

CHAPTER 233 ZONING

[HISTORY: Adopted by the Mayor and Council of the Borough of Norwood as Ch. XX of the Revised General Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 98.

Fences — See Ch. 120.

Flood damage prevention — See Ch. 131.

Satellite antennas — See Ch. 185.

Sewers — See Ch. 189.

Swimming pools — See Ch. 207.

Land use procedures — See Ch. 230.

Site plan review — See Ch. 231.

Subdivision of land — See Ch. 232.

ARTICLE I General Provisions (§ 233-1 — § 233-3)

§ 233-1 Purposes.

It is the intent and purpose of this chapter:

A.

Promote orderly development. To protect the character and maintain the stability of all areas within the Borough and to promote the orderly and beneficial development of such areas.

B.

Provide adequate light and air. To regulate the intensity of use of zoning lots and to determine the areas of open spaces surrounding buildings necessary to provide adequate light and air, privacy and convenience of access to property and to protect the public health, safety and welfare.

C.

Limit congestion. To limit congestion in the public streets and so protect the public health, safety, convenience and the general welfare by providing for off-street parking of motor vehicles and for the loading and unloading of vehicles.

D.

Promote appropriate land use. To encourage the appropriate use or development of lands in this Borough in a manner which will promote the public health, safety, morals and general welfare.

E.

Provide sufficient space. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.

F.

Creative development techniques. To promote a desirable visual and aesthetic environment through creative development techniques and good civic design and arrangements.

G.

Efficient use of land. To encourage coordination of the various public and private procedures and activities

shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

H.

Secure safety from hazards. To secure safety from fire, flood, panic and other natural and man-made disasters.

I.

Promote appropriate densities. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.

J.

Promote conservation of open space. To promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land.

K.

Reduce hazards in sloping areas. To reduce the hazards which exist in steep-sloping areas by reason of erosion, siltation, flooding, surface water runoff, pollution of water supplies from point and nonpoint sources.

L.

Protect inappropriate development. To preserve and protect areas of high-water table, floodway and flood hazard areas from inappropriate development.

M.

Preserve wetlands. To preserve streams, watercourses and wetlands in their natural state wherever possible.

N.

Preserve water supply. To preserve and protect the quality and quantity of ground- and surface water supply from pollution and diminution of their safe yield.

O.

Control runoff. To assure the adequacy of existing and proposed culverts and bridges; to induce water recharge into the ground where practical; to lessen nonpoint pollution; to maintain the integrity of stream channels for their biological functions as well as for drainage and the means necessary for water supply, preservation or prevention or alleviation of flooding.

§ 233-2 Title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the Borough of Norwood."

§ 233-3 Definitions and word usage.

[Amended by Ord. No. 93-0-22]

A.

Certain words, phrases and terms in this chapter are defined for the purpose thereof as follows: 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 "use" includes the words "arranged," "designed," or "intended to be used."

B.

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

ACCESSORY BUILDING

A building which is customarily used as an incidental building in a principal building and located on the same lot with such principal building.

ACCESSORY USE

A use customarily incident or subordinate to the principal use and located on the same lot with the

principal use.

ADDITION

Extension or increase in the floor area or increase in the height of a building or increase of cubic area.

AFFORDABLE HOUSING OR LOW- AND MODERATE-INCOME HOUSING

Housing for sale or rental that is affordable, according to standards for home ownership or rental costs adopted by COAH, occupied or reserved for occupancy by households with a gross household income of less than 80% of the median household income and subject to affordability controls.

ALL-WEATHER SURFACED

A hard surface paving whose surface is impervious to water.

ALTERATIONS

Any change, rearrangement or addition other than repairs, to a building; any modification in the construction or equipment of a building; any reroofing or residing; or any enlargement by moving from one location or position to another.

BUILDING

Any temporary or permanent structure, finished wall or enclosure, built either above or below the ground, used or intended for supporting or sheltering any use or occupancy. When such structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building. Building shall also include any structure having a roof supported by column piers or walls, including but not limited to tents, lunch wagons, trailers, diners, camp cars or other structures on wheels or having other supports and any unroofed platform, terrace, porch or deck.

BUILDING AREA

The maximum horizontal projected area of a principal building and its accessory buildings but excluding uncovered porches, terraces and steps.

BUILDING COVERAGE

That area of a lot covered by buildings measured on a horizontal plane around the periphery of the foundation(s) and including the area under the roof of any structure supported by columns, but not having walls, as measured around the extremities of the roof above the columns.

[Added 2-25-2004 by Ord. No. 04:01]

BUILDING HEIGHT

For all buildings, building height shall be vertical distance from the average ground elevation around the foundation to the building's highest point, exclusive of chimney, mechanical equipment, elevator tower and flagpole, which shall not exceed the height of the existing building by more than 12 feet, but in no event shall it exceed the maximum building height specified for a particular zone by more than eight feet. The average ground elevation shall be calculated by measuring the ground elevation at ten-foot intervals around the perimeter of the foundation.

[Amended 2-25-2004 by Ord. No. 04:01]

(1)

A At no point around the perimeter of the building shall the height of the building, exclusive of chimney, mechanical equipment, elevator tower and flagpole, exceed by more than five feet the maximum allowed in the zoning district.

(2)

Where soil or rock removal lowers the ground elevation around the perimeter of the foundation, the building height shall be based on the lowered composite elevation.

(3)

Where fill raises the ground elevation around the perimeter of the foundation, building height shall be based on the elevation as it existed prior to the use of fill.

BUILDING LINE

A line extended from any wall of a building and parallel with that wall and shall include the entire wall. If projections occur along the wall, then the projection shall be included within the building line.

COAH

The New Jersey Council on Affordable Housing established by N.J.S.A. 52:27D-305 or successor agency of state government responsible for comprehensive low- and moderate-income housing planning in accordance with sound regional planning.

COMMUNICATIONS ANTENNA

Any exterior transmitting or receiving device, mounted on a tower, building, or structure and used in communications, that radiates or captures electromagnetic waves, digital signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signals.

[Added 10-6-2009 by Ord. No. 09:10]

COMMUNICATIONS TOWER

Any structure that is designed and constructed primarily for the purpose of supporting one or more communications antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures. The term shall include the structure and any support thereof, together with other accessory structures and equipment associated therewith.

[Added 10-6-2009 by Ord. No. 09:10]

CORNER LOT

A lot fronting on two streets at the intersection.

DETENTION BASIN

Those areas which exist or are created for the temporary storage of stormwater and controlled discharge of this water to a receiving drainage system.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

DEVELOPMENT

The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill; and any use or change in the use of any building or other structure or land or extension of use of land for which permission may be required.

DEVELOPMENT FEES

Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted by COAH regulations, N.J.A.C. 5:92.

DRIVE-IN RESTAURANTS

[Amended 2-25-2004 by Ord. No. 04:01]

(1)

Any establishment for the service of food and beverages, commonly known as a "fast-food restaurant," "snack bar," "dairy bar," "hamburger stand," "hot dog stand" or "pizza stand," the operation of which consists of the service of food and beverages to the customers of the establishment for potential immediate consumption at counters, stools or bars outside the confines of the structure in which the business is conducted or for consumption in vehicles parked upon the premises, whether such food and beverages are delivered to the vehicles by the

customers or by personnel employed by the operator. An establishment for the service of food and beverages which contains seating facilities for the service of food and beverages within the confines of the structure in which the business is conducted shall nevertheless be deemed to be a drive-in restaurant if the operation of the business substantially consists of the service of food and beverages for immediate consumption outside the structure as hereinabove set forth.

(2)

Any establishment for service of food and beverages from which customers present at the premises can purchase food and beverages without physically entering the main structure in which the establishment is located.

DWELLING UNIT

One or more rooms providing living facilities for one family, including equipment for cooking or provisions for the same within the one or more rooms.

EGRESS AND INGRESS

Egress is the provision of facilities for either pedestrians or vehicles for leaving a particular lot or land. Ingress is a provision for entering a particular lot or land.

EQUALIZED ASSESSED VALUE

The value of a property determined by the Borough Tax Assessor through a means designed to ensure that all property in the Borough is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the municipal Tax Assessor.

FAMILY

One or more persons living together in a dwelling unit on a permanent and nontransitory basis as a single housekeeping unit, sharing living, sleeping, cooking and sanitary facilities on a nonprofit or nonremunerative basis, being a traditional family unit or the functional equivalent.

[Amended 9-19-1998 by Ord. No. 98-09]

FLOOD HAZARD AREA

The rivers or other watercourses and adjacent land areas subject to inundation in the event of the design flood of a one-hundred-year frequency storm. These areas include the floodway and flood fringe areas as delineated on the Flood Insurance Rate Maps and Flood Boundary Maps, prepared by the Federal Emergency Management Agency and as adopted by the Borough of Norwood.

FLOODWAY

The rivers or other watercourses and the adjacent land areas to be reserved in order to discharge the design flood of a one-hundred-year frequency storm without cumulatively increasing the water surface elevation more than 0.2 feet.

FRONT YARD

An open, unoccupied space on the same lot with the building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of that lot.

HABITABLE AREA

The sum of the gross horizontal areas of one or more floors of the building measured between the inside face of exterior walls, having a clear ceiling height of four feet; but no more than 10% of the habitable floor area shall have a ceiling height less than the prescribed ceiling height in the building code; any cellar, basement or garage space shall not be considered in the computation of the habitable floor area.

HOUSING REGION

The northeastern region of New Jersey composed of Bergen, Hudson and Passaic Counties, as defined at N.J.A.C. 5:92-2.1 or other group of two to four counties as may be defined by COAH.

IMPROVED LOT COVERAGE

The percentage of lot area which is improved with principal and accessory buildings, structures and uses, including but not limited to driveways, tennis courts, parking areas, garages, walkways, patios, loading areas, hard surfaces, pools or other man-made improvements. Detention or retention basins shall be excluded from such calculations, provided that same is constructed of natural materials.

INTERIOR LOT

A lot other than a corner lot.

LOADING AND UNLOADING FACILITY

An area adjacent to the main building or storage building equal to 800 square feet (20 feet by 40 feet) and is unoccupied at all times.

LOT

A piece, parcel or plot of land occupied or designed to be occupied by a building and its accessory buildings, together with such open spaces required by this chapter as are arranged and designed to be used in connection with such buildings.

LOT AREA

An area of land which is determined by the limits of the lot lines bounding that area and is always expressed in terms of square feet.

LOT COVERAGE

That percentage of the lot covered by building area.

LOT DEPTH

A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT FRONTAGE

The horizontal distance measured along the property line parallel to the street and closest to the street between the side lot lines.

[Amended 2-25-2004 by Ord. No. 04:01]

LOT LINE

A line of record dividing one lot from another.

LOT WIDTH

The straight and horizontal distance between side lot lines measured at the minimum front yard setback from the street line.

[Amended 2-25-2004 by Ord. No. 04:01]

LOW INCOME

A total gross household income no greater than 50% of the median household income.

MEAN GRADE

The grade of a lot equal to the sum of the various grades divided by the number of measurements.

MEDIAN HOUSEHOLD INCOME

The median household income of the housing region in which the Borough of Norwood is located, as defined by COAH, adjusted for household size, based on the most recent median income figures published by the United States Department of Housing and Urban Development (HUD), the uncapped Section 8 income limits or other recognized standard adopted by COAH. These median income figures may also be available from COAH.

MINOR SUBDIVISION

A subdivision of land for the creation of no more than two lots, provided that such subdivision does not

involve a planned development, any new street or the extension of any offtract improvements, the cost of which is to be prorated in accordance with applicable ordinance and statute. However, in the discretion of the Board, a minor subdivision may be treated as a major subdivision in any of the following events. [Added 2-25-2004 by Ord. No. 04:01]

MODERATE INCOME

A total gross household income no greater than 80% and not less than 50% of the median household income.

NEIGHBORHOOD

Those lots or parcels of land within a radius of 500 feet in all directions from the exact midpoint of the tract to be subdivided.

[Added 5-4-2005 by Ord. No. 05:09]

NONCONFORMING BUILDING OR USE

Any land, building, structure or use thereof which does not conform to the regulations of this chapter for the zone in which it is located but which was lawfully in existence prior to September 6, 1960.

OBSCENE MATERIAL

Any description, narrative account, display, or depiction of sexual activity or anatomical area contained in, or consisting of, a picture or other representation, publication, sound recording, live performance, or film, which by means of posing, composition, format, or animated sensual details:

[Added 4-5-2005 by Ord. No. 05:04]

(1)

Depicts or describes in a patently offensive way ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions, or lewd exhibition of the genitals;

(2)

Lacks serious literary, artistic, political, or scientific value, when taken as a whole; and

(3)

Is a part of a work, which to the average person applying contemporary community standards, has a dominant theme taken as a whole, which appeals to the prurient interest.

OPEN SPACE

An unoccupied space to the sky on the same lot with the building.

PARKING SPACE

An off-street space available for the parking of one motor vehicle and which in this chapter is held to be an area 10 feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

PERSON

An individual, proprietorship, partnership, corporation, association, or other legal entity.

[Added 4-5-2005 by Ord. No. 05:04]

PLANNING BOARD

The Planning Board of the Borough as established by the appropriate Borough ordinance.

PLOT PLAN

A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board in unusual or special cases.

PRINCIPAL BUILDING

A building in which is conducted the main or principal use of the lot on which the building is situated.

PRIVATE GARAGE

An accessory use not conducted as a business designed for the storage of motor vehicles and with space for not more than three vehicles.

PROFESSIONAL OFFICE

The office of a member of a recognized profession, when conducted on a residential property, shall be conducted by a member of the family residing on that property entirely within a residential building and shall include only the offices of doctors or physicians, ministers, architects, professional engineers, lawyers and such similar professional occupants which may be so designated by the Zoning Board of Adjustment upon finding by such Board that such occupation is truly professional, in character, training and experience as a condition for the practice thereof and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone in which it is located to a greater extent than for the professional activities listed herein. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

PUBLIC GARAGE

A building other than a private garage for the storage of motor vehicles, at which filling station services and repairs of all kinds of motor vehicles or any one of them is permitted. Any garage conducted as a business or in which storage space is rented for more than three motor vehicles shall be deemed a public garage.

REAR YARD

A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of any building. The depth of a rear yard shall be measured at right angles to the rear line of the lot or if the lot is not rectangular, then in the general direction of its side lot lines.

REPAIR

Replacement of existing material with the same kind of material used in the existing structure or building not including additions or structural alterations.

REQUIRED YARD

Any front, rear, or side yard that is required by the provisions of this chapter to be maintained on lots located in any zoning district.

[Added 12-19-2006 by Ord. No. 06:22]

RETENTION BASIN

Those areas which exist or are created for the storage of stormwater and absorption of this water into the ground.

SET-ASIDE

The percentage of low- and moderate-income housing units in a development.

SEXUALLY ORIENTED BUSINESS

[Added 4-5-2005 by Ord. No. 05:04]

(1)

A commercial establishment that, as one of its business purposes, offers for sale, rental, or display any of the following: books, magazines, periodicals or other printed material; computer programs or software; or photographs, films, compact or video disks, motion pictures, videocassettes, slides or other visual representations which depict or describe a specified sexual activity or specified anatomical area; or still or motion-picture machines, projectors, or other image-producing devices that show images to one or more person per machine at any one time, and where the images so displayed are characterized by the depiction of a specified sexual activity or specified anatomical area; or instruments, devices, or paraphernalia that are designed for use in connection with a specified sexual activity; or

(2)

A commercial establishment that features live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity, or that regularly shows films, motion pictures, videocassettes, slides, or any computer-generated or electronically generated images or other photographic representations that depict or describe a specified sexual activity or specified anatomical area.

SIDE YARD

An open, unoccupied space between the side line of the yard and the nearest line to the building and extending from the front yard to the rear yard or in the absence of either of such yards, to the street or rear lot lines as the case may be. The width of a side yard shall be measured at right angles to the side line of the lot.

SIGN

Any building or structure or part thereof or device thereto or painted or represented thereon which present, display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisements. For the purpose of this chapter, "sign" does not include the flag, badge, pennant or insignia of any government or governmental agency, civic, charitable or religious group.

SIGHT TRIANGLE

A triangular area outside the street right-of-way abutting two intersecting streets or a driveway intersecting a street. The "sight triangle" shall be determined along the curb line or edge of driveway 30 feet distance from the edge of pavement and permitting a sight distance of not less than 150 feet. where roadways involved shall have speed limits not exceeding 25 miles per hour In the case of roadways where the speed limit is in excess of 25 miles per hour, the minimum site distance shall be in accordance with the American Association of State Highway and Transportation Officials (ASHTO) standards.

[Added 2-25-2004 by Ord. No. 04:01]

SLOPE

For the purposes of this chapter, a slope shall be determined by dividing vertical elevation difference on adjacent contour lines by the scaled horizontal distance perpendicular to these adjacent contour lines. For the purpose of measurement or calculation on any map, plat, plan or other document required by the Borough of Norwood or any agency or Board thereof, slopes shall be measured upon a scale of one inch equals 20 feet for parcels of less than one acre and one inch equals 30 feet for parcels in excess of one acre.

[Amended 2-25-2004 by Ord. No. 04:01]

SPECIFIED ANATOMICAL AREA

[Added 4-5-2005 by Ord. No. 05:04]

(1)

Less than completely and opaquely covered human genitals, pubic region, buttock, or female breasts below a point immediately above the top of the areola; or

(2)

Human male genitals in a discernibly turgid state, even if covered.

SPECIFIED SEXUAL ACTIVITY

[Added 4-5-2005 by Ord. No. 05:04]

(1)

The fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock, or female breast; or

(2)

Any actual or simulated act of human masturbation, sexual intercourse, oral sex, or deviate sexual

intercourse.

STEEP SLOPE

Lot area upon which improvements are to be placed, altered or expanded where the mean gradient is greater than 15%.

[Amended 2-25-2004 by Ord. No. 04:01]

STORY

That part of a building between the surface of any floor and the next floor above it or in its absence, then the finished ceiling or roof above it. A split-level story shall be considered a second story if its floor level is five feet or more above the level of the line of the finished floor next below it, except a basement. A basement or cellar shall be counted a story if its ceiling is more than four feet above the mean grade and if it is used for business or sleeping purposes. Any floor under a sloping roof at the top of a building which is more than two feet below the top plate shall be counted as a story and if less than two feet below the top plate, it shall be counted as a half story, provided that not more than 60% of the floor area is used for rooms, baths or toilets; otherwise, it shall be counted as that fraction of a story which its floor area in rooms, baths or toilets bears to the entire floor area.

STREAM

Any natural body of water flowing continuously or intermittently, whether designated as a stream, spring, brook, river or otherwise and consisting of a bed, bank and water, but not including lakes or ponds.

STREET

Any thoroughfare, highway or road or roadway which affords a means of access to adjoining property and which has been dedicated or deeded to the public for public use.

STREET LINE

The edge of the existing or future street right-of-way, whichever would result in the widest right-of-way, as shown on an adopted Master Plan or official map forming a dividing line between the street and any lot.

[Amended 2-25-2004 by Ord. No. 04:01]

STRUCTURE

A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

SUBSTANTIVE CERTIFICATION

A determination by COAH approving the housing element and fair share plan of the Borough in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. and COAH regulations, N.J.A.C. 5:91 and 5:92. A grant of substantive certification shall be valid for a period of six years in accordance with the terms and conditions established by COAH.

TREE

Any woody perennial plant with one main trunk, such trunk having a diameter of at least eight inches when measured four feet above the level of the existing grade.

USE

The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

WATERCOURSE

Rivers, streams, brooks, waterways, lakes and all other bodies of water, whether public or private, excluding piped drainage systems, which are contained within, flow through or border on the Borough of Norwood and which receive or conduct surface water runoff.

WETLANDS

Those areas that are inundated by surface or ground water with a frequency sufficient to support and

under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil condition for growth and reproduction. Wetlands include but are not limited to swamps, marshes, bogs and similar areas, such as sloughs, wet meadows, river overflows, mud flats and natural ponds. Wetlands shall include but not be limited to those shown on the United States Department of the Interior Wetland Maps or similar maps published by the New Jersey Department of Environmental Protection.

ZONING BOARD

The Zoning Board of Adjustment as continued under this chapter.

ZONING OFFICER

The Construction Official unless otherwise designated by the Borough Council.

C.

In addition, all definitions adopted by COAH in its regulations, at N.J.A.C. 5:91 and 5:92, shall apply to this section.

ARTICLE II Establishment of Zones (§ 233-4 — § 233-6)

§ 233-4 List of zones.

[Amended by Ord. No. 84-0-20; Ord. No. 96-0-20]

The territory of the Borough of Norwood is hereby divided into the following zones:

R40	One-Family Residence
R-22.5	One-Family Residence
R-10	One-Family Residence
R-7.5	One-Family Residence
B	Business
LI	Light Industry
LA	Laboratories and Administrative
LA-5	Laboratories and Administrative - 5 Acres
PPP	Park and Public Purposes
TH	Planned Residential Townhouse Development
SH	Senior Housing Zone

§ 233-5 Zoning Map.

[Amended by Ord. No. 84-0-20; Ord. No. 86-0-08; Ord. No. 96-0-20]

A.

The map entitled "Zoning Map of the Borough of Norwood, Bergen County, New Jersey" dated July 26, 1960, and revised November 1, 1968, November 6, 1968, June 15, 1972, and subsequently revised by the adoption of this chapter, delineating the above zone districts and the schedule and requirements which accompany this chapter are hereby declared part thereof and the aforesaid Zoning Map as revised is adopted as the Zoning Map of the Borough of Norwood.

B.

The Zoning Map is amended to add the following described area to delineate the Senior Housing Zone:

<p>A parcel of land in the Borough of Norwood, County of Bergen, State of New Jersey, beginning at the most northwesterly corner of the herein described tract, said point of beginning being in the southerly sideline of D'Ercole Court and being distant a) 115.31 when measured along the aforementioned southerly sideline of D'Ercole Court on a bearing of south 27°-17-32 East to a point of curvature and b) still along the same on a curve to the left in a southeasterly direction on a radius of 90.00, an arc distance of 24.30 and c) still along the same North 26°-50-59 East 24.36, from the intersection caused by the aforementioned southerly sideline of D'Ercole Court and the southeasterly sideline of McClellan Street (50 feet in width) and running thence.</p>	
1.	Along the southerly sideline of D'Ercole Court South 63°-09-01 East 655.98 to a point in the line of lands of Lot 7 Block 173; thence
2.	Along the same South 47°-19-10 West 489.04; thence
3.	Along the line of other lands of the Borough of Norwood North 63°-09-01 West 484.95 to a point in the lands of Lot 3 Block 171; thence
4.	Through the same and through a portion of Lot 7.01 Block 167 and other lands of the Borough of Norwood North 26°50-59 East 458.16 to the point or place of beginning.
<p>Said tract contains approximately 261,360 square feet or 6,000 acres.</p>	

§ 233-6 Zoning boundaries.

Where uncertainty exists as to any boundaries as shown on the Zoning Map, the following rules shall apply:

A.

The boundaries of the several respective zones are as shown on the Zoning Map. If not shown and where such zone boundary lines are not fixed by dimensions as shown on the Zoning Map, the zone boundary lines are intended to follow either the center line of streets, railroad rights-of-way, streams and road or property lines as they exist on plats of record as of September 6, 1960.

B.

Where such boundaries are not fixed by dimensions and where they approximately follow lot lines, and where they do not scale more than 10 feet distant therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

C.

In unsubdivided land and where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.

ARTICLE III Schedule of General Requirements (§ 233-7 — § 233-9)

§ 233-7 Applicability.

[Amended by Ord No. 84-0-20; Ord. No. 86-0-15; 2-25-2004 by Ord. No. 04:01]

A.

Schedule A, Schedule of General Requirements

Editor's Note: Schedule A, Schedule of General Requirements is included at the end of this chapter shall apply to the uses of land and buildings, the yards and other open spaces to be provided contiguous thereto and all other matters contained therein, as indicated for the various zones established by this chapter, except as modified or superseded by the provisions set forth in §§ 233-8 and 233-9 below.

B.

The requirements listed for each zone as designated, reading from left to right across the Schedule A, Schedule of General Requirements, are hereby prescribed for such zone, subject to the other provisions in this chapter and shall be deemed to be the minimum requirements in every instance of their application, unless otherwise stated.

§ 233-8 Slope modification.

[Amended 2-25-2004 by Ord. No. 04:01]

Pursuant to the definitions provided in this chapter, in areas with steep sloping lands, Schedule A, Schedule of General Requirements shall be modified and superseded such that the minimum lot area, minimum front/rear yard, minimum side yards, minimum lot depth, minimum lot frontage, maximum lot coverage, maximum improved lot coverage and maximum disturbed land area requirements are established as set forth in Schedule B, Schedule of Area, Yard and Bulk Regulation in Areas of Steep Sloping Land, Tables 1 through 6, annexed hereto and made a part hereof.

Editor's Note: Schedule A, Schedule of General Requirements and Schedule B, Schedule of Area, Yard and Bulk Regulations in Areas of Steep Sloping Land, Tables 1 through 6, are included at the end of this chapter.

§ 233-9 Flood prevention modification.

Pursuant to the definitions provided in this chapter, Schedule A, Schedule of General Requirements

Editor's Note: Schedule A, Schedule of General Requirements is included at the end of this chapter. and other applicable provisions shall be modified and superseded by the following provisions:

A.

Flood hazard areas and floodways.

(1)

No permanent structure or building or any enlargement of a permanent structure or building shall be permitted in a floodway or within the flood hazard area.

(2)

Within a designated floodway or flood hazard area, no filling, grading, dredging or other development shall be permitted in accordance with Chapter 131, Flood Damage Prevention, as finally adopted.

(3)

For all streams with flood hazard area designations, the applicable required rear or side yard setbacks shall be 50 feet from the floodway or 25 feet from the flood hazard area, whichever is greater.

B.

Detention/retention basins. For lots with detention/ retention basins, the applicable required rear or side yard setbacks shall be measured from the limits of the detention/retention basin.

C.

Wetland areas. For lots with wetland areas, the applicable required rear or side yard setbacks shall be measured from the wetland limits.

ARTICLE IV General Regulations (§ 233-10 — § 233-23.1)

§ 233-10 Compliance with zone regulations.

No building shall hereafter be erected and no existing building shall be moved, structurally altered, added to or enlarged, reconstructed, rebuilt or converted, nor shall any land or building be designed, used, or intended to be used for any purposes whatsoever unless such building or use complies with all other zone regulations established by this chapter for the zone in which the building or land is located. Nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, building location, percentage of lot coverage and such other regulations designated in § 233-1 and all

regulations established by this chapter for the zone in which such building or space is located.

§ 233-11 Number of buildings in certain zones restricted.

No lot in zones R-40, R-22.5, R-10, R-7.5 shall have erected upon it more than one residential building and its accessory building(s).

§ 233-12 Frontage.

Every principal building shall be built upon a lot with frontage upon a dedicated public street.

§ 233-13 Off-street parking.

Off-street parking space shall be provided as specified herein and shall be accessible to a street by means of necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which the same is situated and shall not thereafter be encroached upon or reduced in any manner. No use, display of goods or permanent parking facilities shall be permitted in any required front yard. No commercial vehicles of over 3/4 ton type shall be parked out of doors overnight in any residential zone and such overnight parking by commercial vehicles of 3/4 ton or less shall be in a driveway or garage. No commercial vehicles of any type shall be parked on the street itself in any residential zone, except for delivery or service to or for residences on the said street.

§ 233-14 New buildings.

Where a lot is formed from part of a lot already occupied by a building, such separation shall be effected in such a manner as not to impair any of the requirements of this chapter with respect to the existing building and all yards and other open spaces in connection therewith. No permit shall be issued for the erection of a new building on the new lot thus created unless it complies with all the provisions of this chapter.

§ 233-14.1 New streets; distance between streets; length of streets.

[Added 2-25-2004 by Ord. No. 04:01]

A.

Any newly developed street shall be a distance of not less than 750 linear feet from any point of an existing street on the same side of the street as the proposed new street.

B.

Any newly developed street ending in a cul-de-sac shall have a minimum length of 600 feet, measured from the intersection of the street to be created with the existing street to the farthest part of the cul-de-sac bulb.

§ 233-15 Accessory buildings.

A.

An accessory building attached to the main building shall comply in all respects with the requirements of this chapter applicable to the main building.

B.

No accessory building or structure shall be constructed or placed on any lot unless the principal building is first constructed or placed upon the lot.

C.

When the rear yard of a corner lot adjoins the front yard of a lot to the rear, no accessory building on such corner lot shall be located nearer to the street line of the street on which the lot to the rear faces than a distance equal to the depth of front yard required on such lot to the rear.

§ 233-16 Corner lots.

Corner lots shall provide the minimum front yard requirements for the respective zone for both intersecting streets.

§ 233-17 Yards and open spaces.

[Amended 10-5-2004 by Ord. No. 04:17]

A.

General regulations.

(1)

No building, structure or any part thereof shall project into any required front, side or rear yard except as provided hereafter. When used in this section, "required yard" means front, side and rear yards as required by this chapter.

(2)

No required yard or open space in connection with any building or use shall be considered as providing a required yard or open space for any other building on the same or any other lot.

B.

Projections into required yards - general exceptions.

(1)

The projection of parapets, windowsills, doorposts, rainwater leaders and similar ornamental or structural fixtures may project a maximum distance of not more than six inches into required yards.

(2)

Cornices, canopies, eaves, bay windows, balconies, landings and other similar architectural features may project a maximum distance of not more than two feet into required yards. Front steps may project a maximum distance of not more than four feet into a required front yard.

(3)

Chimneys or flues may project a maximum distance of not more than three feet into required yards.

(4)

Swimming pools shall be located according to the provisions of § 207-9 of this Code.

(5)

Fences and walls may project into any required yard, subject to the applicable regulations set forth in this Code.

C.

Front yard requirements affected by Master Plan or Official Map. If any lot fronts upon a street or right-of-way that is proposed to be widened as indicated on an Official Map or an adopted Master Plan of the Borough, then the front yard shall be measured from the proposed future right-of-way line.

D.

Front yard requirement affected by future widening. If any lot fronts upon a street or right-of-way that is proposed to be widened by a proposed dedication of land for a right-of-way widening or a proposed easement for road widening purposes, then the front yard shall be measured from the proposed future right-of-way or easement line.

§ 233-18 Obstructions to vision at street intersections.

At the intersection or interception of two or more streets no hedge or wall higher than three feet above curb level, nor any obstruction to vision other than a post not exceeding one square foot in cross-section area shall be permitted to be installed on any lot within the triangular area formed by the intersecting street lines bounding the lot or the projection of such lines and by a line connecting a point in each street line located 25 feet from the intersection of the street lines.

§ 233-19 Permitted incidental uses.

A.

Nothing in this section shall be deemed to prohibit the following accessory and incidental uses in addition to those specified in the schedule in § 233-7 and to the regulations in this chapter:

B.

Customary recreational and service uses and buildings in a public park, playground, beach or other recreational areas, incidental to the recreational use of such area.

§ 233-20 Professional offices.

A professional office, when conducted in a residential zone, shall be incidental to the use of the dwelling for dwelling purposes, shall be conducted by a member of the immediate family residing on the premises and entirely within the residential building, and in no case shall the number of employees in any such professional office exceed two in addition to the professional residing on the premises. The practice of the profession shall in no way adversely affect the safe and comfortable enjoyment of the property rights in the zone.

§ 233-21 Permit required for mechanical and automatic machines.

No coin-operated dispenser, including mechanical and automatic machines, in which a product is dispensed or a service rendered, will be permitted, except to dispense staple food items. Machines must be attached to a principal building and located only in the Business B Zone. The location of all such machines must not interfere with normal pedestrian or vehicular traffic; such determination is to be made by the law enforcing officials of the Borough. A permit must be secured from the Construction Official for all such installations. The fee for a permit shall be \$5 for each and every dispenser.

§ 233-22 Water and sewage systems.

Facilities for the provision of water or sewage systems to the uses permitted in the Borough shall comply in all respects with the statutes relating to waters, water supplies and sewage systems of the Board of Health of Norwood and the Department of Health of the State of New Jersey.

§ 233-23 Public utility uses.

[Amended 2-6-2001 by Ord. No. 01:01]

The Planning Board may authorize at its discretion, the issuance of a special permit in residential zones for any of the following buildings or uses: a telephone exchange, a substation or other public utility building, except a storage yard, garage or workshop. Such special permits may be issued however, only upon compliance with the following regulations:

A.

Detailed site plans and specifications and a statement setting forth the need and purpose of the installation shall be submitted to the Planning Board and shall comply with the provisions of this chapter.

B.

The design of any structure or building shall conform to the general area and shall not adversely affect the safe and comfortable employment of property rights of the zone in which it locates.

C.

Adequate and attractive fences and other safety devices shall be provided as determined by the Planning Board and also sufficient landscaping, including shrubs, trees and lawn shall be provided and maintained.

D.

Satisfaction of such other conditions as to general character, height and use of the structure as in the opinion of the Planning Board may be necessary to safeguard public health, comfort and convenience and as may be required for the preservation of the general character of the neighborhood in which such building is to be placed or such use to be conducted.

§ 233-23.1 Conditional uses.

[Added 10-6-2009 by Ord. No. 09:10]

The following are conditional uses that are permitted uses only on the conditions set forth herein:

A.

Communications towers are permitted subject to the following conditions:

(1)

Communications towers with communications antennas shall be permitted only on property that is located in the Light Industrial Zone and the Laboratory Administrative Zone. Communications towers with communications antennas are prohibited uses in all other zoning districts in the Borough;

[Amended 12-30-2009 by Ord. No. 09:13]

(2)

The Mayor and Council of the Borough must give its consent before Borough property may be used for a communications tower. This consent shall be in the form of a resolution of approval adopted by the Mayor and Council of the Borough;

(3)

No communications tower shall be erected or operated on Borough property, except pursuant to a license issued by the Mayor and Council or a lease entered into between the operator of the facility and the Borough;

[Amended 12-30-2009 by Ord. No. 09:13]

(4)

Communications towers shall either have a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color so as to reduce visual obtrusiveness;

(5)

Communications towers shall not be artificially lighted unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternative and design chosen must cause the least disturbance to the surrounding properties;

(6)

No signs shall be allowed on a communications tower;

(7)

The minimum lot area for any lot on which a communications tower is located is two acres;

[Added 12-30-2009 by Ord. No. 09:13]

(8)

The maximum permitted height of a communications tower is 100 feet;

[Added 12-30-2009 by Ord. No. 09:13]

(9)

Communications towers will be set back a distance that is at least 100% of the height of the tower, except that the setback will be at least 200 feet or 300% of the tower's height, whichever is greater, from all lot lines that are adjacent to any residential use, residential zone, park, school, or house of worship;

[Added 12-30-2009 by Ord. No. 09:13]

(10)

A minimum of two off-street parking spaces (10 feet by 20 feet in size for each space) will be provided;

[Added 12-30-2009 by Ord. No. 09:13]

(11)

All communications towers will be enclosed by security fencing that is at least six feet high. The fencing will be equipped with anti-climbing devices;

[Added 12-30-2009 by Ord. No. 09:13]

(12)

The following requirements shall govern the landscaping surrounding communications towers for which site plan approval is required:

[Added 12-30-2009 by Ord. No. 09:13]

(a)

The lot on which a tower is located will be landscaped with a buffer of plant materials that effectively screens the view of the communications tower and any related structures from any adjacent property used as a residence. The standard buffer shall consist of a landscaped strip, at least four feet wide, outside the perimeter of the communications tower and related compound;

(b)

In locations where the visual impact of the tower would be minimal, the Board may determine that the landscaping requirement may be reduced or waived; and

(c)

Existing mature tree growth and natural land forms on the site will be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer;

(13)

The equipment cabinets or structures used in association with communications towers will be located in accordance with the following:

[Added 12-30-2009 by Ord. No. 09:13]

(a)

In a front or side yard, the cabinet or structure will be no greater than six feet in height or 100 square feet of gross floor area, and the cabinet/structure will be screened by an evergreen hedge with an ultimate height of at least 42 inches to 48 inches and a planted height of at least 36 inches;

(b)

In a rear yard, the cabinet or structure will be no greater than eight feet in height or 120 square feet in gross floor area. The cabinet/structure will be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 48 inches;

(c)

In all other instances, structures or cabinets will be screened from view of all properties that abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 72 inches;

(d)

Emergency generators will be located below grade with suitable soundproofing so that noise volumes measured at all property lines do not exceed ambient levels. A nighttime restriction of 50 decibels measured at all lot lines shall be imposed; and

(e)

Equipment storage buildings or cabinets will comply with all applicable building codes;

(14)

The development application for a communications tower must indicate the proposed flight safety illumination; and

[Added 12-30-2009 by Ord. No. 09:13]

(15)

The development application for a communications tower must demonstrate appropriate means to camouflage the tower and antennas so that the structure and color match the background area as much as possible.

[Added 12-30-2009 by Ord. No. 09:13]

ARTICLE V Residential Zones (§ 233-24 — § 233-28.1)

§ 233-24 Compliance required.

Within the R-40, R-22.5, R-10 and R-7.5 Zones, no premises, lot, building or structure shall be used, and no building or structure shall be erected or altered to be used in whole or in part for any other than the following specified purposes.

§ 233-25 Permitted uses.

Permitted uses shall be as follows:

A.

One-family detached house used as residence by not more than one family.

B.

Church or any place of worship, including parish house and Sunday School building.

C.

School or other nonprofit educational institution, including playgrounds and accessory buildings.

D.

Public library, public park, public museum, Borough municipal building(s).

§ 233-26 Accessory uses.

Accessory uses on the same lot and customarily incidental to the permitted dwelling unit shall not include a business but may include:

A.

The use of a portion of a one-family residence as a professional office shall be restricted to the first floor of the building and shall not exceed 25% of the total floor area of the building.

B.

Toolsheds.

C.

Private garages, the capacity of which may not exceed three automobiles; provided, however, that in the R-40 Zone a maximum of two double garage doors, or one double garage door and two single garage doors with tandem parking, shall be permitted.

[Amended 5-4-2005 by Ord. No. 05:09]

D.

Accessory buildings shall not be located in any required yard, and shall be set back at least 10 feet from the principal building.

[Added 12-19-2006 by Ord. No. 06:22]

E.

No accessory building shall exceed the height of 25 feet or the highest point of the principal structure on the lot, whichever is lower.

[Added 12-19-2006 by Ord. No. 06:22]

F.

No accessory building may be used for human habitation, and no accessory building in any residential zoning district may be used for business or commercial purposes.

[Added 12-19-2006 by Ord. No. 06:22]

§ 233-27 Off-street parking requirements.

Off-street parking requirements shall be as follows:

A.

Residential: one off-street parking space for each one-family house.

B.

Churches: 1 1/2 spaces for each four seats.

C.

Schools: 1 1/2 spaces for each teaching or administrative staff member.

D.

Professional offices: one space for each 200 square feet of floor area used for such purpose.

§ 233-28 Signs permitted.

A.

Signs permitted shall be as follows:

(1)

A nonilluminated nameplate sign, situated within the property lines and bearing only the name of the principal occupant and/or the street number of a private dwelling and not exceeding 72 square inches in total area.

(2)

Professional sign bearing the name of the professional person residing on the premises and indicating his profession, provided that the sign shall not exceed one square foot in area.

(3)

Signs identifying a building or use in a residential area, such as a structure, used solely for church, school or governmental purposes and not including any activity of a retail nature, provided that the sign is located on the same premises as the use that it identifies.

(4)

A temporary sign advertising a home or lot for public sale, lease or rental. Such sign shall advertise and apply only to the premises where it is placed and shall be attached to the building or displayed on a suitable post on the premises.

B.

Signs permitted in Subsection A(3) and (4) shall not exceed eight square feet in area; shall not project beyond the property lines; shall not be illuminated by lighting of intermittent or varying intensity.

C.

Not more than one sign shall be permitted on the premises for each use or activity coming within the provisions of this section.

D.

All permanent signs which are permitted within the Borough of Norwood and contain letters, numbers or symbols in a language other than English shall so include Roman lettering, symbols in an English translation and Arabic numbers of sufficient visibility and substance to allow the reasonable identification of the location and means of egress and ingress to the premises, and the nature of the activity conducted therein readily apparent to the public, emergency personnel, law enforcement personnel and other municipal personnel, and such signs shall comply with all other sign requirements of the Borough of Norwood.

[Added 3-7-2000 by Ord. No. 00:02]

§ 233-28.1 Subdivision of existing lots.

[Added 5-4-2005 by Ord. No. 05:09; amended 7-5-2005 by Ord. No. 05:13]

A.

No parcel or tract of land under single ownership fronting on an accepted street in any residential zone shall be subdivided into two or more lots unless the proposed subdivided lots conform to the provisions of this section as hereinafter set forth.

B.

The lot area and lot frontage of any proposed lot shall not be less than the lot area and lot frontage as set forth on the applicable limiting schedule as referenced in § 233-7 or the average lot area and lot frontage of the lots in the neighborhood in which the lot to be subdivided is located, whichever is greater. When computing the average lot area and lot frontage of the lots in the neighborhood, the following lots shall be excluded from the computation: the lot proposed to be subdivided, tracts or lots that have been vacant for more than five years, and lots containing conforming nonresidential or multifamily uses.

ARTICLE VI Business Zone (§ 233-29 — § 233-34.1)

§ 233-29 Compliance required.

Within the Business B Zone, no premises, lot, building or structure shall be used, and no building or structure shall be erected or altered to be used in whole or in part for any other than the following specified purposes.

§ 233-30 Permitted uses.

Permitted uses shall be as follows:

A.

Retail business activities of and similar to the following types may be permitted:

(1)

Groceries and food stuffs.

(2)

Package liquors.

(3)

Drugs and pharmaceuticals.

(4)

Confectionery.

(5)

Dry goods and notions.

(6)

Stationery.

(7)

Hardware and paints.

(8)

Radio and television service.

(9)

Books and tobacco.

(10)

Periodicals and newspapers.

(11)

Antiques.

(12)

Barber and beauty shops.

(13)

Tailoring and dressmaking.

(14)

Dry cleaning collection but not processing.

(15)

Shoe repairing.

(16)

Retail florist.

(17)

Retail bakery.

(18)

Uses similar to those listed above.

B.

Business and professional offices, banks and fiduciary institutions.

C.

Parking lot for private passenger vehicles, but not for the storage of used or new motor vehicles for sale or hire.

D.

Restaurant, tavern, grill and other eating establishments, but not including transient or mobile structures or drive-in restaurants.

E.

Mortuary or funeral homes.

F.

Assembly hall, bowling alley and other similar commercial recreational activity, provided that it is carried on within a building.

G.

Sexually oriented businesses, as a conditional use, subject to the conditions set forth in § 233-34.1.

[Added 4-5-2005 by Ord. No. 05:04]

H.

Notwithstanding the above, the following uses are not permitted in the business zoning district:

[Added 12-19-2006 by Ord. No. 06:22]

(1)

Massage parlors or establishments.

(2)

Tattoo parlors or establishments.

(3)

Automobile junkyards, automobile, bus, truck, and other motor vehicle storage yards.

(4)

Building material storage yards.

(5)

Carting, express, hauling, or storage yards for solid waste and/or recycling collection and disposal.

(6)

Livery or boarding stables for animals, but veterinary hospitals providing short-term stays for animals receiving medical treatment in a stand-alone building are permitted.

(7)

Metal or woodworking shops.

§ 233-31 General requirements.

A.

Each business use shall provide loading and unloading facilities which must be located on the same lot and shall not be located in the required front yard and shall not be closer than 10 feet to the lot line of any property zoning for residential purposes.

B.

Where a business structure locates adjacent to an existing business structure, the side yard adjacent to the existing business need not be required, provided that there is vehicle access to the rear yard or some other location; however, all other requirements pertaining to the business must be complied with.

C.

Business structures or uses shall not display goods for sale purposes outside of the structure in which such activity is carried on.

D.

No storage of any kind is permitted in this zone other than with an enclosed roofed building.

E.

No building or premises shall be used and no building erected which is arranged, intended or designed to be used for any kind of manufacturing or treatment of products, except that any kind of manufacturing or treatment of products not included within the prohibition of this section may be carried on if it is customarily incidental to the conduct of a retail business conducted on the premises. However, the space used for such manufacturing or treatment of products shall not exceed 25% of the total floor space occupied by such retail establishment on the premises.

F.

Any trade, industry or use prohibited in Light Industrial and Laboratory Administrative Zones are prohibited in the

Business Zone.

§ 233-32 Off-street parking.

[Amended by Ord. No. 88-0-22]

A.

The term "floor area" as used herein is defined as that area used or intended to be used for service to the public as customers, patrons, clients, patients or tenants, including areas occupied by fixtures and equipment and used for the display or sale of merchandise but not including storage area.

(1)

Retail stores: one space for each 100 square feet of floor area.

(2)

Business, professional offices and banks: one space for each 250 square feet of floor area.

(3)

Restaurants, eating and drinking establishments, and catering halls: one space for each 2 1/2 seats.

[Amended 8-4-2009 by Ord. No. 09:06]

(4)

Mortuary or funeral home: one space for each car used in connection with the business, plus one space for each 40 square feet of assembly room floor area.

(5)

Assembly halls, theaters and so forth: one space for each five seats provided for its patrons (based on maximum seating capacity).

(6)

Bowling alley: four spaces for each alley.

B.

(Reserved)

Editor's Note: Former Subsection B, permitting the inclusion of off-site, off-street parking on lots within 200 feet of the property that is the subject of a development application, was repealed 7-3-2007 by Ord. No. 07:27.

C.

Nothing in this section shall be construed to prevent collective provision of off-street parking facilities by two or more buildings or uses located on adjacent lots, provided that the total of such off-street parking facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the standards contained in this section, and further provided that the land is owned by one or more of the collective users.

D.

Parking facilities may be located in any required yard space but shall not be less than 10 feet from any street line or 10 feet from any lot line which is zoned residentially.

E.

The required parking space shall be paved with an all-weather surface paving and shall be accessible from similarly paved areas herein called "aisles" or from similarly paved driveways, either or both of which must be connected directly or by means of similarly paved driveways to a public street. All such paving shall be maintained in a good usable condition. A two-way driveway shall not be less than 18 feet wide and a one-way driveway not less than 10 feet wide, in addition to any space included for parking space. Driveways and parking areas shall be illuminated during operating hours if such hours occur after sunset. Illumination shall be shielded from streets and adjoining residential properties. Driveways shall be free of all hazardous conditions at all times.

F.

No certificate of occupancy for any building shall be issued by the Construction Official until the parking space and access facilities required by this chapter have been completed. Where by reason of the adverse weather conditions, it is impractical to complete the parking space and access facilities, the certificate of occupancy may be issued upon the posting of a performance guaranty approved as to form by the Borough Attorney and as to sufficiency by the Borough Engineer. The performance guaranty will run for a period not to exceed three months.

§ 233-33**Signs permitted.**

[Amended by Ord. No. 84-0-12; Ord. No. 87-0-10; Ord. No. 89-0-08]

A.

Nonilluminated business signs, which shall not project more than 15 inches beyond the building line, shall each have an area of not more than 20 square feet, provided that such business signs shall in no case exceed in the aggregate 10% of the area of the street wall surface, including window and door area of the building on which or in front of which they are displayed.

B.

Illuminated business signs.

(1)

Illuminated business signs shall not exceed 10 square feet in area and shall not project more than 15 inches beyond the building line, provided that such signs shall in no case exceed in the aggregate 5% of the area of the wall surface, including window and door area of the building on which or in front of which they are displayed, and that no such sign shall be so placed as to interfere with a highway traffic light, traffic vision or similar safety factors. No signs shall be illuminated by lighting of intermittent or varying intensity.

(2)

Business signs may be illuminated but shall not be erected, painted or composed of neon, fluorescent, phosphorescent or similar material. Illuminated signs shall have sources of illumination shielded in such a manner that the same are not visible from the street or adjoining properties. No sign shall be illuminated by lighting or intermittent or varying intensity, nor shall any illumination be of any color light other than white. There shall be no external fluorescent spot, flood or other decorative lights illuminating any sign. All illuminated signs shall have a white background.

(3)

No business sign shall be in whole or in part moving, flashing, animated, mobile or revolving.

C.

Placement of signs on facades and windows.

(1)

Only one sign for each business shall be permitted on any facade of a building facing the public street. In the event the side of the building is visible from the public street this too shall be considered a facade facing the public street. Each business sign shall be erected parallel to the face of the facade. The bottom of each sign shall be at least eight feet above the highest point of the finished grade along the applicable facade.

(2)

Advertising and/or identification of membership in the retail or professional association or credit card, credit association or plan or manufacturer's identification or legally required licenses when attached to or painted on a window or windows of any structure, alone or in combination with a permitted sign placed upon the same window or windows shall not exceed 30% of the square footage of the total glass area or glazing area.

D.

Freestanding signs or pole signs.

(1)

Freestanding signs or pole signs are a conditional use in the B Zone only. All applications for freestanding or pole

signs shall be made to the Planning Board. The Planning Board shall review the application for the sign applying the same criteria as applicable to a site plan. The application for a freestanding or pole sign shall be considered a site plan application and be subject to all the conditions and requirements Chapter 231, Site Plan Review.

(2)

The following further conditions shall be applicable to any freestanding or pole signs:

(a)

A freestanding sign shall only be permitted if it is the only sign advertising a business. It shall not be permitted in conjunction with any facade signs.

(b)

Not more than one freestanding sign shall be erected for each 150 feet of frontage on a public street.

(c)

The aggregate area of the sign's two sides shall not exceed 30 square feet.

(d)

No freestanding sign shall be located within 30 feet of the boundary line of the property where it adjoins a public street and within 30 feet of a public or private off-street parking or interior driveway or within 50 feet of the boundary of a residential district.

(e)

The bottom of a freestanding sign shall be no less than four feet above the finished base of the sign, and the top of the freestanding sign shall be no greater than 12 feet above the finished base of the sign.

E.

All refuse and papers shall be kept constantly removed from ground spaces at least five feet in all directions around the sign, and vegetation, except trees and shrubs, shall be kept trimmed to not more than six inches in height.

F.

Except as otherwise specifically provided in this section, no sign shall project beyond the building line. No part of any sign shall extend above the top or beyond the ends of the wall surface on which it is placed. No sign, except such directional devices as may be required by federal aeronautical authorities, shall be placed, inscribed or supported upon the roof or upon any building, which sign extends above the roof of any adjacent building, and no sign shall be placed as to interfere with the opening of any exit door or to obstruct the view from any window opening to a room to be used for dwelling purposes. Permits must be obtained from the Construction Official for sign erection.

G.

Miscellaneous provisions.

(1)

Freestanding traffic control signs are permitted in addition to signs affixed to the building facade or freestanding business signs, provided that:

(a)

The signs provide traffic directions only.

(b)

The top of the traffic control sign shall be no greater than six feet above the finished grade at the base of the sign.

(c)

The size, color and sign of such sign shall conform with the latest Manual on Uniform Traffic Control Devices for Streets and Highways, United States Department of Transportation, Federal Highway Administration.

(2)

Noncommercial exterior signs are permitted, not exceeding two square feet, including but not limited to the designation of rest rooms, telephone location, restrictions on smoking and exitways.

(3)

All illuminated signs shall be shielded so as to prevent glare, and no sign shall be illuminated by lighting of intermittent or varying intensity, nor shall any sign be of any color light other than white.

(4)

One sign illuminated by white light only shall be permitted identifying a school, house of religious worship, public building or any other such public or quasi-public use, affixed to a suitable post or upon the facade of the building, located not less than 10 feet from any street or property line and not exceeding four feet in length on any one side.

(5)

Streamers, flags, spinners, bunting and similar devices, commonly used for grand openings and special events, are prohibited, except in conjunction with the opening of a business, in which event such display shall not exceed 14 days from the opening date of said business.

(6)

One temporary sign per lot may be affixed to a building, identifying the campaign headquarters of a political candidate or candidates. The following additional criteria shall apply:

(a)

The area of the sign on the front facade of a building shall not exceed two square feet for each foot of front wall width or 125 square feet, whichever is less. The area of the sign on the side facade or rear facade of a building shall not exceed one square foot for each foot of front wall width or 62 square feet, whichever is less.

(b)

Each sign shall be erected parallel to the face of the facade, not projecting more than 12 inches therefrom, nor projecting above the top or beyond either side of the building facade. The bottom of the sign shall be at least eight feet above the highest point of the finished grade along the applicable facade.

(c)

The sign shall be constructed of such material that it will not readily tear, and it shall be affixed so that it will not readily become detached.

(d)

The sign shall not be posted or displayed prior to 90 days before the election or referendum to which it relates and shall be removed within 15 days after said election or referendum.

(e)

The sign shall not be posted or displayed in such manner as to obstruct or substantially interfere with any window, door, stairway, fire escape or opening designed to provide light and air or ingress to and egress from any building.

H.

All permanent signs which are permitted within the Borough of Norwood and contain letters, numbers or symbols in a language other than English shall so include Roman lettering, symbols in an English translation and Arabic numbers of sufficient visibility and substance to allow the reasonable identification of the location and means of egress and ingress to the premises, and the nature of the activity conducted therein readily apparent to the public, emergency personnel, law enforcement personnel and other municipal personnel, and such signs shall comply with all other sign requirements of the Borough of Norwood.

[Added 3-7-2000 by Ord. No. 00:02]

§ 233-34 Prohibited uses.

The following uses and activities are specifically prohibited in the Business B Zone:

A.

Dance hall, billiard room.

B.

Used car lot.

C.

Trailers and trailer parks.

D.

Gasoline stations and auto-repair shops.

E.

Theaters, including outdoor and temporary.

F.

Drive-in restaurants.

G.

Businesses that depict, sell, present, or display, in any manner, any obscene form of expression or material.

[Added 4-5-2005 by Ord. No. 05:04]

H.

Sexually oriented businesses are permitted, but only as a conditional use, subject to the requirements of § 233-34.1.

[Added 4-5-2005 by Ord. No. 05:04]

I.

Communications towers.

[Added 12-30-2009 by Ord. No. 09:13]

§ 233-34.1 Sexually oriented businesses as conditional uses.

[Added 4-5-2005 by Ord. No. 05:04]

Sexually oriented businesses are permitted as conditional uses in the Business Zone, provided that the following conditions are complied with:

A.

No sexually oriented business may be located on any lot that is within 1,000 feet of the lot on which there is located any existing sexually oriented business; any church, synagogue, temple, or place of worship; any elementary or secondary school or school bus stop; any municipal or county playground or place of public resort or recreation; any hospital or child-care center; or any area zoned for residential use.

B.

Every structure used by a sexually oriented business shall be surrounded by a perimeter buffer of at least 50 feet in width, with plantings, fencing, or other physical dividers along the outside of the perimeter sufficient to impede the view of the interior of the premises in which the business is located.

C.

No sexually oriented business shall display more than two exterior signs, consisting of one identification sign and one sign giving notice that the premises are off limits to minors. The signs shall be in compliance with the requirements for signs in the zone, except that the identification sign shall be no more than 40 square feet in size.

D.

No obscene material may be depicted, sold, presented, or displayed in or by any sexually oriented business.

E.

Every sexually oriented business shall comply with the area and bulk requirements of the zone, except as otherwise provided in this section.

ARTICLE VII Light Industrial Zone (§ 233-35 — § 233-40)**§ 233-35 Compliance required.**

Within the Light Industrial LI-Zone, no premises, lot, building or structure shall be used and no building or structure shall be erected or altered to be used in whole or in part for any other use, except light industrial. No light industrial use shall be permitted unless the following standards are met.

§ 233-36 Permitted uses.

Permitted uses shall be as follows:

A.

The manufacturing, compounding, packing, processing or treatment of beverages, candy, cosmetics, dairy products, ice and toilet supplies.

B.

Metal working, tool and die shop, machine and welding shop, excluding drop hammer and similar machinery of a nuisance producing character.

C.

The finishing or assembling of articles made from previously prepared or refined materials.

D.

Other uses permitted upon approval of the Zoning Board, after referral to the Planning Board for review and report.

E.

Indoor racket recreational facilities, such as indoor tennis courts, squash courts, racketball courts, etc.

F.

Industrial uses not expressly permitted herein but, which by their nature and intensity of operations involved or conducted in connection with the use, are such that the use will conform to the requirements set forth in this article.

§ 233-36.1 Conditional uses.

[Added 12-30-2009 by Ord. No. 09:13]

Conditional uses are as follows:

A.

Communications towers, pursuant to the provisions of § 233-23.1.

§ 233-37 General regulations.A.

Uses permitted in the LI Zone shall be only those which are normally such that at no time will such use cause or result in any:

(1)

Dissemination of dust, smoke, smog, obnoxious gas, fumes or odors or other atmospheric pollution, noise or vibration beyond the boundaries of the zone in which it is located.

(2)

Hazard of fire or explosion or other physical hazard to any adjacent building or to any plant growth on any land adjacent to the site of the use.

(3)

Hauling of materials, goods or products to or from the site of such use in a volume or manner materially incongruous with the normal traffic on the streets in the neighborhood.

B.

No noise shall be audible nor shall vibrations be felt at a distance greater than 100 feet from the building line of any industrial building. The operation of an industry is deemed to be a nuisance by reason of noise when the level of noise as measured at the above distance is in excess of 60 decibels above the reference level. The reference level for noise measurement shall be the American Standards Association (ASA) standard sound pressure reference level of 0.0002 dyne per square centimeter at 1,000 cycles. Instrumentation and methods of measurement shall be based upon the ASA standards.

C.

No burning of materials in open fires shall be permitted.

D.

No discharge into any disposal system or stream or into the ground of any materials of such nature or temperature as can contaminate any water supply or cause the emission of any discernible odor shall be permitted.

E.

Loading and unloading facilities on the same lot with the principal building shall be provided to meet estimated normal demand for such facilities incidental to respective industrial uses. The area shall not be located in the required front yard space and shall not be less than 10 feet from any street or lot line.

F.

No storage of any kind is permitted in this zone other than within a roofed building so as to obscure storage from view along any road or from any residential or business zone.

§ 233-38 Off-street parking.

[Amended by Ord. No. 89-0-07]

A.

Minimum requirements; exceptions.

(1)

There shall be a minimum of three parking spaces for each two persons occupying each building, but in no event shall there be fewer than 30 parking spaces for each building.

(2)

Parking exceptions shall be as specified for the Business B Zone as provided in § 233-32B and C.

B.

Off-street parking spaces shall in no case be located less than 30 feet from any street line or less than 25 feet from any residentially zoned property.

C.

No certificate of occupancy for any building shall be issued by the Construction Official until the parking space and access facilities required by this section have been completed. Where by reason of the adverse weather conditions, it is impractical to complete the parking space and access facilities, the certificate of occupancy may be issued upon the posting of a performance guaranty approved as to form by the Borough Attorney and as to sufficiency by the Borough Engineer. The performance guaranty will run for a period not to exceed three months.

§ 233-39 Signs permitted.

A.
All signs permitted as in the Business B Zone shall be permitted.

B.
All of the requirements that apply to signs in § 233-33 shall apply to this zone.

§ 233-40 Prohibited uses.

The following activities and uses are specifically prohibited uses in the LI-Zone:

A.
The manufacture of heavy chemicals, such as but not limited to acids or other corrosives, ammonia, caustic soda and sulfuric acid; the manufacture of basic or semi-finished chemicals, such as cellulose products, resins, dyestuffs, glue, vegetable, animal or mineral fats or oils, explosives, combustible gases, soaps and detergents, fertilizers, asphalt and tar products; the manufacture or production of metals and alloys in ingot form; the manufacture or production of cement, plaster, cork and their constituents; matches, paints, oils, varnishes, lacquer, rubber or rubber products; the slaughtering or processing of animals, fowl or fish; the processing, sale, storage or reclamation of junk of all kinds, including automobile wrecking and storing.

B.
Junkyards.

ARTICLE VIII Laboratory Administrative Zone (§ 233-41 — § 233-45)

§ 233-41 Compliance required.

Within the LA Zone and the LA-5 Zone, no premises, lot, building or structure shall be used, and no building or structure shall be erected or altered to be used in whole or in part for any other use, except the following specified purposes:

§ 233-42 Permitted uses.

Permitted uses shall be as follows:

A.
Office buildings for executive or administrative purposes.

B.
Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto, provided that no materials or finished products shall be manufactured, processed or fabricated on the premises for sale, except such as are incidental to research, design or experimentation conducted on the premises.

C.
Nursing homes, which is defined for the purpose of this chapter to mean a building designed for the reception or care of persons who are dependent or not capable of properly caring for themselves and shall be understood to include homes for the aged or infirm, or where chronically ill or incurable persons are housed or lodged and furnished with food and nursing care for compensation. Nursing homes shall be permitted in LA Zone only and not in LA-5 Zone.

D.
Accessory uses customarily incidental to the above.

§ 233-42.1 Conditional uses.

[Added 12-30-2009 by Ord. No. 09:13]

Conditional uses are as follows:

A.

Communications towers, pursuant to the provisions of § 233-23.1.

§ 233-43 General regulations.

The specified uses shall not be permitted unless the following standards are met:

A.

No use shall be established, maintained or conducted so that the same will cause:

(1)

Dissemination of smoke, fumes, gas, dust, odor or any atmospheric pollutant beyond the boundaries of the lot occupied by such use.

(2)

Discharge of any waste material whatsoever into any watercourse, except in accordance with existing state and local requirements.

(3)

Dissemination of glare, noise or vibration beyond the immediate site or lot on which such use is conducted. See § 233-37B for standards that apply to this zone also.

(4)

Physical hazard by reason of fire, explosion, radiation or similar cause to property in the same or adjacent zones.

B.

Each laboratory or office building use shall provide loading and unloading facilities which must be located on the same lot and shall not be located in the required front yard area and shall not be closer than 50 feet to the lot line of any property zoned for residential purposes or a street line.

C.

At least 25% of the entire lot shall be landscaped and seeded and used for no other purpose.

§ 233-44 Off-street parking.

A.

All of the requirements of § 233-38A and C pertain to this zone.

B.

Parking areas shall not be permitted less than 150 feet from any street line or less than 50 feet from any residential zone.

§ 233-45 Signs permitted.

A.

Signs permitted shall be all signs as in the Business B Zone.

B.

All of the requirements that apply to signs in § 233-33 shall apply to this zone.

ARTICLE IX Mount Laurel Zone (§ 233-46 — § 233-57)

[Added by Ord. No. 86-0-02; amended by Ord. No. 92-0-04; Ord. No. 93-0-22]

§ 233-46 Compliance required.

Within the ML Zone, no premises, lot, building or structure shall be used, and no building or structure shall be erected or altered to be used in whole or in part for any other use, except the following specified purposes.

§ 233-47 **Purpose.**

The purpose of this article is to establish a lower income housing zone (ML) of the townhouse or garden apartment development to be constructed by the Housing Development Corporation of Bergen County (HDC) or the Borough itself or whoever the Borough may select or designate as the developer or builder. This article is being adopted for the purpose of resolution of Norwood Easthill Associates, et al v. Borough of Norwood, et al, L-24219-83, L-16258-80 and L-00491-83, insofar as the case involves the Borough of Norwood in accordance with the revised Settlement Agreement dated October 16, 1985, as may be further amended or revised from time to time as required by the Superior Court of the State of New Jersey and to help the Borough satisfy the conditions and obligations imposed on it by the Council on Affordable Housing (COAH). The purposes of this article constitute the reasons for deviation with the land use plan element of the Master Plan of the Borough of Norwood in accordance with N.J.S.A. 40:55D-62a.

§ 233-48 **Permitted uses.**

Multifamily garden apartment, townhouse or condominium developments shall be permitted in the ML zone in accordance with the requirements of this article.

§ 233-49 **Development constraints.**

A.

Development under the terms of this section shall be permitted in the ML zone, except:

(1)

Where the bedrock is within four feet of the ground surface and the topography makes it impossible to construct water and sewer lines without extensive blasting.

(2)

On slopes in excess of 25%.

(3)

In areas where residential development is prohibited by state or federal law.

(4)

In areas where residential development would create a significant danger to public health or safety which cannot reasonably be substantially ameliorated by actions of the developer or the municipality.

(5)

Within 25 feet of features of unique cultural or historical significance which cannot be otherwise adequately protected through site layout and design or other reasonable measures by the developer.

B.

Nothing in this article shall limit the discretion of any municipal agency to require the reasonable steps to be taken to ameliorate problems of drainage, soil erosion or other substantial environmental problems that may be caused by development under the terms of this article.

C.

Land which may not be developed under this article may be included in a development under the terms of this article for purposes of calculating building coverage, gross density, open space and setbacks.

§ 233-50 **Design standards.**

The following design standards shall apply to the ML Zone:

Minimum lot size	4 acres
Maximum gross density (dwelling units/acre)	12.5 units/acre
Front setback requirement (feet)	25
Rear setback requirement (feet)	20
Side yard setback (feet)	10
Building coverage	40 percent
Maximum building height	3 stories 40 feet
Usable open space	20 percent

§ 233-51 Recreation.

Multifamily developments in the ML Zone shall provide space in a usable configuration for play lots or a shaded area for the elderly or other space for recreation which is appropriate for that development, distributed throughout the development so as to be convenient to residents.

§ 233-52 Off-street parking.

A.
Off-street parking shall be provided as follows for townhouse units, garden apartments or condominiums:

(1)
For each three-bedroom unit: 2 spaces.

(2)
For each two-bedroom unit: 1.75 spaces.

(3)
For each one-bedroom unit: 1.5 spaces.

B.
Parking stalls shall be nine feet by 19 feet.

§ 233-53 Street widths, shoulders and rights-of-way.

Street widths, shoulders and rights-of-way shall be provided as follows:

A.
Paved widths.

(1)
Collector:

(a)
Thirty-six feet for two lanes in each direction and emergency street parking only.

(b)
Thirty-six feet for one lane in each direction and parking either side.

(2)
Minor streets:

(a)

Thirty feet for two lanes and parking on two sides.

(b)

Twenty-two feet for two lanes and parking on one side or culs-de-sac over 300 feet long.

(c)

Twenty feet for culs-de-sac up to 300 feet long.

(d)

Eighteen feet for short one-way loops serving up to 15 dwelling units or for culs-de-sac serving five to seven dwellings.

B.

Shoulders. A planted shoulder of at least 8 1/2 feet shall be provided on either side of the paved roadway.

C.

Right-of-way. The total right-of-way to be reserved shall be computed by adding the shoulder requirement to the paved roadway width required.

D.

Curbs. Curbs shall be provided as follows:

(1)

Collector streets. A masonry curb of at least six inches shall be provided.

(2)

Minor streets. A straight, battered curb of asphalt shall be provided.

E.

Road gradients. Road gradients shall not be less than 0.5% for any road. The maximum gradient shall be 15% for minor streets and 10% for collector streets.

F.

Culs-de-sac. Culs-de-sac shall serve a maximum of 25 units or shall not be longer than 1,000 feet, whichever is less. The paved right-of-way of a cul-de-sac turnaround shall be at least 80 feet in diameter and the right-of-way radius shall not be less than 50 feet.

§ 233-54 Additional standards.

A.

There shall be no minimum project size requirement.

B.

There shall be no minimum requirements for dwelling unit sizes or occupancy-based size requirements, other than contained in the State Housing Code and Hotel and Multiple Dwelling Law.

C.

There shall be no requirements concerning:

(1)

Architectural uniformity.

(2)

Facade materials or color type.

(3)

Maximum building lengths or staggering of units.

(4)

Mandatory storage areas.

(5)

Enclosed garages.

(6)

Varied building heights or uniform roof lines.

(7)

Separate entrances.

(8)

Superintendent occupancy, except as required in subsidized projects.

§ 233-55 Low- and moderate-income housing requirements.

At least 50% of the total number of dwelling units in each development in the Mount Laurel Zone shall be made affordable to and sold or rented to low-income households and the remainder shall be made affordable to and sold or rented to moderate-income households, as defined in Article XI, Affordable Housing Requirements.

§ 233-56 Municipal cooperation.

The municipality shall take all reasonable steps to foster development of the units affordable to low- and moderate-income households in the ML Zone, including but not limited to:

A.

Adoption of such resolutions of need, execution of payment-in-lieu-of-taxes resolutions or public housing cooperation agreements with the Bergen County Housing Authority as may be necessary to facilitate a developer in obtaining public subsidies for the construction of housing affordable to low- and moderate-income households.

B.

Providing for expedited disposition of site plan applications and municipal approvals by the developer.

C.

Cooperation with the developer in securing sewage and water connections.

D.

Cooperation with the needs of the developer and the requirements of relevant state and federal agencies concerning the administration of resale price controls.

E.

Waiver of the following fees for lower income units in the affordable housing developments:

(1)

Subdivision and site plan application fees in the development.

(2)

Building permit fees, except state fees.

(3)

Certificate of occupancy fees.

(4)

Engineering fees in the development.

§ 233-57 Boundaries.

A parcel of land lying in the Borough of Norwood described as follows:

Being known and designated as Lot 1, Block 177 and portions of Lot 1, Block 176 and Lot 7, Block 167 and a portion of Grant Avenue in the Borough of Norwood, Bergen County, New Jersey and being more particularly described as follows:	
Beginning at the point formed by the intersection of the southerly sideline of Williams Avenue and Feitner Street running; thence	
1.	Southerly, along the said westerly sideline of Feitner Street 285 feet more or less to a point therein; thence
2.	Westerly by a new line through Lot 1.01, Block 176 and Lot 7.01, Block 167, parallel with the said southerly sideline of Williams Avenue, 727 feet more or less to the easterly sideline of McClellan Street; thence
3.	Northerly, along the various courses of the said easterly sideline of McClellan Street 351 feet more or less to the southerly sideline of Williams Avenue produced westerly; thence
4.	Easterly, along the said southerly sideline of Williams Avenue, parallel with the second course herein, 528 feet more or less to the said westerly sideline of Feitner Street and the point of Beginning.
Contains 4.02 acres more or less.	

ARTICLE X Special Overlay Zone in LI Zone (§ 233-58 — § 233-60)

[Added by Ord. No. 86-0-07]

§ 233-58 Special overlay zone established.

There is hereby created and established within the Borough of Norwood a special overlay zone consisting of the following properties: Lots 1 and 7 in Block 145 which is presently in the LI zone.

§ 233-59 Permitted uses.

[Amended by Ord. No. 93-0-22]

A.
The following uses are permitted within the special overlay zone:

(1)
Principal permitted uses:

(a)
All uses permitted in the LI zone;

(b)
Public playgrounds.

(c)
Parks and recreation areas.

(d)
Private parks.

(e)
Public purpose facilities necessary for the health, safety and welfare of the community.

(f)

Garden apartment dwelling units, subject to the provisions of Article XI, Affordable Housing Requirements.

(2)

Accessory uses permitted:

(a)

Retention and detention facilities.

(b)

Public utilities and essential services pertinent to and necessary for any principal use.

(c)

Off-street parking areas.

(d)

Garages and private storage buildings, including maintenance buildings and garbage and trash collection enclosures to service principal use.

(e)

Indoor and outdoor recreation facilities including tennis courts, swimming pool and clubhouse facilities, provided that same are designed and intended for the use of residents of the garden-apartment development.

B.

No garden-apartment development shall be constructed or used in the Special Residence Zone unless 20 units are designated for a period of no less than 25 years from the date of initial occupancy of the development, for use by low- and moderate-income households as defined by the Department of Housing and Urban Development (HUD) of the United States government for the statistical area in which the Borough of Norwood is situated and as further defined by Mount Laurel II. A developer shall have the option of subsidizing construction of no more than 20% of its obligation for low- and moderate-income units at the Borough's Mount Laurel building site through the Housing Development Corporation of Bergen County on terms and conditions satisfactory to the Borough and the Housing Development Corporation, which terms will reasonably guarantee construction of the units.

§ 233-60

Area, yard and bulk requirements.

[Amended by Ord. No. 86-0-07]

A.

Lot area. The minimum tract shall be eight acres.

B.

No building shall exceed 320 feet in length on any one axis.

C.

The maximum number of stories shall be two, and the maximum building height shall be 35 feet. The height shall be measured from the average ground elevation surrounding the building.

D.

No building shall contain less than eight or more than 24 dwelling units. Buildings may be attached.

E.

Buildings, the sides of which are parallel, shall be at least 25 feet apart. Where an access drive is located between the buildings, the buildings shall be at least 45 feet apart.

F.

Cellars may be permitted, but the use of any cellar must be specified in detail in the site plan. No dwelling units shall be permitted in cellars or basements. A "cellar" is defined as that area below the first floor level when the first floor level is at ground level. A "basement" is defined as that area below first floor level when the floor level is up to but not including four feet above ground level.

G.

All principal buildings shall provide not less than two exterior common exposures for each unit, each of which shall be properly placed so as to provide through ventilation or cross ventilation for each unit.

H.

No air-conditioning unit shall project more than six inches from the face of the wall of the building in which it is installed and no window-type air-conditioning units shall be permitted.

I.

All principal buildings shall have television antenna equipment built into the building to eliminate individual antennas being erected upon the roof. In lieu thereof, CATV or its equal may be provided. This section shall not apply to a common antenna tower, subject to Planning Board approval.

J.

The number of living units per building and general site plan of building must be approved by the Planning Board or Board of Adjustment in accordance with Borough site plan review standards.

K.

Gross density limit. The gross density of a garden apartment project shall not exceed 17 units per acre.

L.

Building coverage limit. The base footprint floor area of all structures shall not exceed 20% of the total site area.

M.

Two bedroom units shall not exceed 40% of total number of units provided.

(1)

Dwelling unit requirements:

(a)

Gross floor area minimum.

[1]

One-bedroom unit: 600 square feet.

[2]

Two-bedroom unit: 800 square feet.

(2)

Off-street parking and circulation. Off-street parking facilities shall be provided in accordance with the following requirements:

(a)

Parking space requirement:

[1]

Minimum spaces per unit: 1 1/2.

[2]

Minimum dimensions: nine by 20 feet; compact spaces eight by 18 feet in dimension may be provided for not more than 30% of the total parking provided.

[3]

Minimum distance to buildings: five feet.

[4]

Minimum distance to property line: five feet.

(b)

Garages. A garage, if provided, shall constitute one parking space.

(c)

General requirements. Parking areas and access drives shall be paved and curbed and provided with adequate systems of storm drainage. Furthermore, each parking space is to be properly maintained and policed at all times.

(d)

Access drives:

[1]

Minimum width: 24 feet.

[2]

Minimum distance to any building: five feet; to property line: five feet.

[3]

Access drives shall be so located and arranged as to provide safe and efficient movement of vehicular and pedestrian traffic.

(3)

General requirements:

(a)

Sidewalks:

[1]

Concrete sidewalks, to be constructed in accordance with the Borough's specification ordinance to a paved width of not less than four feet, shall be provided:

[a]

To and from buildings and parking areas.

[b]

To and from buildings and roads or accessways.

[c]

To all service areas.

[2]

No sidewalks, except those leading to and from building entrances and exits, shall be placed closer to a building than 10 feet, but sidewalks may be placed in landscaped areas and within required yard setback areas.

(b)

All areas of a garden apartment site not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully and attractively landscaped with trees, shrubs and grass lawns. Any trees or shrubs in a healthy state at the time the development begins shall remain and be protected during construction, provided that they are within areas designated as "open space" and not subject to extreme grading. At least 10% of the gross site shall be devoted to common open space for use of residents.

(c)

Exterior garbage containers shall be so located as to efficiently service all apartments, but shall be clustered so as to have a minimum number of areas. All such areas shall be provided with sufficient screening on all sides by wood or other similar materials so as to prevent access to the same by animals; said screening shall be at least six feet in height and designed so as to harmonize with the other architectural elements on the site. Garbage containers shall be a minimum of 25 feet from all property lines or fenced and enclosed.

(d)

Interior roads, driveways, private thoroughfares, parking areas, building entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles utilizing the same and shall, where necessary, be shielded to avoid glare to occupants of buildings and adjoining areas. Lighting shall be arranged as to reflect away from any adjoining properties.

(e)

If recreational equipment shall be provided in such locations as shown on the approved site plan, at no time shall such equipment be permitted in front or side yards.

(f)

All apartment dwellings, stairways, furnace rooms, laundry rooms and garages in apartment dwellings shall have installed fire, smoke and heat detection as required and approved by the Fire Prevention Bureau of the Borough.

(g)

The exterior of every structure or accessory structure, including fences, roofs and gutters, shall be maintained in good repair and all surfaces thereof shall be kept painted when necessary for the purpose of preservation and appearance. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling of paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and the adjoining properties and neighborhood protected from blighting influences.

(h)

Interior walls, ceilings, stairways and entrances shall be free from cracks, breaks, loose plaster and other hazards to health and safety.

(i)

Where there are holes, excavations, breaks, projections, obstructions, icy conditions, uncleared snow, excretions of pets and other animals on paths, walks, driveways and other parts of premises which are accessible to and are used by persons on the premises, all such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery.

(j)

All parking spaces and fire lanes, parking areas and lines on pavement shall be painted and maintained so as to be visible at all times.

ARTICLE XI Affordable Housing Requirements (§ 233-61 — § 233-89.1)

[Added by Ord. No. 93-0-22; amended by Ord. No. 94-0-02]

§ 233-61 Purpose.

The purpose of this article is to provide an administrative mechanism and regulations for assuring the affordability of low- and moderate-income housing developed for purchase or rental in the Mount Laurel Zone (Article X) and the Special Overlay Zone in the LI Zone (Article X), in conformance with the regulations of the New Jersey Council on Affordable Housing (COAH). These requirements shall apply in all zones where affordable housing is required by this section or has been developed in accordance with the revised Settlement Agreement dated October 16, 1985, and the Order dated March 25, 1986, in the Mount Laurel litigation entitled Norwood Easthill Associates, et al. v. Borough of Norwood, et al., L-24219-83 and consolidated cases.

§ 233-62 Required bedroom distribution.

A.

At a minimum, 35% of all affordable housing units in a development shall have two bedrooms.

B.

At a minimum, 15% of all affordable housing units in a development shall have three bedrooms.

C.

No more than 20% of all affordable housing units in a development may be efficiency units (i.e., a unit with not more than one habitable room and with kitchen and sanitary facilities).

§ 233-63 Low-income split by unit size.

At each development that includes affordable housing units, at least 50% of all units in each bedroom distribution type shall be available for low-income households.

§ 233-64 Affordable housing shelter cost components.

In computing the shelter cost of affordable housing units, only the following components shall be included:

A.

Rental housing: rent, including an allowance for utilities (sewer, water, electricity and gas) and fees, if any, for parking at least one car.

B.

Sales units: the cost of principal, interest, property taxes, homeowner (fire, theft and liability) insurance, private mortgage insurance, sewer and water charges and condominium or homeowners' association fees, if any. Principal and interest shall be determined on the basis of a 10% down payment and a thirty-year fixed-rate mortgage realistically obtainable from at least two major lenders active in the housing region.

§ 233-65 Maximum monthly shelter costs.

The maximum monthly shelter cost for affordable housing units of the appropriate unit size for the household size shall be 28% of the household's gross annual income for sales units and 30% of the household's gross monthly income for rental units.

§ 233-66 Household size and unit size for determining maximum rents and sales prices.

Maximum sales prices and maximum rents of affordable housing units shall be determined on the basis of the following criteria on occupancy of dwelling units by household 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 three-person households.

D.

Three-bedroom units shall be affordable to five-person households.

E.

Four-bedroom units shall be affordable to seven-person households.

§ 233-67 Condominium and homeowner association fees.

Condominium and homeowner association fees shall be fairly assessed based on the square footage of units for both market-priced and affordable housing units. The master deed for all affordable housing units developed as a condominium or cooperative shall specify that all condominium and homeowner association fees for affordable housing units shall be assessed at 100% of the rate for market-priced units.

§ 233-68 Age restrictions prohibited.

There shall be no age restrictions upon the occupants of affordable housing, except for publicly subsidized senior citizen housing.

§ 233-69 Controls on affordability.

A.

All conveyances and deeds of affordable housing units shall be subject to covenants running with the land which control the resale of sales units, the sublease of sales units, the rental of rental units, and the conversion of rental units for a period of not less than 25 years from either the issuance of the certificate of occupancy for the affordable housing unit or the date of closing and transfer of title for initial ownership of the unit, whichever is later.

B.

The deed restriction shall be approved by the Borough Attorney as to form and shall follow the standard restrictive covenant and mortgage lien adopted by COAH (Affordable Housing Agreement, Second Repayment Mortgage, and Second Mortgage Repayment Note, N.J.A.C. 5:92-12 - APPENDIX), or if amended, as approved by COAH.

C.

The Borough shall not issue a certificate of occupancy for initial occupancy of an affordable housing unit unless the Borough Affordable Housing Board certifies in writing that the unit is to be controlled by a deed restriction and mortgage lien as adopted or approved by COAH.

D.

The initial affordability and continuing affordability of all affordable housing units shall be governed by the COAH Substantive Rules on Controls on Affordability, N.J.A.C. 5:92-12.

§ 233-70 Certificate of reoccupancy required.

A.

A certificate of reoccupancy must be issued by the Borough before the occupancy of an affordable housing unit resulting from the resale of an affordable housing unit, and the Borough shall not issue such a certificate unless there is a written determination by the Borough of Norwood Affordable Housing Board, established by this article, that the unit is to be controlled by a deed restriction and mortgage lien as adopted or approved by COAH.

B.

Purchasers of sales affordable housing units shall execute the deed restriction prior to issuance of a certificate of reoccupancy regardless of whether the seller had executed the deed restriction and mortgage lien adopted or approved by COAH upon acquisition of the property.

C.

The certificate of reoccupancy shall not be required for sales of the units for which the affordability controls are allowed to expire or for which the repayment option is being exercised by the seller of an affordable housing unit, under COAH regulations, N.J.A.C. 5:92-12.3.

§ 233-71 Purchase options upon expiration of affordability controls; seller repayment option.

A.

After expiration of the initial period of controls on affordability (minimum of 20 years), either the Borough, the New Jersey Department of Community Affairs, the New Jersey Housing and Mortgage Finance Agency or a qualified nonprofit organization designated by COAH shall have, at the time of the first nonexempt sale, a ninety-day option to purchase an affordable housing unit at the maximum restricted price.

B.

A governmental agency that exercises the purchase option may then either:

(1)

Extend further the period of controls on affordability by selling or renting the unit to another qualified low- or

moderate-income household selected by the Borough of Norwood Affordable Housing Board established by this article; or

(2)

Sell the unit at fair market value and use the permitted proceeds (difference between the fair market value and the restricted unit price, after reasonable real estate broker fees have been paid) to create, rehabilitate or maintain low- and moderate-income housing in the Borough or housing region.

C.

A nonprofit organization that exercises the purchase option shall sell or rent the affordable unit to a qualified low- or moderate-income household selected by the Borough of Norwood Affordable Housing Board.

D.

If the option is not exercised by an eligible governmental agency or nonprofit organization, then the seller may either:

(1)

Sell the unit to another low- or moderate-income household at the controlled unit sales price; or

(2)

Exercise the repurchase option and sell the unit to any purchaser at market value, provided that 95% of the difference between the controlled unit price and the fair market value, after reasonable real estate broker fees have been paid, is paid to the Borough Affordable Housing Board at closing, in order to recapture any windfall and deposited in the Borough Affordable Housing Trust Fund. These recaptured funds shall be used for the sole purpose of creating, rehabilitating or maintaining low- and moderate-income housing in the Borough and housing region, according to a plan approved by COAH.

E.

The notice and other administrative provisions of COAH regulations, N.J.A.C. 5:92-12.3 through 5:92-12.9, effective as of the date of the adoption of this article shall govern this purchase option and repayment option for affordable units whose period of affordability controls has expired.

§ 233-72

Range of affordability for purchased and rental housing.

A.

The average price or rent of affordable housing units shall be, as best as practicable, affordable to households at 57 1/2% of the median-household income.

B.

Affordable housing units shall be priced or rented so that for every 20 low- and moderate-income units containing the same number of bedrooms sold or rented at a development, the units are affordable to low- and moderate-income households, as best as practicable, in the nine categories of median-household income, as follows:

	Low Income
	1 unit at 40% through 42.5% of median income
	3 units at 42.6% through 47.5% of median income
	6 units at 47.6% through 50% of median income
	1 unit at 50.1% through 57.5% of median income
	1 unit at 57.6% through 64.5% of median income
	1 unit at 64.6% through 68.5% of median income
	1 unit at 68.6% through 72.5% of median income
	2 units at 72.6% through 77.5% of median income
	4 units at 77.6% through 80% of median income

§ 233-73 Annual indexed increases in rents or sales prices.

The price of an owner-occupied affordable housing unit and the rents of affordable housing units may be increased annually based on the annual percentage increase in the median household income.

§ 233-74 Affordable Housing Board established.

A.

Members.

(1)

There is hereby established the Borough of Norwood Affordable Housing Board which shall be composed of five members appointed by the Mayor with the advice and consent of the Borough Council:

(a)

One municipal employee.

(b)

One member of the Borough Council.

(c)

Three 3 citizens of the Borough.

(2)

Members shall serve for two-year terms with two of the initial appointments, as determined by the Mayor, to be for one year.

B.

The Mayor shall appoint the Chairperson of the Board from among its members. The Board shall organize and conduct its activities under the supervision of the Mayor.

§ 233-75 Duties of the Affordable Housing Board.

A.

The Board shall be the administrative mechanism responsible for assuring that affordable housing units developed or rehabilitated in the Borough continue to remain affordable to low- and moderate-income households, as required by COAH regulations, N.J.A.C. 5:92-12.11.

B.

The Board shall design and implement an affirmative program to market the designated affordable housing units to eligible households in the Borough and its housing region, or the developer of the affordable housing units may, at its discretion, enter into an agreement with a nonprofit organization or a governmental agency to perform this duty.

C.

The Board shall issue, on an as-needed basis but at least annually, a call for applications for prospective purchasers and tenants of affordable housing in Norwood, particularly for resales and rentals.

D.

The Board shall screen and qualify prospective purchasers and tenants of designated affordable housing units, or the developer of the affordable housing units may, at its discretion, enter into an agreement with a nonprofit organization or a governmental agency to perform this duty.

E.

The Board shall review and comment to the Planning Board on the Developer's Affordable Housing Plan submitted with an application for development that provides for affordable housing units.

F.

The Board shall enforce the controls on resales and rerentals of designated affordable housing units.

G.

The Board shall, at a minimum, provide an annual written report to the Mayor, Borough Council and Planning Board on its activities and the progress and problems, if any, in providing affordable housing and assuring the continued affordability of this housing. The Board shall also prepare and submit the reports required by COAH, including the progress and summary reports on the actual experience of the Board's affirmative marketing program, as required by N.J.A.C. 5:92-15.2(g) and (h) and the annual monitoring report on the local housing rehabilitation program, as required by N.J.A.C. 5:92-17.2.

H.

The Board shall meet quarterly and may meet more frequently as needed. The Chairperson of the Board may call special meetings of the Board.

I.

The Board may adopt its own rules and guidelines, consistent with the provisions of this article and the regulations adopted by COAH, N.J.A.C. 5:92-1 et seq.

§ 233-76 Municipal Housing Officer.

The Municipal Housing Officer shall be appointed by the Mayor and shall serve as staff to the Affordable Housing Board. The Municipal Housing Officer may be a municipal employee or the Borough may enter into an agreement with a nonprofit organization, governmental agency, consultant or private entity to assist the Board in the performance of its duties.

§ 233-77 Affirmative marketing program.A.

The Affordable Housing Board shall provide for the affirmative marketing of all affordable housing units, or the developer of the affordable housing units may, at its discretion, enter into an agreement with a nonprofit organization or a governmental agency to perform this responsibility by taking all appropriate steps which shall include but not be limited to:

(1)

Identifying representative groups operating in the Borough and its housing region, including community-based and civic organizations, councils of religious organizations, welfare and social service agencies, etc.

(2)

Marketing actively the affordable housing units with the assistance of these representative groups.

(3)

Ensuring that low- and moderate-income persons of all races and ethnic groups are informed of the affordable housing opportunities in the development, feel welcome to buy or rent such housing and have the opportunity to buy or rent such housing, subject only to the purchaser and tenant selection procedures defined in this article.

B.

The affirmative marketing program shall include publishing notices and display advertisements announcing the availability of the designated affordable housing units in newspapers of general circulation in the Borough and its housing region. It shall also include preparation and distribution of appropriate brochures. Notices shall also be published in newspapers, periodicals and other media aimed at black and Hispanic populations.

C.

The affirmative marketing program shall include advertising and other outreach activities realistically designed to reach:

(1)

Low- and moderate-income persons of all races and ethnic groups in municipalities in the Borough's housing region that have higher than statewide average proportions of blacks, Hispanics or low- and moderate-income households.

(2)

Low- and moderate-income persons of all races and ethnic groups who work in Bergen County but do not live within Bergen County.

D.

The affirmative marketing program shall begin at least 90 days before issuance of either temporary or permanent certificates of occupancy for an affordable housing unit and shall continue until all affordable housing units are under contract of sale or lease.

E.

The affirmative marketing program shall specify that applications for affordable housing units be submitted to the Board or to the designated nonprofit organization or governmental agency responsible for affirmative marketing for a specific development. The Board shall promptly transmit copies of any applications it receives to such an affirmative marketing entity.

F.

The Board shall develop and maintain a register of applicants for purchase or rental of affordable housing in Norwood. At least annually, the Board shall conduct an affirmative marketing program, as specified in this article, to establish and update this pool of applicants for affordable housing units that may become available through initial sales, initial rentals, resales or re-rentals. The Board shall require annually in writing that applicants file with the Board, by a specified deadline (at least 30 days from the date of the Board's notice), current information on gross household income, in order for the Board to maintain its register of eligible applicants. The Board shall promptly notify all applicants in writing of their eligibility or ineligibility, with stated reasons for a finding of ineligibility.

§ 233-78 Occupancy preferences.

Affordable housing units shall be available to all income-eligible households, without any preference for place of residence or work.

§ 233-79 Purchaser and tenant selection procedures.

A.

The Affordable Housing Board shall screen and determine whether prospective purchasers and tenants qualify

and are eligible for the designated affordable housing units built in a development within the Borough, unless the developer of the affordable housing units, at its discretion, enters into an agreement with a nonprofit organization or a governmental agency to perform this responsibility. The qualification criterion shall be gross household income.

B.

The Board or an entity performing this task on behalf of a developer shall also prequalify prospective purchasers of affordable housing units prior to submission of applications for mortgages and provide credit/debt counseling as needed.

C.

Prospective purchasers and tenants of affordable housing units shall be selected from the pool of eligible applicants on a random basis, and applicants shall be matched with available units appropriate to the household's size and income, within the constraints of the range of affordability of this article.

D.

The Board shall recommend eligible prospective purchasers to the developer of affordable housing units for purchase, unless the developer of the affordable housing units, at its discretion, enters into an agreement with a nonprofit organization or a governmental agency to perform this responsibility. The Board shall recommend eligible prospective tenants to the owner-manager of affordable housing units for rental. In any case, the purchaser and tenant selection mechanism shall be independent of the developer of sales units or owner of rental units.

E.

A housing applicant who declines three offers to lease or purchase units appropriate to the applicant's household size and income shall lose all preference and must submit a new application to the Board to again become eligible to purchase or lease affordable housing units.

§ 233-80 Developer's affordable housing plan.

The developer shall submit to the Planning Board and the Affordable Housing Board a developer's affordable housing plan that demonstrates compliance with the affordable housing requirements of this article, including the affirmative marketing, purchaser and tenant selection procedures and controls on affordability.

§ 233-81 Conversion of rental affordable housing.

Rental affordable housing units may be converted to condominium or cooperative units for sale after 10 years, but the prices of the converted units shall be established following the pricing procedures and standards of this article. Low-income rental units shall be converted to low-income sales units; moderate-income rental units may be converted to low-income or moderate-income sales units. Resale restrictions shall apply for at least a total of 25 years from the issuance of the certificate of occupancy of the unit or the date of closing and transfer of title for initial ownership of the unit, whichever is later.

§ 233-82 Procedures for resales.

A.

Persons wishing to sell affordable housing units after initial occupancy and during the period of controls on affordability shall notify the Borough Affordable Housing Board of the intent to sell and shall offer a contract of sale to the housing applicant selected by the Board, which shall follow the purchaser selection procedures of this article.

B.

If the housing applicant selected by the Board fails to enter a contract to purchase the unit at the permitted price within 10 days after being offered such a contract, then the seller shall request that the Board select randomly another eligible housing applicant. The seller may not independently obtain an income-eligible purchaser until the Board has exhausted its pool of eligible applicants.

C.

If no eligible buyer enters a contract of sale within 90 days of notice of intent to sell, the seller may apply to the Board for a hardship waiver and the Board shall have the option to purchase the affordable housing unit for the maximum price permitted based on the percentage increase in the median household income since the previous transfer of ownership. If the Board does not sign an agreement to purchase the unit within 30 days after the ninety-day notice period expires, the seller may apply to the Board for permission to offer the unit to a nonincome eligible household at the maximum price permitted. The Board may transfer this option to the New Jersey Department of Community Affairs, the New Jersey Housing and Mortgage Finance Agency or a qualified nonprofit organization designated by COAH. The seller shall document efforts to sell the unit to an income eligible household as part of this application for a hardship waiver. If this request is granted, the seller may offer a low-income unit to a moderate-income household and may offer a moderate-income unit to households with incomes in excess of 80% of the median income. In no case shall the seller be permitted to receive more than the maximum price permitted. In no case shall a resale under this section eliminate the resale controls on this unit or permit any subsequent seller to convey the unit, except in full compliance with the terms of this article and COAH regulations, N.J.A.C. 5:92. In all cases, the seller shall file a copy of the contract of sale with the Board within 10 days of its signing and shall file a copy of the deed with the Board within 10 days of the closing of title.

§ 233-83 Price increase for eligible capital improvements.

A.

Property owners of single-family, owner-occupied housing may apply to the Board for permission to increase the maximum resale price to account for eligible capital improvements. Eligible capital improvements shall only be those that render the unit suitable for a larger household. In no event shall the maximum price of an improved affordable housing unit exceed the limits of affordability for the larger household.

B.

At resale, all items of property which are permanently affixed to the unit and/or were included when the unit was initially restricted as to price (for example, refrigerator, range, washer, dryer, dishwasher and wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items of property may be sold to the purchaser at a reasonable price that has been approved by the Board at the time of the signing of the purchase agreement. Only the purchase of central air conditioning installed after the initial sale of the unit may be made a condition of the unit resale.

§ 233-84 Transfers of ownership or leases exempt from resales and rental procedures.

A.

Five types of transfers of ownership or leases of an affordable housing unit shall be exempt from the resales and rental procedures of this section:

(1)

Transfer between spouses.

(2)

Transfer between former spouses ordered as a result of a judicial decree of separation or divorce, but excluding transfers to third parties.

(3)

Transfer, upon death of the owner or tenant, to a family member who had resided in the unit by will or intestate succession.

(4)

Transfer of ownership through an executor's deed to any person.

(5)

Transfer of ownership by court order, if such order expressly renders the transfer exempt from these procedures.

B.

An exempt transfer of ownership or lease shall not, however, terminate the resale or rental restrictions or existing liens on the property for any future transfers for the full term of the affordability controls.

§ 233-85 Procedures for rentals.

A.

Owners of rental affordable housing units shall promptly notify the Borough Affordable Housing Board, in writing, of vacancies and prospective vacancies of designated affordable housing units. The Board shall then follow the tenant selection procedures of this section, select randomly and recommend a qualified prospective tenant to the owner within 30 days.

B.

Owners of low- and moderate-income rental units shall not offer rental units to nonincome eligible households without prior written approval of COAH and compliance with the requirements and procedures of the COAH regulations, N.J.A.C. 5:92-12.15(c), effective as of the date of adoption of this article.

§ 233-86 Reporting requirements for rental affordable units.

A.

The owner of rental affordable housing units shall notify the Borough Affordable Housing Board of the address of each affordable housing unit rented and the name of each new tenant within 10 days of making any lease for a unit.

B.

The owner of rental affordable housing units shall file with the Board an annual report no later than January 15 of each year, listing the following information for each unit, as of January 1 of such year:

(1)

Address of the unit and number of bedrooms.

(2)

Name of tenant and household size.

(3)

Actual monthly rent, parking fees, if any, and actual, if known, or estimated average utilities.

§ 233-87 Rental of affordable units purchased and owned by low- and moderate-income households.

Designated affordable housing units purchased by low- and moderate-income households may not be rented without the prior written permission of the Board. Such affordable housing units may only be rented to eligible low or moderate-income household tenants selected and recommended by the Board.

§ 233-88 Location and design of affordable housing units.

A.

Affordable housing units shall be located at the same site as market-priced units in a development, equally and fairly interspersed throughout the entire development, not isolated from the market-priced units in any manner and situated in locations equally accessible to common open space, recreation and community facilities as market-priced units.

B.

The exterior design of affordable housing units shall be harmonious in scale, texture and materials with the market-priced units in a development and shall minimize any difference in their physical appearances.

§ 233-89 Construction phasing of market-priced and affordable housing units.

A.

Affordable housing units shall be built in accordance with the following phasing schedule in developments that combine market-priced and affordable housing units:

	Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Priced Units Completed
	0	25%
	10	25% + 1 unit
	50	50%
	75	75%
	100	90%
	--	100%

B.

A unit is deemed completed when its certificate of occupancy has been issued.

§ 233-89.1 Municipal Housing Liaison.

[Added 10-3-2006 by Ord. No. 06:16]

A.

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

B.

Definitions. As used in this section, 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 the Borough to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

BOROUGH

The Borough of Norwood.

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.

C.

Establishment of Municipal Housing Liaison position and compensation; powers and duties.

(1)

There is hereby established the position of Municipal Housing Liaison for the Borough.

(2)

Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Mayor and Council and may be a full- or part-time municipal employee.

(3)

The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough, including the following responsibilities which may not be contracted out:

(a)

Serving as the Borough's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents, and interested households;

(b)

Monitoring the status of all restricted units in Borough's Fair Share Plan;

(c)

Compiling, verifying, and submitting annual reports as required by COAH;

(d)

Coordinating meetings with affordable housing providers and administrative agents, as applicable;

(e)

Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;

(f)

If applicable, serving as the administrative agent for some or all of the restricted units in the Borough as described in Subsection C(6) below.

(4)

Subject to approval by COAH, the Borough may contract with or authorize a consultant, authority, government or any agency charged by the Mayor and Council, which entity shall have the responsibility of administering the affordable housing program of the Borough. If the Borough 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.

(5)

Compensation. Compensation shall be fixed by the Mayor and Council at the time of the appointment of the Municipal Housing Liaison.

(6)

Administrative powers and duties assigned to the Municipal Housing Liaison.

(a)

Affirmative marketing.

[1]

Conducting an outreach process to ensure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Borough and the provisions of N.J.A.C. 5:80-26.15; and

[2]

Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

(b)

Household certification.

[1]

Soliciting, scheduling, conducting and following up on interviews with interested households;

[2]

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;

[3]

Providing written notification to each applicant as to the determination of eligibility or noneligibility;

[4]

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 Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

[5]

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

[6]

Employing the random selection process as provided in the Affirmative Marketing Plan of the Borough when referring households for certification to affordable units.

(c)

Affordability controls.

[1]

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;

[2]

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;

[3]

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;

[4]

Communicating with lenders regarding foreclosures; and

[5]

Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

(d)

Resale and rental.

[1]

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

[2]

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.

(e)

Processing requests from unit owners.

[1]

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;

[2]

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

[3]

Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

(f)

Enforcement.

[1]

Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;

[2]

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;

[3]

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;

[4]

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;

[5]

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;

[6]

Establishing a rent-to-equity program;

[7]

Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and

[8]

Providing annual reports to COAH as required.

(g)

The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

ARTICLE XII Affordable Housing Development Fees and Trust Fund (§ 233-90 — § 233-98.1)

[Added by Ord. No. 93-0-22; amended 11-5-2008 by Ord. No. 08:12]

§ 233-90 Purpose.

A.

In *Holmdel Builders Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's ("COAH's") adoption of rules.

B.

Pursuant to P.L. 2008, c. 46 Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development

Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring, and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH approved spending plan may retain fees collected from nonresidential development.

C.

This article establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

- § 233-91 **Basic requirements.**
- § 233-92 **Definitions.**
- § 233-93 **Residential development fees.**
- § 233-94 **Nonresidential development fees.**
- § 233-95 **Collection procedures.**
- § 233-96 **Affordable Housing Trust Fund.**
- § 233-97 **Use of funds.**
- § 233-98 **Monitoring.**
- § 233-98.1 **Ongoing collection of fees.**
- ARTICLE XIII **Parks and Public Purposes Zone (§ 233-99 — § 233-105)**
- ARTICLE XIV **Planned Residential Townhouse Development (TH) Zone (§ 233-106 — § 233-115)**
- ARTICLE XV **Senior Housing Zone (§ 233-116 — § 233-123)**
- ARTICLE XVI **Uses Permitted in Accordance with State Law (§ 233-123.1 — § 233-123.2)**
- ARTICLE XVII **Nonconforming Uses (§ 233-124 — § 233-129)**
- ARTICLE XVIII **Administration and Enforcement (§ 233-130 — § 233-134)**
- ARTICLE XIX **Planning Board Checklists (§ 233-135)**
- ARTICLE XX **Penalties (§ 233-136)**

233a Schedule A 233b Schedule B Table 1 233c Schedule B Table 2 233d Schedule B Table 3 233e Schedule B Table 4 233f Schedule B Table 5 233g Schedule B Table 6