

**BOROUGH OF RIVER EDGE
ORDINANCE NO. 25-14**

**AN ORDINANCE BY THE BOROUGH OF RIVER EDGE IN THE COUNTY OF
BERGEN, NEW JERSEY AMENDING AND SUPPLEMENTING THE RIVER
EDGE BOROUGH CODE, CHAPTER 350 SITE PLAN REVIEW AND
CHAPTER 416 ZONING**

WHEREAS, pursuant to N.J.S.A. 40:55D-62, the Borough of River Edge, in the County of Bergen, State of New Jersey (the “Borough”) may adopt or amend Zoning Regulations by Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, N.J.S.A. 40:55D-89 requires that the governing body shall, at least every 10 years, provide for a general reexamination of its master plan and development regulations by the Municipal Land Use Board; and

WHEREAS, pursuant to the 2020 Periodic Reexamination Report of the Master Plan & Development Regulations for the Borough of River Edge prepared by Burgis Associates, Inc., dated October 9, 2020 (the “2020 Reexamination”), it was recommended that the Borough review its regulations pertaining to single-family homes including the lot and building coverages and accessory structures; and

WHEREAS, the Municipal Land Use Board of the Borough of River Edge (the “Land Use Board”) adopted amendments to the 2020 Reexamination entitled “2022 Amendment to the Reexamination Report of the Master Plan & Development Regulations”, dated May 13, 2022, prepared by Thomas Behrens, Jr. PP, AICP of Burgis Associates, Inc., which recommended additional changes to the Borough’s land use and development regulations, including updates to swimming pool and coverage regulations; and

WHEREAS, the Borough’s Land Use professionals have reviewed the Borough’s Zoning Regulations and have identified proposed changes to the swimming pool and coverage requirements to maintain clarity and uniformity in the administration of the Borough’s land use regulations; and

WHEREAS, the proposed changes will allow the uniform application of the Zoning Regulations, increased flexibility in improving private property, and will provide residents with certainty in the regulation of their property; and

WHEREAS, the Borough Council desires to adopt zoning that is in the Borough’s best interest to maintain and support stability, future growth, development and uniform zoning determinations on all parcels of land in the Borough; and

WHEREAS, the Borough Council believes that amending the Zoning Regulations is in the best interest of the Borough such that the Borough Code, Chapter 350 “Site Plan Review” and Chapter 416 “Zoning” be amended to update and clarify ambiguity in the swimming pool and coverage requirements and definitions, among other changes.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of River Edge, in the County of Bergen, State of New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Borough Code of the Borough of River Edge, Chapter 350, Site Plan Review, Section 3, Definitions; Word Usage, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions {within brackets and/or struck through}):

350-3 Definitions; word usage.

A. No change.

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

BUILDING AREA

For purposes of determining building coverage, the area of the building shall be the projected area on a horizontal plane of the outer extremities of the structure, including by way of example as part of the structure in determining said outer extremities, the foundation, roofs, protruding floors, ****decks, porches, roofed patios, raised patios above natural grade**** {patios} and any overhangs and the floors of any ****other**** structures ****identified in Section 416-27(B), but excluding overhangs or projections which project 24 inches or less from the structure, including roof eaves, roof overhangs, projections above entranceways and garage doors, and chimneys**** {not having a roof}.

BUILDING COVERAGE

That portion of a lot which is occupied by buildings and accessory buildings and structures, as identified in § 416-27B. ****Among other items identified in § 416-27(A), swimming pools shall not be included in the definition or calculation of building coverage.****

Section 3. The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Section 4, Definitions and Word Usage, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions {within brackets and/or struck through}):

416-4 Definitions and word usage.

BUILDING AREA

For purposes of determining building coverage, the area of the building shall be the projected area on a horizontal plane of the outer extremities of the structure, including by way of example as part of the structure in determining said outer extremities, the foundation, roofs, protruding floors, ****decks, porches, roofed patios, raised patios above natural grade**** {patios} and any overhangs and the floors of any ****other**** structures ****identified in Section 416-27(B), but excluding overhangs or projections which project 24 inches or less from the structure, including roof eaves, roof overhangs, projections above entranceways and garage doors, and chimneys**** {not having a roof}.

BUILDING COVERAGE

That portion of a lot which is occupied by buildings and accessory buildings and structures, as identified in § 416-27B. ****Among other items identified in § 416-27(A), swimming pools and hot tubs shall not be included in the definition or calculation of building coverage.****

Section 4. The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Section 27, Accessory Buildings and Structures, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions {within brackets and/or struck through}):

416-27 Accessory buildings and structures.

A. The term “accessory building or structure” is not intended to include

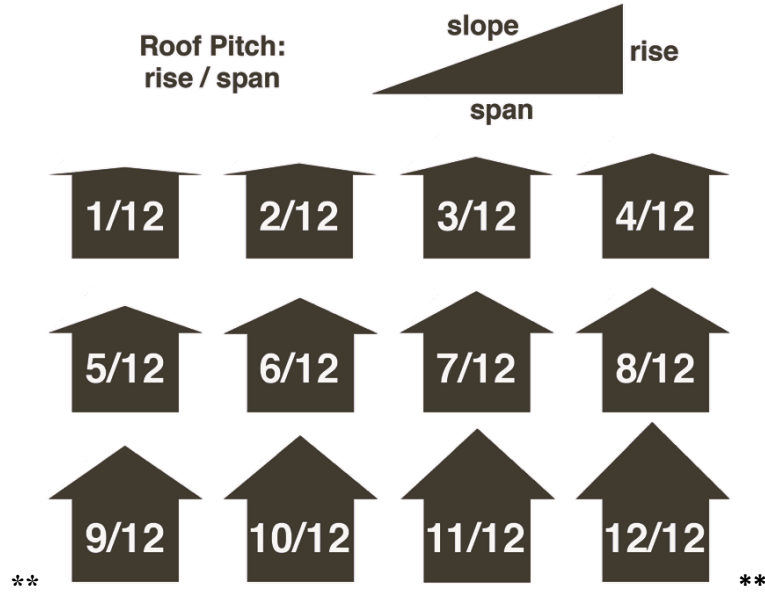
- (1) No change.
- (2) No change.
- (3) {Reserved} ****Swimming pools and hot tubs****.
- (4) Unroofed {decks, unroofed porches or unroofed} patios ****at natural grade****.

B. The term “accessory building or structure” shall include but ****shall**** not be limited to the following, whether prefabricated or constructed on-site:

- (1) Pergolas, pavilions, {detached} ****roofed or unroofed**** decks, ****roofed or unroofed porches, roofed patios, raised patios above natural grade,**** gazebos, flagpoles, outdoor bins and other similar buildings.
- (2) No change.
- (3) No change.
- (4) No change.
- (5) ****For the purposes of calculating accessory setbacks,**** Air-conditioning units, HVAC equipment, electric vehicle equipment and generators for residential and nonresidential buildings **** shall be considered accessory buildings or structures, but shall not be included in the calculation of building coverage****.
- (6) {Aboveground and in-ground swimming pools} ****Reserved****.

C. Accessory buildings and structures in residential areas shall be governed by the following regulations. Accessory buildings and structures in all residential zoning districts which are not attached to a principal building or structure may be erected in any side yard or rear yard, provided that:

- (1) Except as provided in § 416-32, no such accessory building or structure shall exceed 12 feet in height, except for garages ****with gabled roofs having a roof pitch not less than 6/12 (see diagram below)**** and flagpoles, which shall not exceed 15 feet in height.



(2) No change.

(3) The aggregate of all accessory buildings and structures shall not occupy more than 30% of the area of the side or rear yard in which said accessory building or structure is located**. **No roofed accessory building or structure shall exceed 150 square feet**** {or 150 square feet (area of accessory building), whichever is lesser}.

(a) No change.

(4) No change.

(5) No change.

(6) No change.

(7) No change.

D. No change.

E. No change.

F. No change.

Section 5. The Borough Code of the Borough of River Edge, Chapter 416, Zoning, Section 28, Swimming Pools, Hot Tubs and Other Bodies of Water, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions {~~within brackets and/or struck through~~}):

416-28 Swimming Pools, Hot Tubs and Other Bodies of Water.

A. No change.

- B. Swimming pools, hot tubs and other bodies of water shall not encroach on any front or side yard required by this chapter. No wall of a swimming pool, hot tub or other body of water shall be located less than 10 feet from any rear or side yard property line or 25 feet from any street property line. For swimming pools, hot tubs or other bodies of water built above ground, the outside of the walkway or rail shall be the governing factor for the setback line.
****Swimming pools and hot tubs shall not be included in building coverage calculations.****
- C. No change.
- D. No change.
- E. No change.
- F. No change.
- G. No change.
- H. No change.
- I. No change.
- J. No change.
- K. No change.
- L. No change.

Section 6. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Borough of River Edge Municipal Land Use Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Municipal Land Use Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance that are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Borough Council deems appropriate.

Section 7. Any and all prior Zoning Regulations of the Borough that are inconsistent with this Ordinance are superseded by the Zoning Regulations adopted by this Ordinance.

Section 8. If any part of this Ordinance shall be deemed to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 9. A copy of this Ordinance and the Zoning Regulations shall be available for public inspection at the office of the Borough Clerk during regular business hours.

Section 10. This Ordinance shall take effect in accordance with all applicable laws.