing Program [Added 5-10-2006 by Ord. No.  
820-2006] / § 200-39. Establishment of Municipal Housing Liaison position and  
compensation; powers and duties.**

**§ 200-39. Establishment of Municipal Housing Liaison position and compensation; powers and duties.**

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Borough of Northvale.
- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Northvale, including the following responsibilities which may not be contracted out:
  - (1) Serving as the Borough of Northvale's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents, and interested households;
  - (2) Monitoring the status of all restricted units in the Borough of Northvale's fair share plan;
  - (3) Compiling, verifying, and submitting annual reporting as required by COAH;
  - (4) Coordinating meetings with affordable housing providers and administrative agents, as applicable;
  - (5) Attending continuing education programs as may be required by COAH;
  - (6) If applicable, serving as the administrative agent for some or all of the restricted units in the Borough of Northvale as described in Subsection F below.
- D. Subject to approval by COAH, the Borough of Northvale may contract with or authorize a consultant, authority, government or any agency charged by the governing body, which entity shall have the responsibility of administering the affordable housing program of the Borough of Northvale. If the Borough of Northvale contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and affirmative marketing plan, the Municipal Housing Liaison shall supervise the contracting administrative agent.
- E. Compensation. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Municipal Housing Liaison.
  - (1) Affirmative marketing.

- (a) Conducting an outreach process to ensure affirmative marketing of affordable housing units in accordance with the affirmative marketing plan of the Borough of Northvale and the provisions of N.J.A.C. 5:80-26.15.
- (2) Household certification.
- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
  - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
  - (c) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
  - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendixes J and K of N.J.A.C. 5:80-26.1 et seq.;
  - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
  - (f) Employing the random selection process as provided in the affirmative marketing plan of the Borough of Northvale when referring households for certification to affordable units.
- (3) Affordability controls.
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
  - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
  - (d) Communicating with lenders regarding foreclosures; and
  - (e) Ensuring the issuance of continuing certificates of occupancy or certifications

pursuant to N.J.A.C. 5:80-26.10.

- (4) Resale and rental.
  - (a) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
  - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Communicating with unit owners.
  - (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
  - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air-conditioning systems; and
  - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement.
  - (a) Ensure that all restricted units are identified as affordable within the Tax Assessor's office and any municipal utility authority (MUA) and upon notification to the administrative agent of change in billing address, payment delinquency of two consecutive billing cycles, transfer of title, or institution of a writ of foreclosure on all affordable units, notifying all such owners that they must either move back to their unit or sell it;
  - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person other than a household duly certified to the unit by the administrative agent;
  - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the

- administrative agent where complaints of excess rent can be made;
- (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
  - (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
  - (f) Establishing a rent-to-equity program;
  - (g) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
  - (h) Providing annual reports to COAH as required.
- (7) The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / Limiting  
Schedule**

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**Limiting Schedule**

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Requirement	District								
	R 12.5	R 7.5	Church	Cond. A	C	C-1	C-2	LI	LI-1
Lot area	12,500	7,500	40,000	15,000	7,500	7,500	40,000	40,000	40,000
(square feet)									
Lot width	100	75	200	75	75	75	200	200	200
(feet)									
Lot depth	100	100	200	200	100	100	200	200	200

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(feet)									
Lot frontage <sup>1</sup>	60	60	120	120	60	60	120	120	120
Front yard setback (feet) <sup>5</sup>	30	25	30	25	25	5 <sup>3</sup>	50	50	50
Side yard setback (feet)	10 <sup>2</sup>	10	10	10	10	10	25	25 <sup>4</sup>	25 <sup>4</sup>
Rear yard setback (feet)	30	30	30	30	40	40	50	50 <sup>4</sup>	50 <sup>4</sup>
Maximum lot coverage (percent)	25	25	25	25	25	40	50	50	50
Green area (percent)	50	50	50	30	30	20	25	25	25
Maximum height (feet)	30	30	60	35	30	30	35	35	35

NOTES:

1 [Amended 12-10-1980 by Ord. No. 450-D]

2 Aggregate of two (2) sides, minimum twenty-five (25) feet.

3 Or thirty-five (35) feet from the center line of the roadway, whichever is greater.

4 Except as necessary to accommodate railroad sidings.

5 The distance as set forth herein shall not be applicable in the event that there are existing buildings on the same side of the street in the given area, in which case, the average setback line of the existing buildings on the same side of the street shall prevail. [Added 12-23-1981 by Ord. No. 450-G]

**CODE OF THE BOROUGH OF NORTHVALE NEW JERSEY, v12 Updated  
05-15-2007 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / Limiting  
Schedule for Storage Sheds**

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**Limiting Schedule for Storage Sheds**

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[Added 12-23-1981 by Ord. No. 450-G;  
amended 7-10-1985 by Ord. No. 543-85]

<b>Requirement</b>	<b>District</b>		
	<b>R 12.5</b>	<b>R 7.5</b>	<b>Residential Use in C-1 Zone</b>
Maximum floor area  (square feet)	120	120	120
 Maximum height for flat roof shed (feet)	 8	 8	 8



Maximum height, for peaked roof shed from lowest point of grade level (feet)	10	10	10
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NOTE:

Location.

(1) Storage sheds shall be located as follows:

- (a) At a distance no less than five (5) feet from the rear lot line and no less than five (5) feet from the side lot line; provided, however, that if the location of the storage shed will encroach on the rear building line, it must comply with the limiting schedule provision set forth in § 200-25.
- (b) In the rear quadrant of the property that is farthest from the surrounding streets, if it is to be located on a corner lot.
- (c) In the case of a lot fronting on two (2) streets, other than a corner lot, at a maximum depth of one-half (1/2) of the length of the side lot line, plus ten (10) feet.

(2) The provisions of this limiting schedule shall govern the location of any storage shed, notwithstanding any other provision contained in Chapter 200, Zoning, to the contrary.

## **Endnotes**

### **1 (Popup - Popup)**

Editor's Note: The Limiting Schedules are included at the end of this chapter; the Zoning Map is on file in the office of the Borough Clerk.

### **2 (Popup - Popup)**

Editor's Note: See N.J.S.A. 40:55D-3 though 40:55D-7.

### **3 (Popup - Popup)**

Editor's Note: See N.J.S.A. 40:55D-1 et seq.

### **4 (Popup - Popup)**

Editor's Note: The Limiting Schedules are included at the end of this chapter.

### **5 (Popup - Popup)**

Editor's Note: See Ch. 84, Construction Codes, Uniform.

### **6 (Popup - Popup)**

Editor's Note: The Building Zone map is on file in the office of the Borough Clerk.

### **7 (Popup - Popup)**

Editor's Note: The Zoning Map is on file in the office of the Borough Clerk.

### **8 (Popup - Popup)**

Editor's Note: The Limiting Schedules are included at the end of this chapter.

### **9 (Popup - Popup)**

Editor's Note: The Limiting Schedules are included at the end of this chapter.

### **10 (Popup - Popup)**

Editor's Note: The Limiting Schedules are included at the end of this chapter.

### **11 (Popup - Popup)**

Editor's Note: The Limiting Schedules are included at the end of this chapter.

### **12 (Popup - Popup)**

Editor's Note: The Limiting Schedules are included at the end of this chapter.

### **13 (Popup - Popup)**

Editor's Note: Ordinance No. 762-2001, adopted 5-9-2001, amended various sections of this chapter, but provided that § 200-8, LI and LI-1 Light Industrial Zones, remain unchanged. Ordinance No. 767-2001, adopted 7-11-2001, amended Ord. No. 762-2001 to provide that § 200-8 remain unchanged with the exception that there shall be created a Light Industrial Overlay Zone for the following properties: Block 1009, Lots 11, 12, 13 and 3. Said properties shall be afforded dual-use rights as conveyed in the R 7.5 Zone and the LI Light Industrial Zone and shall be subject to all use regulations provided therein.

### **14 (Popup - Popup)**

Editor's Note: The Limiting Schedules are included at the end of this chapter.

### **15 (Popup - Popup)**

Editor's Note: Copies of the Official Map are available at the Borough offices.

### **16 (Popup - Popup)**

Editor's Note: Former Subsection B(2), Apartment houses, garden apartments, boardinghouses or any type of multifamily usage, two-family homes, duplex or double houses, was repealed 5-9-2001 by Ord. No. 762-2001. This ordinance also provided for the renumbering of former Subsections B(3) through (11) as Subsections B(2) through (10), respectively.

### **17 (Popup - Popup)**

Editor's Note: This ordinance also repealed former § 200-10, Provisions applicable to all commercial and light industrial buildings, added 3-26-1980 by Ord. No. 450-B, as amended 10-15-1986 by Ord. No. 562-86.

### **18 (Popup - Popup)**

Editor's Note: The Limiting Schedules are included at the end of this chapter.

### **19 (Popup - Popup)**

Editor's Note: The Limiting Schedules are included at the end of this chapter.

### **20 (Popup - Popup)**

Editor's Note: See N.J.S.A. 40:55D-1 et seq.

### **21 (Popup - Popup)**

Editor's Note: See also Ch. 240, Swimming Pools.

**22 (Popup - Popup)**

Editor's Note: Former Subsection D(15)(d), pertaining to Planning Board modifications, which immediately followed this section, was repealed 5-18-2006 by Ord. No. 815-2006.

**23 (Popup - Popup)**

Editor's Note: See Ch. 159, Site Plan Review, and Ch. 178, Subdivision of Land, respectively.

**24 (Popup - Popup)**

Editor's Note: See Ch. 147, Property Maintenance.

**25 (Popup - Popup)**

Editor's Note: Former Subsection E(7), Grades, was repealed 5-9-2001 by Ord. No. 762-2001. This ordinance also provided for the redesignation of former Subsection E(8) as Subsection E(7).

**26 (Popup - Popup)**

Editor's Note: This subsection, formerly included as § 200-18F, was redesignated as § 200-19I 5-9-2001 by Ord. No. 762-2001.

**27 (Popup - Popup)**

Editor's Note: See Ch. 25, Art. II, Housing Officer and Affordable Housing Board.

**28 (Popup - Popup)**

Editor's Note: "This act" refers to the municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

**29 (Popup - Popup)**

Editor's Note: The Limiting Schedules are included at the end of this chapter.

**30 (Popup - Popup)**

Editor's Note: This article, originally adopted 9-14-1977 by Ord. No. 431 (Ch. 58 of the 1969 Code) was previously included as Ch. 156. Ordinance No. 749-2000, adopted 3-8-2000, provided for the relocation of these provisions to this chapter.

**31 (Popup - Popup)**

Editor's Note: See N.J.S.A. 40:55D-1 et seq.

**32 (Popup - Popup)**

Editor's Note: See N.J.S.A. 40:55D-1 et seq.