

**COUNTY OF BERGEN  
BOROUGH OF PARAMUS  
ORDINANCE 16-08**

**WHEREAS**, by Resolution 2015-08, the Land Use Board of the Borough of Paramus (the "Land Use Board") adopted the Periodic Re-examination of the Master Plan prepared by Francis Reiner, P.P. (the "Master Plan"), pursuant to N.J.S.A. 40:55D-89; and

**WHEREAS**, the Master Plan sets forth the recommendations of the Land Use Board with respect to the adoption of development regulations addressing the underlying objectives, policies and standards set forth therein; and

**WHEREAS**, in adopting the Master Plan, the Land Use Board reaffirmed the goal of maintaining Paramus' competitive advantage as the premier retail destination in Bergen County while continuing to protect the quality of life of residential areas; and

**WHEREAS**, the Master Plan further identified the need to modernize and update commercial zoning standards which were previously based upon standards established four (4) decades ago; and

**WHEREAS**, the Governing Body of the Borough of Paramus is desirous of enacting development regulations consistent with and in furtherance of the objectives, standards and policies recommended by the Land Use Board in the Master Plan; and

**NOW, THEREFORE BE IT ORDAINED** that Chapter 429 of the Paramus Code "Zoning", is hereby rescinded and replaced in it's entirely as follows:

**ARTICLE I.**

**GENERAL PROVISIONS**

**§429-1 Title.**

This chapter may be cited and referred to as the "Zoning Ordinance of the Borough of Paramus."

**§429-2 Legislative authority.**

This Chapter is adopted pursuant to the authority set forth in Article 8 of the Municipal Land Use Law, Chapter 291, Laws of New Jersey 1975, N.J.S.A. 40:55D-62 et seq., and the amendments thereof and supplements thereto.

**§429-3 Purposes.**

**1. The purposes of this chapter are:**

A. To guide the appropriate use or development of all lands in the Borough in a manner which will promote the public health, safety, morals and general welfare.

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- B. To secure safety from fire, flood, panic and other natural and man-made disasters.
- C. To provide adequate light, air and open space.
- D. To protect the quality of life in the residential areas of the Borough.
- E. 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.
- F. To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to the respective environmental requirements in order to meet the needs of all New Jersey citizens.
- G. 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.
- H. 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.
- I. Promote orderly development. To protect the character and maintain the stability of residential and business areas within the Borough and to promote the orderly and beneficial development of such areas.
- J. Regulate intensity of use. To regulate the intensity of use of zoning lots and to determine the area 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.
- K. Regulate location of building and establish standards of development. To establish building lines and the location of buildings designed for residential, commercial, industrial, office and other uses within such lines and to fix reasonable standards to which buildings or structures shall conform.
- L. Prohibit incompatible uses. To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.
- M. Regulate alterations of existing buildings. To prevent such additions to and alterations or remodeling of existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.

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N. Limit congestion in streets. To limit congestion in the public streets and to 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 commercial vehicles.

O. Protect against hazards. To provide protection against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and the general welfare.

P. Conserve taxable value of land. To conserve the taxable value of land and buildings throughout the Borough and to maintain the Borough's position as the pre-eminent commercial area of Bergen County consistent with the Master Plan adopted by the Land Use Board by Resolution 2015-08.

2. For this purpose, this Chapter designates, regulates and restricts the location and use of buildings, structures and land for residential, commercial, industrial, public and semipublic or other purposes; the height and size of buildings and other structures hereafter erected or altered; the size of yards and other open spaces; the density of population; required off-street parking and loading facilities; and the location and extent of planted areas and buffer strips.

**§429-4 Prior provisions and construction.**

A. This ordinance supersedes and replaces all other ordinances enacted regarding the subject matter of this ordinance. Notwithstanding Chapter 77 (Land Use Procedures), Chapter 213 (Drainage and Environmental Protection), Chapter 229 (Land Use Fees), Chapter 299 (Motels and Hotels), Chapter 367 (Signs), Chapter 371 (Site Plan Review) and Chapter 387 (Subdivision of Land) shall remain in full force and effect, provided, however, in the event of any conflicting provision between this Chapter 429 and any of the aforementioned chapters, the provision set forth in Chapter 429 shall govern.

B. Wherever the regulations, restrictions and provisions of this Chapter are greater or more extensive than those required or imposed by any other statute, regulation, ordinance or private deed restriction, the terms of this Chapter shall govern.

C. Whenever the regulations, restrictions and provisions of any other statute, regulation or ordinance are greater or more extensive than the regulations, restrictions and provisions of this Chapter, the terms of such other statute, regulation or ordinance shall govern.

D. If a doubt arises in the interpretation of any part of this chapter and two or more interpretations appear equally possible, the interpretation that would tend to offer greater protection to the property in the Borough of Paramus zoned for residential use shall be chosen.

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The provisions of this Chapter shall be enforced by the following officials and employees of the Borough of Paramus:

- a) The Building Subcode Official and his or their designated assistants as provided by law;
- b) The Borough Administrator;
- c) The Borough Engineer;
- d) Members of the Police Department;
- e) The Fire Inspector(s);
- f) The Shade Tree and Parks Superintendent;
- g) The Zoning Officer;
- h) All other persons hereafter designated by resolution of the Mayor and Council.

**ARTICLE II.**

**DEFINITIONS AND WORD USAGE**

**§429-5 Word usage.**

- A. Ordinary and common words used in this Chapter shall be interpreted in their ordinary, common and usual sense unless special definitions appear within the Chapter for such words, in which case the definition in the Chapter shall be used.
- B. Technical words used in this Chapter shall be interpreted in their usual technical sense.
- C. Unless the context clearly states the contrary, words used in the present tense include the future; the singular includes the plural and the plural the singular.
- D. The word "shall" is mandatory and not directory. The word "may" is permissive.
- E. The word "lot" includes the words "plot" or "parcel."
- F. The word "structure" includes the word "building."
- G. The word "use" and "used" refer to any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made

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available or offered for use and to any purpose for which a building or structure or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use or erected, reconstructed, altered, enlarged, moved or be built with the intention or design of using the same.

**§429-6 Definitions.**

All capitalized words used in this Ordinance shall have the meaning as defined in this Ordinance or as defined in the Municipal Land Use Law, 40:55D-1, *et seq.* Any words not defined in either this Ordinance or the Municipal Land Use Law, shall have the meaning as set forth in "The Complete Illustrated Book of Development Definitions, Fourth Edition by Harvey S. Moscowitz, Carl G. Lindbloom, David Listokin, Richard Preiss & Dwight H. Merriam (published by Transaction Publishers, a Center for Urban Policy Research Book, 2015, as updated from time to time). The words set forth herein shall be defined as follows:

"Atrium house" shall mean a detached dwelling unit that is designed to form a private yard through the use of building walls and fences.

"Building, area of" shall be the area projected on a horizontal plane of the outer extremities of a structure, including, by way of example, the foundation, roof, protruding floors, overhangs and the floors of any portion of the structure not having a roof but shall not include eave overhangs of not more than two (2') feet and bay windows without foundations.

"Building height" shall be the vertical distance from the mean grade measured six feet from the building to the top of the highest ridge or roof beams. Mean grade is measured six feet from the building and is calculated as the average grade.

"Decorative sign base" shall mean a cladding or other material affixed to the support structure of a freestanding sign.

"Equalized assessed value" shall mean the assessed value of a property divided by the current average ratio of assessed value to true value as determined in accordance with N.J.S.A. 54:1-35a through c.

"Land Use Board" means either the Planning Board or the Zoning Board of Adjustment, as the case may be, pursuant to the jurisdictional requirements of the MLUL.

"Mall" means a regional shopping center comprised of not less than two (2) anchor stores on not less than 25 acres of land.

"Parking space" shall mean a stall or berth which is arranged and intended for the parking of one motor vehicle in a garage structure or parking area and shall contain a minimum of 162 square feet with minimum dimensions of 9 feet by 18 feet, except as

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may otherwise be expressly provided elsewhere in this Ordinance.

“Planted buffer area” means an area containing evergreens, trees, shrubs or other plantings designed to provide suitable drainage and visual screening in accordance with dimensions and criteria set forth elsewhere in this Ordinance.

“Quadplex” shall mean a multiple dwelling building consisting of four dwelling units.

“RSIS” means the Residential Site Improvement Standards adopted by the New Jersey Department of Community Affairs, codified as N.J.A.C. 5:21 as amended from time to time.

“Sign” means any inscription, design or lighting arrangement, written, printed or otherwise placed on a board, balloon, banner or upon any material object or device, or in a window, whatsoever which, by reason of its form, color, working or otherwise, is intended to attract attention to itself, whether it is used as a means of identification, advertisement or announcement which is visible and intelligible to persons located outside a building or structure, including permanent signs within a building or structure mounted in a window or within 10 feet of a window and oriented to be viewed through such window and containing lettering of four or more inches. Works of art unrelated to business or other activity conducted at the property shall not be considered as signs.

“Tract” means a combination of contiguous lots (or in the case of the R-AH Zone, lots located across a public street from each other) intended to be developed as a single property, in which event, all zoning requirements shall be applied to the tract as a whole and not to the individual component lots, provided however, in the event of a resubdivision creating separate parcels, all such zoning requirements shall apply to the resulting new lots as individual parcels and not as a contiguous parcel.

**ARTICLE III.**

**COMPLIANCE REQUIRED; UNLAWFUL STRUCTURE AND USES**

**§429-7 Compliance required.**

A. No building or structure or part thereof and no land shall hereafter be used except in conformity with this Chapter unless the use is a lawful prior nonconforming use. Building permits and certificates of occupancy are required as specified elsewhere in this Chapter.

B. No building or structure shall be hereafter erected, structurally altered, enlarged, rebuilt, moved or created except in conformity with the requirements of this Chapter.

**§429-8 Site plan approval required.**

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No person shall erect, enlarge, structurally alter or change the use of any building, structure or land to a use other than a one-family or two-family residential use expressly permitted by this Chapter unless and until site plan approval is obtained from the Land Use Board in accordance with Chapter 371, Site Plan Review, of the Code of the Borough of Paramus.

**§429-9 Unlawful structures and uses.**

A. No person shall erect any structure or use any structure or building or land contrary to the terms and conditions of any variance granted by the Zoning Board of Adjustment or Land Use Board.

B. No unlawful structure or unlawful use of a structure, lot or land existing at the effective date of this Chapter shall be deemed to be a nonconforming structure or nonconforming use, nor shall the same be deemed to be a conforming structure or use.

**ARTICLE IV.**

**NONCONFORMING STRUCTURES AND USES**

**§429-10 Continuation.**

Any lawful use occupying any building, structure, lot or land at the time of the effective date of this Chapter or any amendment thereto which does not comply after the effective date of any amendment thereto with the use regulations of the district in which it is situated may be continued in the building or structure or upon the lot or land so occupied.

**§429-11 Compliance required.**

A nonconforming use or structure shall not be reconstructed, enlarged or extended, except as provided in this article.

**§429-12 Restoration or repair.**

Any nonconforming use or structure existing at the time of the passage of this Chapter may be continued upon the lot or in the building so occupied, and any such structure may be restored or repaired if the cost of repair or restoration of the current equalized value of the new construction is less than 50% of the current equalized assessed value of the existing structure, or as otherwise provided by applicable law.

**§429-13 Buildings under construction.**

Any building or structure under construction pursuant to a building permit lawfully issued

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prior to the effective date of this Chapter may be completed and used for its designated purpose. If such building, structure or use is not, however, in compliance with this Chapter, then the building, structure or use shall be deemed a nonconforming use, building or structure, as the case may be.

**§429-14 Abandonment.**

In the event that there is an abandonment of any nonconforming use in accordance with applicable law, including evidence of non-use by the owner for a period of time reflecting the intent of the owner(s) to no longer use the property for the nonconforming use, other than a national emergency or act of God, the same shall be deemed to be an abandonment of such nonconforming use. Any subsequent exercise of such abandoned nonconforming use shall be deemed a violation of the terms of this Chapter.

**ARTICLE V.**

**EXPANSION OF CERTAIN USES; STREET FRONTAGE**

**§429-15 Expansion of nonconforming or conditional use.**

Any expansion of a nonconforming building or nonconforming use, if permitted by variance, and any expansion of any conditional use shall require, in each case, compliance with this Chapter, including, for example, and not by way of limitation, required open spaces, required planted areas, required buffer areas and required parking spaces.

**§429-16 Street frontage required.**

No permit for the erection of any building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure. Such street shall be an existing state, county or municipal street or highway; a street shown upon a plat approved by the Land Use Board; or a street on a plat duly filed in the office of the County recording officer prior to the passage of this Chapter or any prior ordinance which required prior approval of plats by the governing body or other authorized body. Before any such permit shall be issued, such street shall have been certified to be suitably improved to the satisfaction of the governing body or such suitable improvement shall have been assured by means of a performance guaranty in accordance with standards and specifications for road improvements approved by the governing body, as adequate in respect to the public health, safety and general welfare of the special circumstances of the particular street.

**ARTICLE VI. ZONING**

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**MAP; DISTRICTS**

**§429-17 Zoning Map.**

- A. The map entitled "Zoning Map" of the Borough of Paramus, Bergen County, New Jersey, dated August 1, 2016 and adopted in November 2016, with such amendments as may be made by ordinance from time to time, is made part of this Chapter.
- B. The original of the above-mentioned Map shall be kept available and on file by the Borough Clerk and shall be permanently preserved.

**§429-18 Districts enumerated.**

The Borough is hereby divided into the following zones or districts as set forth on the Zoning Map:

R-50	Residential One-Family
R-75	Residential One-Family
R-100	Residential One-Family
R-150	Residential One-Family
R-150ML	Mount Laurel Residential Zone
R-2F	Residential Two-Family
R-AH	Residential – Affordable Housing
R-GC	Golf Course Cluster Townhouse
RML	Mount Laurel Residential
MFAC	Mount Laurel Affordable Care Zone
MFML	Mount Laurel Multi-Family Residential
GOV	Government
NB	Neighborhood Business
HCC	Highway Corridor Commercial
HCC-2	Highway Corridor Commercial - 2
LB	Limited Business
CEM	Cemetery
HP	Historic Preservation
CR	Conservation / Recreation
MU	Municipal

**ARTICLE VII.**

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**USES PROHIBITED IN ALL ZONES**

**§429-19** Any and all uses involving hazardous and/or toxic substances as classified or defined by State and/or Federal environmental laws, rules and regulations are prohibited throughout the Borough unless expressly permitted elsewhere in this Chapter. In addition, the following uses are prohibited throughout the Borough:

- 1) Manufacturing or refining;
- 2) Warehouse and distribution centers;
- 3) Truck terminals or depots;
- 4) Automobile junkyards, dump or other establishment for the storage, reduction or deposit of junk or waste materials of any kind;
- 5) Brick, pottery, tile or terra cotta manufacture;
- 6) Cement or cinder block manufacture;
- 7) Coke ovens;
- 8) Creosote treatment or manufacture;
- 9) Crematory;
- 10) Disinfectant, insecticide or poison manufacture;
- 11) Distillation of coal petroleum, refuse, grain, wood or bone;
- 12) Dye manufacture; laundry other than hand laundry; cleaning and dyeing establishment, provided that this shall not apply to a dry-cleaning store in which the work is done on premises for local service only and no work is received from pickup stations or other dry-cleaning plants and in which no wholesale or subcontract work is carried on;
- 13) Emery cloth and sandpaper manufacture;
- 14) Explosives manufacture or storage, except storage of small arms ammunition;
- 15) Fertilizer manufacture;
- 16) Fireworks or matches, arms, ammunition;
- 17) Forge plant;
- 18) Gas storage, except as an incident to a permitted use in a business or industrial zone;
- 19) Glue, size or gelatin manufacture, where the processes include the refining and recovering of products from fish, animal, refuse or offal;
- 20) Grease, lard, fat or tallow rendering or refining;
- 21) Grain drying or food manufacture from refuse, mash or grain;
- 22) Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animals or offal, except by the municipality or its agents;
- 23) Iron, steel, brass or copper foundry;
- 24) Lime, cement, plaster of paris or potash manufacture;
- 25) Oilcloth, linoleum or cork insulation manufacture;
- 26) Paint, oil, varnish, turpentine, shellac, enamel or solvents manufacture;
- 27) Paper pulp manufacture;
- 28) Petroleum refining;

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- 29) Petroleum storage as an accessory use of a permitted service station;
- 30) Power gorging, riveting, hammering, punching, shipping, drawing, rolling or tumbling of metals except as a necessary incident of manufacture of which these processes form a minor part and which are carried on without objectionable noise audible beyond the limits of the lot;
- 31) Printing ink manufacture;
- 32) Proxylin plastic storage and manufacturer or the manufacture of articles therefrom;
- 33) Quarry, sand pit, gravel pit, topsoil stripping;
- 34) Raw hides or skins storage, cleaning, curing or tanning;
- 35) Rock and stone crusher;
- 36) Rubber latex or gutta-percha manufacture or treatment;
- 37) Shoe blackening or stove polish manufacture;
- 38) Slaughtering of animals;
- 39) Smelting;
- 40) Soap manufacture;
- 41) Starch, glucose or dextrose manufacture;
- 42) Steel furnace, blooming or rolling mill;
- 43) Stockyards;
- 44) Storage or display of any goods or materials other than living nursery products, except in a building enclosed on all sides;
- 45) Structural steel or pipe works;
- 46) Sugar refining;
- 47) Sulfurous, sulfuric, acetic, nitric, picric, carbolic or hydrochloric acid manufacturing;
- 48) Tar distillation or manufacturing;
- 49) Tar roofing manufacturing;
- 50) Tobacco manufacture or treatment;
- 51) Trailer camp, mobile home establishment, motel;
- 52) Used car or used vehicle establishment of any kind except accessory to a new car dealership in a zone that allows a new car dealer as a permitted use;
- 53) Wood pulling or scouring;
- 54) Yeast plant;
- 55) Any other use from which there is any emission of odor, dust, smoke, gas, toxic materials, noise or glare beyond the boundaries of the lot on which such use is located or which by reason of vibration or any other characteristic is noxious or offensive or would tend to impair or hinder the most appropriate use of land in the vicinity in accordance with the comprehensive plan of land use set forth in this Chapter or any other ordinance.

**§429-20** No home or residence, or any portion thereof, shall be used to conduct a commercial activity, business or profession, except as otherwise permitted in this chapter.

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**ARTICLE VIII.**

**REGULATIONS APPLICABLE TO RESIDENTIAL DISTRICTS**

**§429-21 Permitted uses.**

Within any residential zone (R-50, R-75, R-100, R-150 and R-2F) unless otherwise provided hereinafter, no building, structure or lot shall be used in whole or in part for other than one of the following specified uses:

- A. One-family dwelling used as a residence, but there shall not be more than one such dwelling on any one lot.
- B. Public library.
- C. Parks, playgrounds and swimming pools maintained by the Borough of Paramus; provided, however, that the location, character and extent of such facilities shall have first been reviewed by the Land Use Board of Paramus, which shall render a written advisory report to the Mayor and Council with respect thereto.
- D. Public facilities owned and operated by the Borough of Paramus subject to the provisions of Article XXVIII of this chapter.
- E. Bedrooms are permitted in basements provided they have exterior egress.

**§429-22 Permitted accessory uses.**

Within any residential zone (R-50, R-75, R-100, R-150 and R-2F) the following accessory uses shall be permitted, provided that such use is subordinate and customarily incidental to a permitted use or to a duly approved conditional use, and provided further that there shall be no living quarters in any accessory building and accessory buildings shall not exceed 60% of the land coverage of the main building.

- A. Private garage or private parking area or driveway. A private driveway shall be deemed to be accessory to the use to which it gives access. A private garage or private parking area is not permitted in any residential zone unless it is accessory to a permitted use or an approved conditional use.
- B. Sign, if permitted by ordinance, provided that a permit has been duly issued by the Borough.
- C. Other accessory buildings or uses customarily incidental to the main permitted use in the residential zone but not including any livestock accessory building, nor any

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accessory building designed or used for human habitation or living quarters.

D. Home occupation.

E. Sheds, decks, patios, swimming pools and hot tubs.

**§429-23 Permitted locations for accessory structures/flagstaffs**

A. A shed, equal to or less than 100 square feet in floor area, shall be permitted to encroach into the required side and/or rear yard setback only being set back a minimum distance of 5 feet from a side and/or a rear property line. A shed greater than 100 square feet in floor area shall comply with §429-29B of this Zoning Ordinance.

B. Decks, patios, and swimming pools shall be permitted to encroach into required side and/or rear yards, however, shall be set back from property lines in accordance with the provisions of §429-29E and §429-34 of this Zoning Ordinance.

C. Flagstaffs may exceed maximum height requirements for all zones on the following conditions:

- 1) They are located on or in front of buildings which front on state highways or within the HCC and HCC-2 Zones with the Borough of Paramus.
- 2) They do not exceed 80 feet in overall height as measured from the mean ground level of the lot on which the flagstaff is located.
- 3) They are used only for the display of the flag of the United States of America.
- 4) There shall be only one pole per lot.
- 5) The size of the flag shall be the size of a post flag (8 feet 11 3/8 inches hoist by 17 feet fly), of nylon, as set forth in United States Army regulations AR 840-10, Chapter 2, entitled "Flag of the United States."
- 6) The size of the flag may be the size of a garrison flag (20 feet hoist by 38 feet fly), of nylon-wool, this flag to be flown only on holidays as listed in AR 600-25 and other important occasions, as designated by Presidential proclamation.

**§429-24 Conditional uses.**

The following uses are conditional uses in any residential zone (R-50, R-75, R-100, R-150 and R-2F):

A. Church or other place of worship, including parish house or Sunday school building.

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- B. Church school.
- C. Private school, provided that the same is duly accredited by the New Jersey Department of Education for elementary or secondary school under the compulsory education laws.
- D. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries.
- E. Group homes, halfway houses, supervised apartment living arrangements, hostels and the like.
- F. Facilities for Alzheimer's patients or those suffering from dementia or other cognitive problems and/or deficits.
- G. Family day-care homes.
- H. All residences, shelters, homes, apartments, hostels, facilities and the like as set forth in this section shall be limited to not more than 15 occupants.

**§429-25 Additional requirements for conditional uses.**

In any residential zone (R-50, R-75, R-100, R-150 and R-2F), any conditional building or use shall conform to the following requirements as well as any other general requirements for the zone in which the particular lot is located:

- A. The minimum lot size for churches and schools shall be not less than 2 acres.
- B. The minimum lot width for churches and schools shall be not less than 150 feet.
- C. Buffer areas.
  - 1) A buffer area shall be required for churches and schools along each boundary of the lot that is contiguous to property zoned for residential use in the Borough of Paramus or any adjacent municipality. The buffer area shall be 75 feet in width for the entire length of each side of the lot that abuts any property zoned for residential use in the Borough of Paramus or any adjacent municipality. In the event that the buffer area required above would result in a buffer area that exceeds 15% of the existing total area of the lot, then, in such event, the buffer area for that lot may be reduced in width so that the same constitutes 25 feet or 15% of the lot area, whichever is greater.
  - 2) The buffer area required shall not be used for any buildings, structures, paving or parking area or for any other use other than a buffer zone,

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except that the Land Use Board may permit entrance an egress paved driveways to a public street from any buffer area provided in the front of the lot.

- 3) Buffer areas may be included in any computation to determine that maximum allowable building coverage for the lot on which the buffer area exists or is to be created or is required. Buffer areas may also be included in any computation with regard to a side or rear yard requirements of this chapter.
- 4) The buffer areas shall be created and maintained with planting and shade trees as approved by the Land Use Board. A proposed plan showing the proposed plantings shall be submitted to the Land Use Board for review. Any lighting in the buffer area shall be so designed as to not project light in the direction of any other property zoned for residential use in the Borough of Paramus or any adjacent municipality
- 5) Medical and dental homes and office areas shall provide adequate buffer strips as a visual screen around off-street parking areas, as determined by the Land Use Board.

D. Churches and schools shall comply with the planted area required as set forth elsewhere in this Chapter.

E. For churches and schools, no vehicular entrance or exit to public streets shall be within 75 feet of a street intersection.

F. Said buffer area shall also apply to any existing county/state correctional facility which expands its operations beyond the existing security perimeter

**§429-26 Uses and buildings permitted by variance.**

A. It is not the intention of this Chapter to allow any uses or buildings or both in any residential zone other than the specified one-family residential uses permitted and the specified two-family uses permitted in the R-2F Zone. The existence of the provisions in this section shall not be regarded as evidence of any intent to allow uses other than one-family residential in all residential zones and in the R-2F Zone, two-family residential and the conditional uses set forth in §429-24. The provisions in this section are intended as minimum requirements that must be complied with by any person, occupant, owner, applicant and user of land in any residential zone where a use other than a permitted use or a conditional use has been allowed by variance or operation of law.

B. Any nonconforming use in any residential zone shall comply with the buffer and planted area requirements set forth elsewhere in this Ordinance.

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C. The height limitations and percentage of lot coverage for any use permitted by variance in any residential zone or for any use that is not an expressly and specifically permitted use listed in this chapter as a permitted use in any residential zone shall be the same as the maximum height limitations and maximum lot coverage for the zone in which the lot is located. As an additional requirement, any use permitted by variance in any residential zone or ordered by judicial action for a use that is not a use specifically and expressly listed as a permitted use in any residential zone where the property is located, shall not locate any buildings for such uses any closer to the boundary lines of the lot than the minimum distance that a building must be set back from the zone boundary lines of the zone in which the property is located where such building is located in a nonresidential zone, including also any additional setback required with regard to the height of the actual building proposed. Nothing herein shall be deemed to preclude the making of an application to the Board of Adjustment for a variance from this requirement, but it is the intent of this chapter not to permit a building in a residential zone that is to be used for purposes not permitted in the zone to be located any closer to the lot lines and adjacent property zoned for residential use than the minimum distances required were such building to be located in a nonresidential zone contiguous to the residential zone in which the proposed building is to be located.

**§429-27 Minimum lot size.**

Any lot existing of record as a separate conforming lot on the effective date of this chapter that does not conform with the lot size requirements of the residential district within which it is located may, notwithstanding such fact, be improved with a structure in accordance with the other regulations applying to the district in which it is located, provided that the owner owns no abutting land which may be included as part of the plat to be improved, and provided further that there is no vacant property contiguous to the lot that, if acquired, would, when added to the lot, create a lot having more than the minimum number of square feet set forth for the district within which the lot is located.

**§429-28 Structures in required yards restricted.**

A. No building or structure shall be constructed within any required front yard setback, required rear yard except a fence, wall and accessory structures in accordance with §429-22 and 23 or a front porch. A front porch may encroach a maximum distance of five feet into the required front yard setback, provided that the front porch does not violate any other provision of this chapter. A front porch encroachment shall be measured from the front property line to the point of the porch that is closest to the front property line, not including stairs unless said stairs are covered by a roof.

B. Projecting eaves, chimneys, open fire escapes, which do not project more than two feet, shall be permitted and shall not be counted toward lot coverage or setback. Open or lattice-enclosed fire escapes and the ordinary projections of chimneys and flues are permitted. Bay windows not to exceed three feet are permitted in front, side and rear yards. Balconies exceeding two feet will be counted toward setback and

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coverage in their entirety. Basement window wells and egress stairs that do not project above grade shall be more than five feet to the side yard setback(s).

C. Air-conditioning units and condensers and generators are permitted inside yards provided they maintain a five-foot side yard setback from this property line.

D. Where a preexisting nonconforming single-family dwelling encroaches into a required yard setback, an expansion of the dwelling is permitted both horizontally and vertically along the existing setback line provided it does not increase the existing nonconformity.

E. Temporary or permanent handicap ramp structures may encroach into front yard setbacks.

**§429-29 Minimum yard depth; rear yard setbacks.**

A. In the case of a structure to be erected on a corner lot or on a through lot in any district, all yards that abut a street shall be deemed a front yard and shall have the minimum depth prescribed for a front yard in the district in which such structure is to be erected. In such cases, the side and rear yard requirements prescribed for the district shall apply only to the yard(s) that do not abut a street line.

B. Accessory buildings, however, may be erected 10 feet from the rear property line on an interior lot or at the side of the main building, but not within any required side yards; and shall not be over 20 feet in height or one story.

C. On a corner lot, an accessory building shall not be erected except in the rear yard but not within 35 feet of the street line on the side of the lot having frontage on a street or on a corner lot at the side of the main building, provided that the same is not within any required side yard or within 35 feet of the nearest street line.

D. On a through lot, an accessory building shall not be erected within any minimum side yard area or within any minimum setback from each street that the lot abuts.

E. A rear yard setback of a minimum of 20 feet shall be maintained for open decks and patios.

**§429-30 Additions to existing residential structures.**

If, prior to the effective date of this chapter, a residence was constructed in conformity with the then existing ordinance of the Borough of Paramus without any variances being necessary; the lot or building in existence upon the passage of this chapter does not comply with the requirements of this chapter; the present use of the existing building is in conformity with this chapter and the proposed use of the addition and the existent building is in conformity with this chapter; and the owner proposes an addition which does not create any new violation of this chapter, then such addition shall be permitted

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if the proposed addition is in accordance with the requirements of this chapter. The above provision shall not apply if the deficiency is in the minimum lot size if the owner owns adjoining land which may be included as part of the lot to create a conforming size lot without creating any new violations thereby.

**§429-31 Floor area ratio.**

While there shall be no maximum floor area ratio, the maximum permitted size of any structure shall be limited by compliance with all bulk requirements (side yard, front yard, rear yard requirements) maximum building coverage, maximum impervious coverage and height requirements.

**§429-32 Off-street parking.**

A. The minimum number of off-street parking spaces for the parking of passenger vehicles that must be provided and kept available as accessory uses in garages or paved areas shall be as follows:

- 1) One-family dwelling or residences: two parking spaces. Each dwelling unit shall have not fewer than two parking spaces.
- 2) School: one parking space for each employee, plus one parking space for each five pupils in the 11th and 12th grades, or the number of parking spaces required below for places of public assembly, whichever number is greater.
- 3) Permitted places of public assembly; auditoriums shall be as set forth in §429-189(b);
- 4) Church: shall be as set forth in §429-181(b);
- 5) Mixed uses: The total requirement of parking spaces shall be the sum of the requirements of the component uses computed separately in accordance with the above provisions. Nothing herein contained shall be deemed to authorize any mixed use not otherwise permitted in any residential zone.

B. In any residential district, the parking spaces provided in any permitted accessory garage shall be counted in determining the number of parking spaces provided for purposes of this section.

C. In any residential district, not more than one vehicle with a height of not more than 9 feet and a length of not more than 22 feet, and not including truck tractors or similar vehicles capable of carrying or towing more than 10,000 pounds, may be housed on any lot, and then only in a private garage.

D. In any residential district, required parking areas shall be on the same lot with the main building or use of land to which they are accessory.

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E. No parking areas are permitted in required front yards, and such front yard areas shall be free of paving except for walkways and for driveways crossing at or about right angles. Nothing herein shall prohibit the construction of a circular driveway, provided that the same is in conformance with §429-39 and Zoning Official.

F. Driveways shall not be permitted to be paved past the garage wall toward the front door into the front yard area.

G. The storage of trailers, water vehicles, snow plows, stockpiled construction or landscaping materials or similar items are not permitted in front yard.

**§429-33 Garages.**

All dwellings constructed after enactment of this chapter shall include a garage capable of housing at least one car for a one-family dwelling so that at least one garage shall be available for each dwelling unit. Such garage shall have an interior dimension, (excluding columns) sufficient to provide for a parking space of not less than nine feet in width with a depth of eighteen (18) feet and shall otherwise conform to the requirements of all applicable provisions of all ordinances of the Borough of Paramus. Any existing dwelling which does not contain a garage as required above may be expanded, altered, reconstructed or converted without conforming to the above garage requirements, provided that such expansion, alteration, reconstruction or conversion does not exceed 25% of the floor area of the existing dwelling, whether such garage conforms to the requirements hereinabove or not, shall not be expanded, altered, reconstructed or converted so as to eliminate such existing garage. Nothing in this subsection shall be deemed to prohibit the expansion, alteration, reconstruction or conversion of an existing dwelling on a lot or lots containing an existing accessory building used as a garage and conforming to the above requirements.

**§429-34 Private swimming pools.**

Private swimming pools are classified as accessory to residential dwellings, as hereinafter regulated and restricted and upon the issuance of a permit therefor by the Building Sub-code Official of the Borough of Paramus. The fee for such permit shall be computed by the Building Sub-code Official as in the case of other structures.

A. A private swimming pool may be constructed, installed or maintained in the side yard or rear yard of such residential property; provided, however, that the inner face of the side wall of such private swimming pool shall not be located less than 10 feet from any side and rear yard property lines, nor shall the inner face of the side wall of such private swimming pool be located less than 5 feet to any building. Where such residential property is a corner lot or where such private swimming pool is to be constructed, installed or maintained in a side yard, no such private swimming pool nor any walkways, buildings, structures, equipment or appurtenances thereto shall be located less than the minimum depth of setback from any street line required by this chapter for front yards in the zone in which such residential property is located.

B. A walkway of 4 feet in width is permitted to encroach into any required setback; any

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paved surface that is larger in size is considered to be a patio and must follow all patio requirements. Pool/filter equipment must be a minimum of 10 feet from the rear and side yard lines.

C. No plot of land or premises upon which a private swimming pool is constructed, installed, maintained or located shall be subdivided if the result of such subdivision will be that said pool is separated from the portion of said land or premises upon which the residential dwelling is erected, to which said private pool is an accessory use.

D. No artificial lighting shall be maintained or operated in connection with a private swimming pool in such a manner as to be a nuisance or annoyance to the neighboring property owners, but such artificial lighting shall be so arranged and shaded as to reflect light away from adjoining properties.

E. All private swimming pools, hereafter constructed, installed or maintained shall be completely surrounded by a fence or wall in accordance with the following requirements:

- 1) A minimum of a four-foot-high fence is required to be installed around a private swimming pool or property that houses a private swimming pool. Fence requirements for a pool shall meet the present Building Code for swimming pools.
- 2) The fence or wall herein required shall completely surround said private swimming pool except that a dwelling house or accessory building may be used as part of such enclosure.
- 3) Said fence or wall enclosure shall be so designed and constructed as to reasonably prevent any person from gaining access beneath, through or over the same.

F. No private swimming pool shall be enclosed in an all-weather shelter except upon approval by the Land Use Board of the Borough of Paramus that a permit is granted therefor as a conditional use. The procedure for such application shall be the same as that provided for other conditional uses. In addition to the guiding principles and standards set forth elsewhere in this Ordinance, where applicable, the Land Use Board shall also be guided by the following additional principles and standards:

The Land Use Board shall consider the height and exterior appearance of such all-weather shelter and shall make a specific finding, supported by evidence produced at a public hearing in the manner provided by law, that such use will not be detrimental to the character of the neighborhood, to the public health, safety and welfare and to the intent and purpose of this chapter.

**§429-35 Private driveways to business or industrial uses unlawful.**

No private driveway giving ingress or egress to or from a business or industrial use shall be located, in whole or in part in any residential district.

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**§429-36 Use and erection of tents.**

- A. The use and erection of tents shall be limited for use in a residential zone to personal use such as a garden party or garden wedding for a period not longer than 48 hours.
- B. Application must be made to the Building Department for a permit if any other use is contemplated.

**§429-37 Adult uses.**

Adult uses as set forth in Chapter 149 of the Code of the Borough of Paramus are specifically prohibited in all residential zones.

**§429-38 Visual clearance at intersections.**

On the corner lot, within the triangular area determined as provided in this article, no wall or fence or other structure shall be erected to a height in excess of 2 1/2 feet above the gutter grade, and no vehicle, object or any other obstruction of a height in excess of 2 1/2 feet, except trees whose branches are trimmed away to a height of at least seven feet above the gutter grade, shall be permitted. Such triangular area shall be determined by the intersecting street corner lines and a diagonal connecting two points, one on each street center line, each of which points is 75 feet from the intersection of such street center lines.

**§429-39 Curb cuts.**

- A. No curb cut in any nonresidential zoning district shall exceed 30 feet as measured at the top of the curbing.
- B. No curb cut in any residential zoning district shall exceed 12 feet for driveways servicing one-car garages and no more than 20 feet for driveways servicing two or more car garages, again measured at the top of the curbing.
- C. The minimum distance between curb cuts on one lot shall not be less than 50 feet as measured at the top of the curbing.
- D. No curb cut shall be greater than a width equal to one-third of the lot's frontage.
- E. No curb cut shall be nearer than two feet to any property line and no nearer than five feet to the base of any Borough street tree.
- F. No curb cut shall be located in a manner that interferes with intersecting sidewalks, traffic signals, lampposts, fire hydrants, street trees or other public improvement. No pillar located in a front yard shall exceed 3 feet in height.
- G. Concrete aprons shall be installed between curbs and sidewalks. All work in

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connection with curb cuts shall be inspected by the Borough Engineer before concrete is poured.

H. Any improvements required to be made to utility facilities, light fixtures, fire hydrants, catch basins, street signals or other public installations shall be paid for by the applicant for a curb cut permit.

I. Any individual performing any work in connection with a curb cut shall maintain the premises in a safe manner and shall provide adequate barricades and lights at the applicant's expense. The applicant shall take all measures necessary to protect the public.

J. Circular driveways and/or driveways providing for K-turns shall only be permitted on the following streets:

- 1) Forest Avenue
- 2) Oradell Avenue
- 3) Ridgewood Avenue
- 4) Century Road
- 5) Farview Avenue
- 6) Grove Street
- 7) Howland Avenue
- 8) Linwood Avenue
- 9) Midland Avenue
- 10) Paramus Road
- 11) Pascack Road
- 12) Spring Valley Road
- 13) Continental Avenue
- 14) Highland Avenue
- 15) Soldier Hill Road

K. Driveways providing for K-turns shall only be permitted on those streets listed in Subsection J above or on the following streets:

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- 1) Brookfield Avenue
- 2) Circle Drive
- 3) Concord Drive
- 4) Haase Avenue
- 5) Lawrence Drive
- 6) Roosevelt Blvd.
- 7) Green Valley Road
- 8) Glen Avenue
- 9) McKinley Blvd.
- 10) Chelsea Street
- 11) Burnett Place
- 12) Arnot Place
- 13) Hemlock Road

L. Circular driveways may not exceed 12 feet in width. Circular driveways permitted by the provisions of Subsection J hereinabove shall also comply with and may not exceed the dimensions set forth on the following drawing entitled "Paramus Street Circular Driveway" on file in Borough Building Department.

M. K-turn portions of K-turn driveways may not exceed 10 feet in width and 12 feet in length (length defined to be the distance from the edge of the driveway as shown on the following drawing). K- turn driveways permitted by the provisions of Subsection K hereinabove shall also comply with and may not exceed the dimensions set forth on the following drawing entitled "Paramus Street Circular Driveway" on file in Borough Building Department.

N. A driveway must be offset two (2) feet from any side or rear property line.

O. A driveway to a residential dwelling shall not have a negative slope from the street right of way line to the garage unless the slope follows the existing natural topography.

**§429-40 Fences and walls.**

A. In all districts, unless otherwise specifically provided in this chapter, no portion of any fence or wall exceeding three feet six inches in height shall be placed within 35 feet of the

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front property line. In the event that the solid area of such fence or wall exceeds 25% of the total area of the fence or wall located within 35 feet of the front property line, the height thereof shall not exceed three feet.

B. No portion of any fence or wall extending back from the building line to and along the rear property line shall exceed six feet six inches in height, unless otherwise provided in this chapter or required by the Land Use Board. "Wall," as herein used, shall mean either a decorative wall or a retaining wall. Tennis court fences shall be 10 feet in height.

C. Fences in flood hazard areas as defined by NJDEP shall conform to the requirements of NJAC 7:13 (Flood Hazard Area Control Act).

D. If any fence located on top of a retaining wall causing the combined height of the fence and retaining wall to exceed six feet six inches in height, the fence is to be set back a minimum of two (2) feet from the face of the retaining wall.

E. Decorative pillars may not be located within the street right of way and shall not exceed three (3) feet in height.

F. Any Fence which is not aesthetically and visually identical on both sides must be erected so that the side facing an adjoining property owner is of equal or better aesthetic and visual appearance than the side facing the property upon which the fence is erected.

**§429-41 Conditional Uses.**

Unless expressly provided elsewhere in this chapter, there are no conditional uses in any residential zone.

**ARTICLE IX.**

**RESIDENTIAL ONE-FAMILY (R-50) ZONE**

**§429-42 Permitted uses.**

Within any R-50 Zone, no building, structure or lot shall be constructed or used for any use other than in accordance with the general regulations for all residential zones set forth in all of the provisions contained in Article VII of this chapter and in accordance with the provisions set forth herein.

**§429-43 Lot area and bulk requirements.**

Lot and structures in the R-50 Zone shall conform to the requirements listed below. Additional requirements and the rules governing the application of these requirements are given in Article VII.

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- A. Maximum height of buildings shall be as follows:
- 1) Flat roof: 2 stories/20 feet.
  - 2) Pitched roof: 2 1/2 stories/30 feet.
- B. Minimum lot area shall be as follows:
- 1) Interior lots: 9,375 square feet.
  - 2) Corner lots: 10,775 square feet.
- C. Minimum width of a lot shall be 50 feet.
- D. Minimum frontage of a lot shall be 50 feet except for those lots located at and fronting on the turnaround of a dead-end street where the frontage requirement shall be reduced to 80% of the lot width requirement.
- E. Maximum coverage of a lot shall be as follows:
- 1) By buildings: 25%.
  - 2) By impervious surfaces: 50%.
- F. Minimum front yard setback shall be the greater of the following distances:
- 1) As measured from street right-of-way line: 25 feet.
  - 2) As measured from center line of street: 50 feet. G.
- Minimum side yards shall be as follows:
- 1) Total of both side yards: 18 feet.
  - 2) Minimum for any one side: 8 feet. H.
- Minimum rear yard shall be 20 feet.
- I. Minimum lot depth:
- 1) Interior lots: 150 feet.
  - 2) Corner lots: 180 feet.

**ARTICLE X.**

**RESIDENTIAL ONE-FAMILY (R-75) ZONE**

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**§429-44 Permitted uses.**

Within any R-75 Zone, no building, structure or lot shall be constructed or used for any use other than in accordance with the general regulations for all residential zones set forth in all of the provisions contained in Article VII of this Chapter and in accordance with the provisions set forth herein.

**§429-45 Lot area and bulk requirements.**

Lots and structures in the R-75 Zone shall conform to the requirements listed below. Additional requirements and the rules governing the application of these requirements are given in Article VII.

A. Maximum height of buildings shall be as follows:

- 1) Flat roof: 2 stories / 20 feet.
- 2) Pitched roof: 2 1/2 stories / 30 feet.

B. Minimum lot area shall be as follows:

- 1) Interior lots: 9,375 square feet.
- 2) Corner lots: 10,775 square feet.

C. Minimum width of a lot shall be 75 feet.

D. Minimum frontage of a lot shall be 75 feet except for those lots located at and fronting on the turnaround of a dead-end street where the frontage requirement shall be reduced to 80% of the lot width requirement.

E. Maximum coverage of a lot shall be as follows:

- 1) By buildings: 25%
- 2) By impervious surfaces: 50%

F. Minimum front yard setback shall be the greater of the following distances:

- 1) From street right-of-way line: 35 feet.
- 2) From center line of street: 60 feet. G.

Minimum side yards shall be as follows:

- 1) Total of both side yards: 20 feet.

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- 2) Minimum for any one side: 10 feet. H.

Minimum rear yard shall be 30 feet.

I. Minimum lot depth:

- 1) Interior lots: 125 feet.
- 2) Corner lots: 140 feet.

**ARTICLE XI.**

**RESIDENTIAL ONE-FAMILY (R-100) ZONE**

**§429-46 Permitted uses.**

Within any R-100 Zone, no building, structure or lot shall be constructed or used for any use other than in accordance with the general regulations for all residential zones set forth in all of the provisions contained in Article VII of this Chapter and in accordance with all the provisions set forth herein.

**§429-47 Lot area and bulk requirements.**

Lots and structures in the R-100 Zone shall conform to the requirements listed below. Additional requirements and the rules governing the application of these requirements are given in Article VII.

A. Maximum height of buildings shall be as follows:

- 1) Flat roof: 2 stories / 20 feet.
- 2) Pitched roof: 2 1/2 stories / 32 feet. B.

Minimum lot area shall be as follows:

- 1) Interior lots: 12,500 square feet.
- 2) Corner lots: 14,375 square feet. C.

Minimum width of a lot shall be 100 feet.

D. Minimum frontage of a lot shall be 100 feet except for those lots located at and fronting on the turnaround of a dead-end street where the frontage requirement shall be reduced to 80% of the lot width requirement.

E. Maximum coverage of a lot shall be as follows:

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- 1) By buildings: 25%.
- 2) By impervious surfaces: 50%.

F. Minimum front yard setback shall be the greater of the following distances:

- 1) From street right-of-way line: 35 feet.
- 2) From the center line of street: 60 feet. G.

Minimum side yards shall be as follows:

- 1) Total of both side yards: 25 feet.
- 2) Minimum for any one side: 12 feet. H.

Minimum rear yard shall be 30 feet.

I. Minimum lot depth:

- 1) Interior lots: 125 feet.
- 2) Corner lots: 140 feet.

**§429-48 Continuous open space subdivisions.**

A. In order to promote continuous open space or a subdivision design more compatible with existing topographical features or conditions or to reduce the length of a road, curb and other public improvements, an applicant may voluntarily request in connection with subdivision approval that the individual lot sizes and setback requirements in the R-100 Zone be reduced to the next lower residential district, R-75, provided that the number of new residential lots shall be no more than would have been permitted had such reduction not been granted and approved, and provided further that the collective open space in the subdivision not on the individual lots is dedicated to the Borough of Paramus as part of and as a condition of the granting of any preliminary or final subdivision under the provisions hereof.

B. The Land Use Board shall review such applications and shall have the power to approve or to approve with conditions or to reject the application. In passing upon said applications, the following criteria and standards shall apply:

- 1) The Master Plan of the Borough of Paramus.
- 2) The usual standards set forth in Chapter 387, Subdivision of Land, and all amendments thereto of the Code of the Borough of Paramus.
- 3) The objectives of zoning as set forth in N.J.S.A. 40:55D-62 et seq. and the intent and purpose of this Zoning Ordinance and whether or not any detriment or benefit to the public

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welfare will result from approval, disapproval or approval with conditions.

- 4) Suitability of the open space for dedication for a useful public purpose.
- 5) The land proposed for dedication shall not have an area less than one acre or less than 1/2 acre if the land abuts other land owned by the Borough (not including streets) or if the land abuts a stream.
- 6) There is suitable access to the land proposed to be dedicated.
- 7) The Mayor and Council accept the proposed dedication.

**ARTICLE XII.**

**RESIDENTIAL ONE-FAMILY (R-150) ZONE**

**§429-49 Permitted uses.**

Within any R-150 Zone, no building, structure or lot shall be constructed or used for any use other than in accordance with the general regulations for all residential zones set forth in all of the provisions contained in Article VII of this Chapter and in accordance with the provisions set forth herein.

**§429-50 Lot area and bulk requirements.**

Lots and structures in the R-150 Zone shall conform to the requirements listed below. Additional requirements and the rules governing the application of these requirements are given in Article VII.

**A. Maximum height of buildings shall be as follows:**

- 1) Flat roof: 2 stories / 20 feet.
- 2) Pitched roof: 2 1/2 stories / 35 feet. B.

Minimum lot area shall be as follows:

- 1) Interior lots: 30,000 square feet.
- 2) Corner lots: 34,500 square feet. C.

Minimum width of a lot shall be 150 feet.

**D. Minimum frontage of a lot shall be 150 feet except for those lots located at and fronting on the turnaround of a dead-end street where the frontage requirement shall be reduced to 80% of the lot width requirement.**

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E. Maximum coverage of a lot shall be as follows:

- 1) By buildings: 25%
- 2) By impervious surfaces: 50%

F. Front yard setback shall be the greater of the following distances:

- 1) From street right-of-way line: 50 feet.
- 2) From center line of street: 75 feet. G.

Minimum side yards shall be as follows:

- 1) Total of both side yards: 50 feet.
- 2) Minimum for any one side: 25 feet. H.

Minimum rear yard shall be 50 feet.

I. Minimum lot depth:

- 1) Interior lots: 200 feet.
- 2) Corner lots: 225 feet.

**§429-51 Continuous open space subdivisions.**

A. In order to promote a continuous open space or a subdivision design more compatible with existing topographical features or conditions or to reduce the length of road, curb and other public improvements, an applicant may voluntarily request in connection with subdivision approval that the individual lot sizes and setback requirements in the R-150 Zone be reduced to the next lower residential district, R-100, provided that the number of new residential lots shall be no more than would have been permitted had such reduction not been granted and approved, and provided further that the collective open space in the subdivision not on the individual lots be dedicated to the Borough of Paramus as part of and as a condition of the granting of any preliminary or final subdivision under the provisions hereof.

B. The Land Use Board shall review such applications and shall have the power to approve or to approve with conditions or to reject the application. In passing upon said applications, the following criteria and standards shall apply:

- 1) The Master Plan of the Borough of Paramus.
- 2) The usual standards set forth in Chapter 387, Subdivision of Land, and all amendments thereto of the Borough of Paramus.

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3) The objectives of zoning as set forth in N.J.S.A. 40:55-D-62 *et seq.* and the intent and purpose of this Zoning Ordinance and whether or not any detriment or benefit to the public welfare will result from approval, disapproval or approval with conditions.

4) Suitability of the open space for dedication for a useful public purpose.5) The land proposed for dedication shall not have an area less than one acre or less than ½ acre if the land abuts other land owned by the Borough (not including streets) or if the land abuts a stream.

6) There is suitable access to the land proposed to be dedicated.

**ARTICLE XIII.**

**MOUNT LAUREL RESIDENTIAL (R-150 ML) ZONE**

**§429-52 Purpose.**

The purpose of this zone is to provide properly planned cluster single-family development which will contribute to the production of funding for lower-income housing in satisfaction of Paramus' affordable housing obligation under N.J.S.A. 52:27D-301 *et seq.* and N.J.A.C. 5:93.

**§429-53 Permitted uses.**

Within the R-150 ML Zone no building, structure or lot shall be constructed or used for any use other than single-family detached residential in accordance with the general regulations for all residential zones set forth in the provisions contained in Article VII of this Chapter and in accordance with the provisions set forth herein.

**§429-54 Lot area and bulk requirements.**

Lots and structures in the R-150 ML Zone shall conform to the requirements listed below. Additional requirements and rules governing the application of these requirements are given in Article VII.

A. Density. The maximum density of the tract shall be no more than could be legally obtained under a subdivision design in accordance with the standards of the R-150 Zone. For the purposes of this Zoning Ordinance, the density for Block 1502, Lots 1, 2 and 3 and Block 1002, Lot 1 within this zone has been determined to be 48 single-family dwelling units.

B. Minimum open space.

1) The minimum open space percentage of the tract that must be set aside as common open space shall equal 20% of the total tract area. Documentation shall be submitted to the Land Use Board for review to ensure that the common open space shall be permanently maintained. Such a plan shall first offer such common open space to the Borough of Paramus for public park purposes. If the Mayor and Council do not accept the proposed dedication, then the developer shall establish a homeowners association of the

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homeowners in the proposed development to own and maintain the common open space. The Borough Attorney shall approve the documents establishing any such homeowners association.

2) Common open space may include wetlands, floodplain or other environmentally constrained lands, drainage detention or retention facilities, required buffer areas and active or passive recreation facilities. Such recreational facilities shall be restricted for the use of the residents of the development unless dedicated to the municipality.

C. Minimum buffer width: The minimum width of the buffer along the northern property line adjacent to existing R-150 homes shall be 200 feet. The area within the buffer shall be preserved in its naturally vegetated state as common open space but one vehicular roadway crossing and one pedestrian pathway may be permitted.

D. Minimum lot areas. The minimum lot areas shall be as follows:

- 1) Interior lots: 15,000 square feet.
- 2) Corner lots: 17,500 square feet.

E. Minimum lot width and frontage. The minimum lot width and frontage shall be as follows:

- 1) Minimum lot width: 100 feet.
- 2) Minimum lot frontage: 30 feet.

F. Minimum yard setbacks. The minimum yard setbacks shall be as follows:

- 1) Front yard: 35 feet.
- 2) Side yard: 10 feet, one side; 25 feet, combined both sides.
- 3) Rear yard: 30 feet.

G. Maximum building coverage: 25% of each individual lot. H.

Maximum impervious surface: 50% of each individual lot. I.

Maximum height of buildings: 32 feet.

**ARTICLE XIV.**

**RESIDENTIAL TWO-FAMILY (R-2F) ZONE**

Within any R-2F Zone, no building, structure or lot shall be constructed or used for any use

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other than in conformity with the general regulations for all residential zones set forth in all of the provisions contained in Article VII of this Chapter and in accordance with all the provisions therein, except that in the R-2F Zone a two-family dwelling, as defined hereunder, on one lot, shall also be a permitted use.

**§429-55 Permitted uses.**

Within any R-2F Zone, no building, structure or lot shall be constructed or used for any use other than in conformity with the general regulations for all residential zones set forth in all of the provisions contained in Article VII of this Chapter and in accordance with all the provisions therein, except that in the R-2F Zone a two-family dwelling, as defined hereunder, on one lot, shall also be a permitted use.

**§429-56 Lot area and bulk requirements.**

Lots and structure in the R-2F Zone shall conform to the requirements listed below. Additional requirements and the rules governing the application of these requirements are given in Article VII.

A. Maximum height of buildings shall be as follows:

- 1) Flat roof: 2 stories / 20 feet.
- 2) Pitched roof: 2 1/2 stories / 35 feet.

B. Minimum lot area shall be as follows:

- 1) Interior lots: 15,000 square feet.
- 2) Corner lots: 17,250 square feet.

C. Minimum width of a lot shall be 100 feet.

D. Minimum frontage of a lot shall be 100 feet except for those lots located at and fronting on the turnaround of a dead-end street where the frontage requirement shall be reduced to 80% of the lot width requirement.

E. Maximum coverage of a lot shall be as follows:

- 1) By buildings: 25%
- 2) By impervious surfaces: 50%

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F. Front yard setback shall be the greater of the following distances:

- 1) From street right-of-way line: 35 feet.
- 2) From center line of street: 60

feet. G. Minimum side yards shall be as

follows:

- 1) Total of both side yards: 25 feet.
- 2) Minimum for any one side: 12

feet. H. Minimum rear yard shall be 30

feet.

I. Minimum lot depth:

- 1) Interior lots: 150 feet.
- 2) Corner lots: 175 feet.

**ARTICLE  
XV.**

**R-AH Residential - Affordable Housing  
Zone**

**§429-57  
Purpose.**

The purpose of this zone is to provide for the construction of moderate and lower-income units in the Borough of Paramus.

**§429-58            Extent; availability of  
units.**

The R-AH Zone shall extend as shown on the Zoning Map of the Borough of Paramus. All units developed in this zone shall be made available to moderate and lower-income families pursuant to applicable law.

**§429-59            Permitted  
uses.**

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Within any R-AH Zone, no building, structure or lot shall be used in whole or in part for other than one or more of the permitted uses expressly set forth herein. The following uses shall be permitted within the R-AH Zone:

A. Atrium

homes. B.

Quadplexes.

C. Multifamily  
units.

**§429-60 Accessory  
uses.**

Accessory uses shall be permitted, provided that such uses are customarily incident to and subordinate to the main permitted use specified above. Such accessory uses include:

A. Roads, parking lots, garages and

driveways. B. Lawns, planted areas and

open space areas. C. Sidewalks and plazas.

D. Recreation facilities, provided that such facilities are not commercial in operation and are restricted to the use of the occupants of the project.

**§429-61 Tract and lot area and bulk  
requirements.**

All lots and structures shall conform to the requirements listed below:

A. Minimum tract area shall be 1 acre.

B. Minimum tract width shall be 200 feet.

C. Maximum adjusted gross density shall be 21 dwelling units per

acre. D. Minimum front setback shall be as follows:

1) From internal road: 20 feet.

2) From minor street: 30 feet.

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- 3) From collector street: 40 feet.
  - 4) From arterial street: 50 feet.
- E. Minimum side yard setback shall be 25 feet.
- F. Minimum rear yard setback shall be 25 feet together with any required buffer.
- G. Minimum distance between buildings shall be as follows:
- 1) End wall to end wall: 25 feet measured in any direction.
  - 2) End wall to window wall: 30 feet measured perpendicular to the plane of any window required by the New Jersey State Uniform Construction Code at points 4 feet on either side of such window.
  - 3) Window wall to window wall: 50 feet measured perpendicular to the plane of any window required by the New Jersey Uniform Construction Code at points 4 feet on either side of such window.
- H. Maximum length of any building facade shall be 200 feet.
- I. Maximum building height shall be 3 stories or 35 feet, whichever is less.
- J. Maximum building coverage shall be 30%.
- K. Maximum impervious surface coverage shall be 60%.
- L. Minimum buffers to be planted as elsewhere in this Ordinance:
- 1) To adjacent single-family zoned or used lot: greater of 25 feet or one times building height.
  - 2) To adjacent commercially zoned or used lot: 25 feet.

**§429-62 Minimum off-street parking ratios.**

- A. The required minimum off-street parking ratios shall be in accordance with the RSIS.

**§429-63 Minimum road widths.**

Required minimum road widths shall be as follows:

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	<b>Width of Right-Of-Way (if provided) (feet)</b>	<b>Interior Streets Pavement Width (feet)</b>
No curbside Parking	40	24
1-side Parking	50	30
2-side Parking	50	36

In the event that the provisions of the Residential Site Improvement Standards ("RSIS"), as promulgated by the Department of Community Affairs, shall differ, the provision of the RSIS shall govern.

**§429-64 Major parking lot setbacks.**

Minimum major parking lot setbacks from the following shall be as

follows: A. Arterial streets: 40 feet.

B. Collector streets: 30

feet. C. Local streets: 20

feet.

D. Internal streets: 10 feet.

E. Exterior property lines: 10 feet together with any required buffer.

F. Buildings: 10 feet (not applicable to any parking within a building).

**ARTICLE XVI.**

**GOLF COURSE CLUSTER TOWNHOUSE (R-GC) Zone**

**§429-65 Purpose.**

To ensure the preservation of the existing golf courses in the Borough of Paramus and to create an additional incentive for the construction and/or funding of moderate and lower-income housing, a Golf Course Cluster Townhouse Zone is herewith established.

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**§429-66 Permitted uses; requirements.**

Within this zone, any project containing a golf course may be developed for atrium units, patio houses and/or townhouses in accordance with the requirements of this article. The developer of such project shall do the following:

- A. Design the site plan of the project in such a way that at least 18 holes of the golf course are preserved, either as they currently exist or as they may be redesigned.
- B. Execute a conservation easement or similar covenant running to the Borough and to each individual future project owner to ensure that the golf course is preserved as open space and used in the future only as golf course or other open space approved by the Land Use Board.
- C. The moderate and lower-income units required hereunder shall consist of atrium homes, quadplexes and/or multifamily units and shall be in accordance with the New Inclusionary Zoning Requirements for Affordable Housing Ordinance.

**§429-67 Accessory uses.**

Accessory uses shall be permitted, provided that such uses are customarily incident to and subordinate to the main permitted use specified above. Such accessory uses include:

- A. Roads, parking lots, garages and driveways.
- B. Lawns, planted areas and open space areas.
- C. Sidewalks and plazas.
- D. Recreation facilities, provided that such facilities are not commercial in operation and are restricted to the use of the occupants of the project.

**§429-68 Tract and lot area and bulk requirements.**

Lots and structures in the R-GC Zone shall conform to the following requirements:

	<u>Market Units</u>	<u>Affordable Housing Units</u>
Minimum gross tract area (acres)	100	1
Maximum net density (dwelling units per acre) <sup>1</sup>	6.0	22

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<b>Minimum front setback:</b>		
From internal road (feet)	20	20
From minor street (feet)	50	30
From collector street (feet)	75	40
From arterial street (feet)	100	50
Minimum side yard setback (feet) <sup>2</sup>	50	25
Minimum rear yard setback (feet) <sup>2</sup>	50	25
<b>Minimum distance between buildings:</b>		
End wall to end wall (feet) <sup>3</sup>	25	25
End wall to window wall (feet) <sup>4</sup>	30	30
Window wall to window wall (feet) <sup>4</sup>	50	50
Maximum length of any building facade (feet)	200	200
Maximum building height	2 stories or 30 feet (whichever is less)	3 stories or 35 feet (whichever is less)
Maximum building coverage (percent)	20	30
Maximum impervious surface coverage (percent)	35	60
Minimum buffers (to be planted as set forth elsewhere in this Ordinance)		
To adjacent single-family lot (feet)	25	25
To adjacent commercial lot (feet)	25	25

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**NOTES:**

1. Includes only that area actually being developed. Although at least 18 holes of the golf course must be covered by a conservation easement, the area of the golf course is not included in the calculation of this net density.
2. Plus buffer as required.
3. Measured in any direction.
4. Measured perpendicular to the plane of any window required by the New Jersey State Uniform Construction Code at points four feet on either side of such window.

**§ 429-69 Minimum road widths.**

Required minimum road widths shall be as follows:

	<b>Width of Right-of-Way (if provided) (feet)</b>	<b>Interior Streets Pavement Width (feet)</b>
No curbside parking	40	24
1-side parking	50	30
2-side parking	50	36

In the event that the provisions of the RSIS shall differ, the provisions of the RSIS shall govern.

**§429-70 Minimum off-street parking ratio; reduction.**

- A. The minimum required off-street parking for any residential development shall be in accordance with the RSIS.
- B. Parking for non-residential uses shall be as set forth elsewhere in this Ordinance.

**§429-71 Major parking lot setbacks.**

The minimum setbacks for major parking lots from the following shall be as follows:

- A. Arterial streets: 40 feet.
- B. Collector streets: 30 feet.

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- C. Local streets: 20 feet.
- D. Internal streets: 10 feet.
- E. Exterior property lines: 10 feet together with any required buffer.
- F. Buildings: 10 feet (not applicable if parking within a building).

**ARTICLE XVII.**

**MOUNT LAUREL RESIDENTIAL (RML) ZONE**

**§429-72 Purpose.**

The purpose of this zone is to provide certain development bonuses in settlement of a Mount Laurel action entitled, "Cedar Park Development, Inc. v. Borough of Paramus", and in consideration of the developer's agreement to contribute to the production of lower-income housing in satisfaction of Paramus' affordable housing obligation under N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:92.

**§429-73 Maximum number of units.**

Notwithstanding any provisions to the contrary, the maximum number of dwelling units in this zone shall be 140.

**§429-74 Nonbuildable areas.**

No buildings shall be located in inland wetlands, areas with slopes in excess of 15% or in soils more than 10 feet deep whose bearing capacity is less than 2,000 pounds per square foot. No buildings shall be located in one-hundred-year floodplains except to the extent that the New Jersey Department of Environmental Protection and Energy expressly authorizes such development.

**§429-75 Buffer areas; setbacks.**

A. A buffer area not less than 25 feet in width, consisting of existing trees or staggered rows of evergreen trees, shall be maintained wherever new units abut existing single-family homes.

B. The minimum setback of any building from the boundaries of this zone shall be 50 feet, except as follows:

- 1) From cemetery property: 20 feet.
- 2) From Soldier Hill Road: 35 feet.
- 3) From Pascack Road: In accordance with the standards of the R-100 Zone.

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C. No units shall have access directly onto Forest Avenue or Soldier Hill Road.

**§429-76 Applicability of other provisions.**

All lots in this zone with frontage on Pascack Road shall be subject to all of the provisions applicable to the R-100 Zone. All other lots shall be subject to the general regulations set forth in this Ordinance, except insofar as those regulations are modified by the specific provisions of this Article XVII.

**§429-77 Permitted uses.**

In addition to the permitted uses in the R-100 Zone:

A. One-family condominium units shall be a permitted use.

B. If there is not sufficient buildable land in this zone for 140 single-family units, townhouses shall be permitted in the northwestern section of this zone to the extent necessary to produce 140 total units.

C. Agricultural and horticultural uses shall be permitted.

**§429-78 Lot area and bulk requirements.**

A. For one-family dwelling units on individual lots, lots and structures shall conform to the following requirements:

- 1) Maximum height of buildings shall be 2 stories (plus basement) or 30 feet.
- 2) Maximum net density shall be 6.0 dwelling units per acre.
- 3) Minimum lot area shall be 5,000 square feet.
- 4) Minimum width of lot shall be 50 feet.
- 5) Minimum front yard setback shall be 20 feet.
- 6) Minimum side yards: The total of both yards shall be 15 feet.
- 7) Minimum distance between buildings on adjacent lots shall be 15 feet.
- 8) Minimum rear yard shall be 25 feet.
- 9) Minimum usable rear yard area shall be 1,000 square feet.

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B. For one-family condominium units, lots and structures shall conform to the following requirements:

- 1) Maximum number of units per building shall be one.
- 2) Maximum height of buildings shall be two stories (plus basement) or 30 feet.
- 3) Maximum net density shall be 6.0 dwelling units per acre.
- 4) Maximum coverage of net tract area shall be as follows:
  - a) By buildings: 25%
  - b) By impervious surfaces: 50%.
- 5) Minimum distance between buildings shall be 15 feet.
- 6) Minimum distance between building and street curb shall be 20 feet.
- 7) Minimum distance between building and parking lot shall be 10 feet.
- 8) Minimum usable rear yard area shall be 1,000 square feet per unit.

C. For townhouses, lots and structures shall conform to the following requirements:

- 1) Maximum height of buildings shall be two stories (plus basement) or 30 feet.
- 2) Maximum coverage of net tract area shall be as follows:
  - a) By buildings: 25%.
  - b) By impervious surfaces: 50%.
- 3) Minimum front yard setback shall be 20 feet.
- 4) Minimum distance between buildings shall be as follows:
  - a) End wall to end wall: 25 feet, measured in any direction.
  - b) End wall to window wall: 30 feet, measured perpendicular to the plane of any window required by the New Jersey State Uniform Construction Code at points four feet on either side of such window.
  - c) Window wall to window wall: 50 feet, measured perpendicular to the plane of any window required by the New Jersey State Uniform Construction Code at points four feet on either side of such window.

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- 5) Maximum number of units per building shall be 10 units.
- 6) Maximum length of any building façade shall be 200 feet.

**§429-79 Minimum off-street parking requirements.**

Off-street parking shall be governed by and in accordance with the RSIS.

**§429-80 Minimum road widths.**

Minimum road widths shall be as follows:

<b>Curbside Parking</b>	<b>Pavement Width (feet)</b>
None	24
One side	30
Both sides	36

In the event the provisions of the RSIS shall differ, the provisions of the RSIS shall govern.

**§429-81 Major parking lot setbacks.**

Major parking lots shall have the following minimum setbacks from the following:

- A. Arterial streets: 40 feet.
- B. Collector streets: 30 feet.
- C. Local streets: 20 feet.
- D. Internal streets: 10 feet.
- E. Exterior property lines: 10 feet.
- F. Buildings: 10 feet (not applicable to any parking within a building).

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**ARTICLE XVIII.**

**MOUNT LAUREL AFFORDABLE CARE (MFAC) ZONE**

**§429-82 Purpose.**

The purpose of this zone is to provide properly planned development to contribute to the production of lower-income housing in satisfaction of Paramus' affordable housing obligation under N.J.S.A. 52:27D-301 *et seq.* and N.J.A.C. 5:93, and to provide for an assisted living facility for senior citizens.

**§429-83 Permitted uses.**

Permitted uses shall be as follows:

- A. Assisted living residence.

**§429-84 Accessory uses.**

Accessory uses shall be as follows:

A. Any inside use contained within an assisted living residence, normally associated with assisted living residence and necessary for the well-being of the elderly, including but not limited to central kitchen; central dining facilities; diagnostic facilities; infirmary; chapel, library; barbershop/beauty salon; patient/visitor store; indoor swimming pool; exercise room; recreation room; meeting room; and offices for personnel. The total of such accessory uses shall not exceed 25% of the floor area of any assisted living residence.

B. Any outdoor use normally associated with the maintenance, security, safety, convenience or communications of an assisted living residence, including but not limited to outdoor recreation facilities; guard/gatehouse; parking lots, lawns, terraces; carports or covered walkways.

**§429-85 Floor area ratio.**

The maximum permitted floor area ratio shall be 0.35.

**§429-86 Lot size, dimension, bulk and setback.**

Notwithstanding any contrary provisions of Ordinance No. 92-18, lots and structures used for senior living facilities shall conform to the following requirements:

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A. Lot size, frontage, county road and dedications. The minimum lot size shall be 5 acres, and there shall be a minimum lot frontage of 400 feet on a county road. No more than one principal building may be developed upon the lot.

B. Building and structure heights. The maximum building height shall be no more than 35 feet above the finished mean grade measured 6 feet from the building. The maximum building height shall be exclusive of elevator tower, stair and walkway enclosures, HVAC equipment and other roof appurtenances. Such roof appurtenances shall not exceed the building height limit by more than 12 feet.

C. Coverage, buffers and greenery.

- 1) Maximum building coverage: 25% of lot area.
- 2) Maximum impervious coverage: 60% of lot area.
- 3) Minimum greenery and landscaped buffer: 30% of lot area.
- 4) Minimum landscaped buffer (may include stormwater management facilities): 125 feet where adjacent to single-family residential districts, otherwise, 50 feet.

**§429-87 Parking.**

The minimum number of parking spaces for assisted living residence units shall be 0.5 of a space per unit.

**§429-88 Building setbacks and yard requirements.**

Building setbacks and yard requirements shall be as follows:

- A. Minimum front yard: 75 feet.
- B. Minimum side yard: 50 feet.
- C. Minimum rear yard: 50 feet.
- D. Minimum lot width: 400 feet.

**§429-89 Parking setback.**

Parking setbacks shall be as follows:

- A. Minimum distance to right-of-way: 15 feet.
- B. Minimum distance to building: 20 feet.

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**§429-90 Aboveground detention / retention basin setback.**

Aboveground detention/retention basin setbacks shall be as follows:

- A. Seventy-five feet to adjacent single-family residential zone.
- B. Twenty-five feet to buildings.
- C. Ten feet to road right-of-way.
- D. Ten feet to side rear lot lines.

**ARTICLE XIX.**

**MFML MOUNT LAUREL MULTIFAMILY RESIDENTIAL ZONE**

**§429-91 Purpose.**

The purpose of this zone is to provide properly planned development to contribute to the production of lower-income housing in satisfaction of Paramus' affordable housing obligation under N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:93.

**§429-92 Permitted uses.**

Permitted uses shall be as follows: Detached single-family residential units following the R-150 Zone Standards and attached multifamily residential units following the standards below.

**§429-93 Accessory uses.**

Accessory uses shall be as follows:

- A. Roads, parking lots, garages and driveways.
- B. Lawns, planted areas and open space areas.
- C. Sidewalks and plazas.
- D. Recreation facilities, provided that such facilities are not commercial in operation and are restricted to the use of the occupants of the project and their guests.

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**§429-94            Density and maximum number of multifamily units.**

Maximum net density number of units shall be 4.65 units per buildable acre. For purposes of calculating density, one-hundred-year floodplain areas, all wetlands areas and ½ of all wetlands transition areas as defined by NJDEP shall be considered not buildable. The maximum number of multifamily units shall be 260.

**§429-95            Floor area ratio.**

The maximum permitted floor area ratio shall be 0.35.

**§429-96            Planted buffer areas; setbacks.**

A.        A planted buffer area of not less than 25 feet in width shall be maintained wherever new units abut zone boundaries except when coterminous with existing roads. When land abuts existing R-150 development of two or more lots, the land immediately adjacent to the existing R-150 development shall be developed in accordance with all R-150 Zone requirements. In addition, a seventy-five-foot wide minimum setback, including the twenty five-foot planted buffer, shall be maintained between the new R-150 units and any new units of greater density, said buffer to be in addition to any existing or proposed streets.

B.        The minimum setback, including the required buffer, of any building from the boundaries of this zone shall be 50 feet, except that the setback from existing R-150 development of less than two lots shall be 75 feet.

**§429-97            Lot area and bulk requirements.**

All lots and structures shall conform to the following

requirements: A.    Maximum height of buildings shall be 35 feet.

B.        Maximum coverage of net tract area shall be as follows:

- 1)        By buildings: 25%.
- 2)        By impervious surfaces: 50%.

C.        Minimum front yard setback shall be 20 feet from road right-of-way or 25 feet

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from edge of pavement when no right-of-way is provided.

D. Minimum distance between buildings shall be as follows:

- 1) End wall to end wall: 25 feet. (Note: measured in any direction.)
- 2) End wall to window wall: 25 feet. (Note: measured perpendicular to the plane of any window required by the New Jersey State Uniform Construction Code at points four feet on either side of such window.)
- 3) Window wall to window wall: 50 feet. (Note: measured perpendicular to the plane of any window required by the New Jersey State Uniform Construction Code at points four feet on either side of such window.)

E. Maximum number of units per building shall be four.

F. At least 50% of the townhouse / condominium units will contain master bedroom suites on or within two feet vertically of the first floor.

G. No four-or-more bedroom units will be permitted.

H. Minimum off-street parking requirements shall be in accordance with the RSIS.

**§429-98 Minimum road widths.**

Minimum road widths shall be as follows:

<b>Curbside Parking</b>	<b>Pavement Width (feet)</b>
None	24
One side	30
Both sides	36

In the event the provisions of the RSIS shall differ, the provisions of the RSIS shall govern.

**§429-99 Major parking lot setbacks.**

Major parking lots shall have the following minimum setbacks from the following:

- A. External streets: 20 feet.
- B. Internal streets: 10 feet.

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- C. Exterior property lines: 10 feet.
- D. Buildings: 10 feet (not applicable to any parking within a building).

**ARTICLE XIX – GOV GOVERNMENT  
ZONE**

**§429–100 Permitted uses.**

Within any GOV Zone, only County and State governmental offices and facilities, including educational facilities shall be permitted. All other uses shall be prohibited. County and State governmental entities include all governmental subdivisions and authorities created thereby.

**§429–101 Accessory uses.**

All those accessory uses normally associated with the principal use shall be permitted in the Government Zone, including recreational associated with educational use.

**§429–102 Lot area and bulk requirements.**

No specific requirements are established, but site plan recommendations may be made by the Land Use Board in accordance with N.J.S.A. 40:55D-31.

**§429–103 Reversion of property to private use.**

If the public use of any area in the GOV Zone District is discontinued and the property reverts to private ownership or use, no new use shall be established until another zone district is applied to the property by the governing body, following the submission of a recommendation by the Land Use Board.

**ARTICLE XX.**

**REGULATIONS APPLICABLE TO ALL BUSINESS  
(HCC, HCC-2, NB and LB) ZONES**

**§429-104 Use of accessory buildings restricted.**

No accessory building in any business zone may be constructed or used for dwelling purposes or for any use not expressly permitted by this Chapter in the zone in which the building is located or proposed to be located.

**§429-105 Tents.**

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Tents for use in all commercial zones used to display wares or for any other use or purpose in connection with commercial property are prohibited except on a temporary, by-event basis, as expressly permitted by the Governing Body.

**§429-106      Accessory structures and trailers.**

A.      No accessory building in any business zone shall be erected within 12 feet of the main building on the lot nor within 12 feet of any other building on the lot.

B.      In every business zone an accessory building may not be located in any area on a lot where a main building could not be located under the provisions of this Chapter requiring minimum open spaces, front yards, side yards, rear yards, required planted areas and required minimum distance to residential zone lines. An underground parking area, however, may be located underneath the required planted buffer area, required planted area, required minimum side yards, required minimum front yard setback and required minimum rear yard setback.

C.      An accessory building shall not be erected in any front yard. On a corner lot an accessory building shall not be erected closer to the street than any main building or other building on the lot or any other proposed main building or other building on the lot. The provision is in addition to requirements set forth in Subsection A above.

D.      Trailers shall not be permitted to be utilized as accessory structures used in any business zoning district. A trailer shall be defined as wheel-based structure that is customarily used for the transportation or storage of goods or materials, including box containers that have been temporarily or permanently removed from the chassis of a truck.

E.      No trailer may be temporarily or permanently used for the storage of materials in any commercial or industrial zoning district except as may be provided by the provisions of other Borough ordinances governing temporary storage container or PODS.®

F.      Nothing in this section shall be construed to prohibit trailers from hauling, loading or unloading merchandise in the normal course.

G.      Trailers may be used for construction offices and for the storage of materials on a job site that is under construction, however, such trailers may only be utilized during the construction phase of the development and shall be removed at the completion of the project or within 45 days if no construction activity has occurred on the site.

**§429-107      Maximum size of accessory buildings.**

In any business zone where an accessory building is permitted, the accessory building shall not cover more than 10% of the total area of the lot or more than 50% of the area of the rear yard, whichever is the more restrictive. This provision, however, shall not apply.

A.      With respect to underground parking facilities as an accessory use or to a

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parking building as an accessory use to a permitted. A parking structure may cover not more than 25% of the total area of the lot, provided that the building is screened by the use of permanent relatively maintenance-free materials on each parking level so that the vehicles are substantially obscured from view within the building and are subject to provisions of this ordinance and the provisions governing the HCC and HCC-2 Zones, as the same pertains to parking structures.

B. Unless expressly set forth by the terms of a lawful grant of a use variance, a variance granted for the use of any property in any business zone shall not include a variance for any accessory building or any accessory use other than the accessory use permitted by ordinance in the zone in which the property is located.

**§429-108 Use variance limitations.**

A. Even if a specific plan showing the location of the building and side yards and rear yards is presented with the application, the approval of a use variance shall not constitute approval of the building, side yards, rear yards, front yards or any other ordinance requirement and shall not constitute a variance from any ordinance requirement unless the specific variance has been applied for and has been specifically approved.

**§429-109 Access driveways.**

A. An access driveway leading to the rear of the lot may be located within a required side yard on the same lot.

B. The access driveway shall be not less than 12 feet wide for one-way traffic and not less than 24 feet wide for two-way traffic.

C. A driveway in any residential district used or designed to be used to provide access, ingress or egress for a use not permitted in any residential zone is prohibited.

D. Driveway entrances to the main building and to accessory parking areas shall be clearly visible from the public street and not within 75 feet of any street intersection.

**§429-110 Variations in side yard requirements.**

The Land Use Board, at its discretion, may impose side yard requirements different from those set forth hereunder, if:

A. The area within the proposed side yard is not topographically suitable for ingress or egress by motor vehicles such as fire engines and police cars; and

B. Adequate access for motor vehicles such as fire engines and police cars is provided to the rear of the lot and any buildings erected or proposed to be erected thereon.

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**§429-111 Required planted area.**

No building permit for any proposed new building, structure or addition to an existing building or structure nor any new certificate of occupancy for a change of use shall be approved or issued for any property in any business district unless the applicant provides the planted area required by this Chapter.

**§429-112 Existing lots or structures.**

A. If prior to the effective date of this Chapter:

1) A lot was lawfully create in conformity with the then existing ordinances of the Borough of Paramus or was lawfully created prior to the zoning ordinances of the Borough of Paramus, but the lot size is less than the minimum lot size for the business district within which the lot is located, then, in such event, a building may be constructed thereon without obtaining a variance, provided that the proposed use and proposed building do not violate any other provisions of this Chapter or any law or ordinance governing the proposed building, provided that the owner owns no adjacent lot which could be combined with the subject lot to provide a complying lot without creating any zoning violations thereby.

2) A lot was lawfully created in conformity with the then existing ordinances of the Borough of Paramus or was lawfully created prior to the enactment of any Zoning ordinances in the Borough of Paramus, but the lot width or its frontage is less than the minimum lot width required by this Chapter for the district within which the lot is located or the lot so created has less than the lot width and frontage required in said district, then, in any of such cases, a building may be constructed thereon without obtaining a variance, provided that the proposed use and proposed building do not violate any other provisions of this Chapter or any law or ordinance governing the proposed building, and provided also that the owner owns no adjacent lot which could be combined with the subject lot to provide a complying lot without creating any zoning violations thereby.

B. If prior to the effective date of this Chapter, a building was constructed in accordance with the zoning ordinances of the Borough of Paramus or was constructed before the first zoning ordinances of the Borough of Paramus and the present owner proposes a new addition to the building and the present building violates one or more of the following restrictions: minimum front setback; minimum width of each side yard; minimum total of side yards; and minimum open space in rear yard; then the Land use Board, on application for site plan approval, shall allow the addition, provided that:

1) The present use of the property and building is a permitted use within the business zone.

2) The proposed additional structure is proposed for a permitted use within the zone.

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- 3) The planted area required by this Chapter and the buffer area, if required by this Chapter for the particular lot, is to be provided or has already been provided, and in each case, in conformity with the requirements of this Chapter.
- 4) The proposed addition, together with the other buildings or structures, will not occupy more than the maximum percentage of building coverage allowed by this Chapter.
- 5) The addition does not have more than 1/3 of the floor area of the existent building.
- 6) The minimum distance of the addition from any residential zone line is not less than the distance required for the district within which the lot is located.
- 7) The present building was constructed in accordance with and in compliance with the existing zoning ordinances of the Borough of Paramus and no changes were made thereafter in violation of the zoning ordinances of the Borough of Paramus.
- 8) The building on the lot was not previously permitted to be enlarged and was enlarged in accordance with the provisions of a part of the previous zoning ordinances that permitted an expansion of an existing building without a variance where the location of the same would otherwise be in violation of the minimum setback, side yard, total of both side yards, or rear yard distance of building to residential zone line.
- 9) The proposed addition complies with the minimum front yard setback, side yard setback, total of both side yard setbacks and rear yard setback that was in effect immediately prior to the passage of Ordinance No. 73-36 for the zone in which the property was then located and the proposed addition would not create any additional types of violations with respect to the setbacks referred to in this section under such prior ordinance.

C. The provisions of Subsections A and B of this section shall not apply to insufficient parking, planted areas, required buffer areas, maximum height of building, minimum distance of building from residential zone line and maximum coverage of lot by building.

D. The provisions of Subsection B shall not apply if a variance has been granted for one or more of the following:

- 1) Insufficient buffer area;
- 2) Insufficient planted area;
- 3) Height of building;
- 4) Insufficient distance of building from residential zone line; or
- 5) Percentage of building covering lot.

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**§429-113 Radioactive materials.**

The industrial use or the storage of radioactive materials is prohibited in all zones. However, this prohibition shall not apply to hospitals or clinics, nor to X-ray equipment used by physicians, dentists, or other medical practitioners.

**§429-114 Outdoor storage.**

Outdoor storage, where existing as a nonconforming use or permitted by variance, shall be such as not to constitute a nuisance by providing harborage for rodents or insects.

**§429-115 Floor area ratio.**

There shall be no maximum floor area ratio in any business zone; however, the density permitted in any business zone shall be limited by compliance with all bulk standards (side yard, front yard, and rear yard requirements), maximum building coverage, maximum impervious coverage, maximum height requirements, together with providing sufficient parking for the proposed use(s), or with respect to multi-family use in the HCC, maximum dwelling units per acre.

**ARTICLE XXI.**

**NEIGHBORHOOD BUSINESS (NB) ZONE**

**§429-116 Permitted uses.**

A. Within any NB Zone, no building, structure or area or lot or land shall be used in whole or in part for other than one or more of the permitted or conditional uses expressly set forth herein, or the accessory uses accessory and subordinate to the permitted and conditional uses expressly set forth herein.

B. Permitted uses are intended to be businesses commonly found at intersections adjacent to residential areas and shall be as follows:

- 1) Antique shops;
- 2) Bakery for retail sales only;
- 3) Bank;
- 4) Personal health, or beauty and hair care;
- 5) Book, newspaper and magazine store;
- 6) Camera shop;
- 7) Drugstore;
- 8) Dry-cleaning pickup station for work to be done elsewhere; and provided that such operation is for local service only and no work is received from pickup stations or other dry-cleaning plants. No wholesale or subcontracting in connection with the above uses shall be permitted;
- 9) Florists;
- 10) Gift shop;

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- 11) Neighborhood convenience / grocery store;
- 12) Hardware store;
- 13) Hobby shop;
- 14) Household appliance store;
- 15) Laundromat or launderette;
- 16) Medical, dental, osteopathic and chiropractic, optometrical and physical therapy clinics and offices;
- 17) Offices, including professional offices;
- 18) Restaurants;
- 19) Automotive repair and filling stations

**§429-117 Accessory uses.**

There shall be no accessory buildings within the NB Zone District, but the following accessory uses are permitted:

- A. Parking area.

**§429-118 Prohibited uses.**

All uses not expressly permitted by this ordinance in the NB Zone District are prohibited.

**§429-119 Lot area bulk requirements.**

Lots and structures in the NB Zone shall conform to the requirements listed below.

- A. Maximum height of buildings shall be as follows:

- 1) Flat roof: 25 feet.
- 2) Pitched roof: 30 feet.
- 3) Flagstaffs, chimney flues, elevator shafts, radio and televisions antennas and screened mechanical equipment designed to service the building may exceed the height of the roof by not more than 12 feet, provided that such structures do not exceed 10% of the ground area covered by the building and are not used for any other purpose. Structures to provide for safe access to the roof area are, however, exempt from the above requirements. The screening provided shall be of a material similar to the building facing or as approved by the Land Use Board as compatible and durable.

- B. Minimum lot area shall be 21,780 square feet.

- C. Minimum width of lot shall be 100 feet.

- D. Minimum frontage of a lot shall be 100 feet.

- E. Maximum lot coverage shall be as follows:

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- i) Building coverage – 15%
  - ii) Impervious coverage – 80%
- F. Minimum front yard setback (from street right-of-way line) shall be 25 feet.
- G. Minimum side yards shall be as follows:
- i) Total of both side yards shall be the greater of 50 feet or 1/3 of the width of the lot, provided however:
    - a) If one side abuts a residential zone not less than 2/3 of the side yard shall be on the residential zone side; and
    - b) If both sides abut a residential zone, both side yards shall be not less than 30 feet.
- H. Minimum rear yard:
- i) Minimum rear yard shall be 50 feet.
  - ii) The minimum open space in the rear yard shall be not less than 50 feet or the width of any required planted buffer area, whichever is greater. However, the open space in the rear yard need only be 30 feet if there is no paving, parking, egress or ingress in the rear yard and it is all in planted area, whether or not the same is required planted area. Minimum distance of building from every residential zone line shall be 50 feet.

**§429-120 Sewer connection fee.**

A. In addition to any fee, charge or cost provided elsewhere in the Paramus Code, there shall be a one-time sewer connection fee for each non-residential building to be served by any new connection or any increase in the anticipated flow to the public sewer in the NB Zone.

B. The purpose of the sewer connection charge is to provide a fair payment toward the capital costs of the public sewer system pursuant to N.J.S.A. 40A:26A-11.

C. The fee shall be paid to the Borough prior to the issuance of a construction permit issued in accordance with the Uniform Construction Code. In the event a connection is made without prior payment thereof for any reason, the sewer connection fee shall constitute a first lien upon the benefited property and shall bear interest as set forth in N.J.S.A. 40A:26A-12 and as otherwise provided by law. This shall be in addition to any violations, penalties or other remedies otherwise provided by law.

D. The following schedule of fees is hereby established pursuant to this Article:

Sewer connection for non-residential/commercial

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for every 5,000 square feet of development or portion thereof:

\$2,000.00

**ARTICLE XXII.**

**HIGHWAY CORRIDOR COMMERCIAL (HCC) ZONE**

**§ 429–121 Permitted Uses.**

A. Within the HCC Zone, no building, structure or area or lot or land shall be used in whole or in part for other than one or more of the permitted uses expressly set forth herein or accessory uses accessory and subordinate to the permitted uses and conditional uses expressly set forth herein.

B. Permitted uses shall include all uses not prohibited in Article VII, Uses Prohibited in All Zones, residential uses permitted in the residential zone districts (R-50, R-75, R-100, R-150 and R-2F), and as expressly prohibited in this Article. Permitted uses include as follows:

- 1) All permitted uses identified in the NB (Neighborhood Business) Zone and the LB (Limited Business) Zone;
- 2) Hotels and convention centers;
- 3) Retail stores used for the sale of merchandise, wholesale salesroom;
- 4) Personal service establishment;
- 5) Restaurants;
- 6) Shopping centers and malls;
- 7) Movie theaters;
- 8) Art galleries and museums;
- 9) Medical, professional and administrative offices;
- 10) Medical and Dental clinics;
- 11) Adult Day-care and Child Day-care facilities;
- 12) Business or professional offices, office buildings, banks;
- 13) Health and Fitness facilities, exercise or health clubs, gymnasium or athletic establishment, indoor swimming pools;
- 14) Funeral homes;
- 15) Business or Vocational Schools (except for the teaching of any trade or occupation prohibited in Article VII, Uses Prohibited in All Zones);
- 16) Commuter parking/transportation terminal;
- 17) Motor vehicle service and repair; automotive supply and service establishments and filling stations;
- 18) Recreation and recreational facilities;
- 19) New car dealerships, subject to the provisions of §429-132;
- 20) Hospitals and health care facilities campus, subject to the provisions of §429-128;

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- 21) Assisted living, skilled nursing, long-term acute care, dementia or memory care facilities;
- 22) Research laboratories provided the same do not involve any hazardous or toxic substances unless off-site disposal pursuant to NJDEP regulations.

The above permitted uses are by way of example and not limitation.

C. Multi-family residential shall be a conditional use within the HCC Zone subject to the conditions set forth herein.

- a) other than deed restricted affordable housing units/apartments, no units or apartment may contain three (3) bedrooms or more;
- b) every multi-family residential development shall include a ground level retail component which retail component shall have a minimum depth of forty (40) feet;
- c) the maximum height shall be sixty (60) feet and the maximum number of stories shall not exceed four (4) above the ground level retail component.
- d) The maximum density shall be sixteen (16) dwelling units per acre comprising the development parcel.

**§ 429-122 Accessory Uses.**

A. An accessory use shall be permitted, provided that:

- 1) The use is customarily incident to a permitted use, and subordinate to the main permitted use; and
- 2) Not in violation of the provisions set forth hereafter.

B. The following accessory uses are permitted ancillary to a permitted, conditional, or other accessory use:

- 1) Parking structures;
- 2) Billiard room, bowling alley and game rooms as part of shopping center or mall;
- 3) Amusement game machines as part of a shopping center or mall, and not to exceed 1% of the aggregate space/square footage available for lease by retail tenants and subject to the provisions of Section 429-130 below;
- 4) Used car sales and dealerships as part of a new car dealership;
- 5) Storage of materials and supplies provided that the same are within an enclosed building;
- 6) Truck loading spaces;
- 7) Helipad; and
- 8) Towing associated with an automobile repair or service facility or operated by a tower licensed by the Borough of Paramus, provided such use is appropriately screened.

**§ 429-123 Parking Structures.**

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Parking structures are a permitted accessory use in the HCC Zone subject to the following:

- 1) Maximum height: 60 feet as measured to the top of the highest parking surface provided however, rooftop mechanical may extend an additional 15 feet;
- 2) Minimum front yard setback: 40 feet;
- 3) Minimum side yard setback: 30 feet, provided, however, if a parking structure faces any residential zone district (R-50, R-75, R-100, R-150 and R-2F), the minimum side yard shall be not less than the greater of 100 feet or three (3) times the height of the parking structure;
- 4) Minimum rear yard: 40 feet, provided, however, if a parking structure faces any residential zone district (R-50, R-75, R-100, R-150 and R-2F); the minimum rear yard shall be not less than the greater of 100 feet or three (3) times the height of the parking structure;
- 5) Parking structures shall be architecturally screened and the façade of the parking structure shall be comprised of at least two materials and finishes which are designed to break up the façade into sections;
- 6) Predominate exterior façade materials shall be high quality materials including, but not limited to, brick, sandstone, concrete masonry units, or precast concrete, that are tinted and textured;
- 7) Each uninterrupted architectural section of the façade shall not exceed 100 feet in width between visual breaks;
- 8) Each section must contain materials that vertically articulate the levels of the structure;
- 9) Parking structures shall not be included for the purposes of calculating building lot coverage;
- 10) Any area landscaped as of the adoption of this Chapter intended to be covered by a parking structure must be replaced by new landscaping elsewhere in the property. Such new landscaping shall not count towards the satisfaction of any planting or buffer requirements set forth elsewhere in this Chapter.
- 11) In all zones, all parking decks shall have a minimum vehicle clearance of 10 feet and shall be structurally designed to accommodate an emergency vehicle with a gross vehicle weight of 12,000 pounds and with two axles and with four wheels on the rear axle.

**§ 429-124 Lot Area and Bulk Requirements.**

All parcels, lots and structures in the HCC Zone shall conform to the following requirements:

- 1) Maximum building height: 60 feet;
- 2) Minimum lot area: 21,780 square feet;
- 3) Minimum lot width: 200 feet;
- 4) Minimum lot frontage: 200 feet;

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- 5) Maximum lot coverage:
  - a) Building coverage: 25%
  - b) Impervious surfaces: 80%
- 6) Minimum front yard setback: 25 feet;
- 7) Minimum side yard: 10 feet except \*
- 8) Minimum rear yard: 25 feet except \*  
\*For any parcel or lot abutting a residential zone district (R-50, R-75, R-100, R-150 and R-2F) and/or any conservation/recreation zone (CR) which is set forth elsewhere in this Ordinance.
- 9) Notwithstanding the above, the maximum height for any hotel connected to or above a mall shall be 8 stories/96 feet.
- 10) In applying the above standards (other than height), the Land Use Board shall permit deviations from the strict application of the bulk standards if a proposed development represents an adaptive re-use of all or a portion of any existing development parcel.

**§ 429–125 Minimum Distance of Buildings on Parcels Contiguous to Residential Zone Districts.**

The minimum distance of any building on a parcel or lot contiguous to a residential zone district (R-50, R-75, R-100, R-150 and R-2F) and/or any conservation/recreation zone (CR) shall be not less than the greater of 100 feet (except R-150, which shall be 200 feet) or twice the height of the closest building to the residential zone.

**§ 429–126 HCC Zone Parking Requirements.**

- A. The following minimum parking requirements shall apply to all uses within the HCC Zone.
  - 1) Office buildings, administrative, professional: 3 spaces per 1,000 square feet;
  - 2) Malls: 4.5 spaces per 1,000 leaseable square feet;
  - 3) Retail, shopping centers with 25% or more of the useable square feet occupied by restaurants: 5 spaces per 1,000 leaseable square feet;
  - 4) Retail, shopping centers with less than 25% of the useable square feet occupied by restaurants: 4.5 spaces per 1,000 leaseable square feet;
  - 5) Hospitals: 3.5 spaces per bed;
  - 6) Long-term acute care facilities: 0.5 spaces per dwelling unit or bed;
  - 7) Memory or dementia care facilities: 0.5 spaces per dwelling unit or bed;
  - 8) Assisted living facilities: 0.5 spaces per dwelling unit or bed;
  - 7) Skilled nursing facilities: 1 space per 3 beds;
  - 9) Health, wellness, fitness facilities: 4.5 spaces per 1,000 square feet of floor area;
  - 10) Stand alone medical offices/uses: 6 spaces per 1000 square feet
  - 11) Multi-family: pursuant to the RSIS;

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12) All other uses: as set forth in §429-Article XXXI.

- B. A shared parking approach shall be permitted and encouraged as a means to reduce the total parking supply that would otherwise be required based upon the above parking ratios. Shared parking takes advantage of variation in the periods of maximum usage among different land uses, allowing different uses to share the same given parking spaces if they have different time-of-day or day-of-week peak usage patterns.

If a shared parking approach is followed, the applicant shall provide a shared parking study for review and approval by the Land Use Board, documenting the rationale and calculations for the lower parking supply. The study shall include survey statistics and factors documenting the requested reductions in parking supply. As a result of this study, the Land Use Board shall have the power and authority to approve a reduction in the number of required parking spaces, without a variance being required or require additional parking spaces to be provided to accommodate the proposed uses.

**§ 429–127 Planted Areas and Planted Buffer Areas.**

Required planting areas; existing vegetation.

- A. A planted area not less than 20% of the total lot area of a lot is required in the HCC Zone, provided that this planted area may be reduced to 15% of the total lot area if a green roof is provided for 5% of the footprint of any primary structure.
- B. In connection with Land Use Board consideration for site plan approval, the Land Use Board shall have the right to determine the proper areas for the required planted area, taking into consideration the criteria set forth above.

**§ 429–128 Hospitals and Health Care Facilities Campus.**

All lots and structures to be developed as a hospital and/or health care facilities campus shall conform to the requirements set forth below.

- 1) Maximum building height:
  - (a) 120 feet (excluding rooftop mechanicals) provided, however, but limited to no more than 50% of the cumulative building footprint of all buildings within the health care facilities campus;
  - (b) 60 feet (excluding rooftop mechanicals) for all other buildings within the health care facilities campus; and
  - (c) Flagstaffs, elevator shafts, radio and television antennas and screened mechanical equipment designed to service a building may exceed the height of the roof by not more than 24 feet, provided that such structures do not exceed 50% of the ground area covered by the building and they are set back from the building façade at least 10 feet. Rooftop mechanical equipment shall be screened.
- 2) Minimum lot size: 15 acres (including both sides of a public right-of-way, other

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than state highways);

- 3) Minimum lot width: 400 feet;
- 4) Minimum lot frontage: 400 feet;
- 5) Maximum lot coverage:
  - a) Building coverage – 50%
  - b) Impervious surface coverage – 80%
- 6) Minimum building setback: 25 feet from all lot lines and between principal buildings, provided, however, the minimum side yard and/or rear yard from any residential zone district (R-50, R-75, R-100, R-150 and R-2F) shall be not less than the greater of 100 feet or twice the height of the nearest building to the lot line.
- 7) Parking is prohibited within 25 feet of the nearest street right-of-way line as shown on the Official Map of the Borough of Paramus.
- 8) Parking structures and garages, underground and/or above ground, are permitted as an accessory use in accordance with the following requirements:
  - Maximum Height: five levels – 70 feet as measured from average grade to the top of the top parking surface. Rooftop mechanicals may be an additional 15 feet in height;
  - Minimum setback to property lines: 25 feet;
  - Minimum setback to residential zone: 200 feet;
  - The façade of the parking structure shall be comprised of at least two materials and/or finishes which are designed to break up the façade into sections;
  - Predominate exterior façade materials shall be high quality materials including, but not limited to, brick, sandstone, concrete masonry units, or precast concrete;
  - Each uninterrupted architectural section of the façade shall not exceed 100 feet in width between visual breaks;
  - Each section must contain materials that vertically articulate the levels of the structure;
- 9) Loading spaces shall be provided as appropriate and screened to the extent practicable and shall not be located in any front yard.

**§ 429–129 Sewer Connection Fee.**

A. In addition to any fee, charge or cost provided elsewhere in the Paramus Code, there shall be a one-time sewer connection fee for each building, or in the case of a multi-unit building, for each unit, residential or non-residential, to be served by any new connection to the public sewer or an anticipated increase in flow from an existing building in the HCC Zone.

B. The purpose of the sewer connection charge is to provide for a fair payment towards the capital cost of the public sewer system pursuant to N.J.S.A. 40A:26A-11.

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C. The fee shall be paid in full to the Borough prior to the issuance of a construction permit issued in accordance with the Uniform Construction Code. In the event a connection is made without prior payment thereof for any reason, the sewer connection fee shall constitute a first lien upon the benefited property and shall bear interest as set forth in N.J.S.A. 40A:26A-12 and as otherwise provided by law. This shall be in addition to any violations, penalties or other remedies otherwise provided by law.

D. The following schedule of fees is hereby established pursuant to this Article:

Sewer connection per dwelling unit:	\$2,000.00
Sewer connection for non-residential/commercial for every 5,000 square feet of development or portion thereof:	\$2,000.00

**§ 429–130 Amusement Game Machine, Devices, Arcades and Similar Uses.**

Amusement game machines and arcades are permitted accessory uses in shopping centers and malls provided the same are limited to no more than one (1%) percent of the aggregate space/square footage available for lease by retail tenants and are subject to the provisions set forth below.

1) The following terms are defined as follows:

**GAMES AND AMUSEMENT DEVICES**

Any electric, mechanical, computerized, electronic or other device, machine or implement which is either designed and intended or used, operated or maintained as a game, amusement or means of entertainment, including but not limited to the following: pinball machines, shooting galleries, computerized games, electronic games, skilled boards, billiard or pool tables, electronic bowling or shuffleboard tables, and casino-type games or bagatelle or any other similar games of skill or chance. Also included within the definition are coin-operated mechanical or electronic musical devices which are commonly referred to as "jukeboxes."

**GAMES ARCADE**

Any lot, premises, facility, building or structure, open to the public, in which three or more electronic or mechanical games or amusements, billiard or pool tables or any other games or amusement devices of any kind as such terms are defined herein or any combination of three or more such games or devices as aforesaid are situated, stored, possessed, operated, used or maintained and for which a fee is charged, directly or indirectly or by membership, ticket or indirect fees, either for admission to any such place or premises or for access to or use of any games or amusement devices as aforesaid.

2) Placement and location of amusement games and devices. Every game and amusement device within the Borough shall be so situated and placed within and upon a premises that it shall not:

a) Block or otherwise obstruct any window, door, doorway, ventilating duct, fire exit, boiler, furnace, radiator, baseboard or other heater device, stairs or stairway, toilet or other sanitary facility.

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- b) Obstruct or encumber or otherwise interfere with the free, clear passage of any person into, through or from such purposes.
  - c) Have an open, unobstructed area surrounding such game or device, from floor to ceiling, of not less than five feet, measured from each of the actual exterior sides of every such game or device, except the one side, and no more than one side, which is placed near or against a wall or partition.
- 3) Location restrictions:
- (a) It shall be unlawful for any person to own, lease, store, possess, use, operation or maintain any game or amusement device for business and commercial purposes except as herein provided:
    - (1) Any area of the Borough which is zoned for a use classification other than the HCC business classification under this chapter.
    - (2) Any area within a radius of 1,500 feet of any school, nursery, day-care center, church, synagogue, public park or playground, library, hospital or clinic, public building, community center or nursing home.
  - 4) It shall be unlawful for any person to own, lease, store, possess, use, operate or maintain more than three games or amusement devices for business or commercial purposes in or upon the premises within the Borough of Paramus or to own, lease, store, possess, use, operate or maintain any such game or amusement device except in conformity with the provisions of this chapter and unless licenses and permits have previously been obtained therefor as provided for in Chapter 165, Amusement Devices and Arcades.

**§ 429-131 Minimum Distances Between Certain Uses.**

A. There shall be a minimum distance between two similar uses as set forth below. The minimum distance shall be measured by the shortest straight line between the nearest point on the boundary line of the lot on which such use is proposed to be located. If a straight line can be drawn from any part of the lot under consideration to any part of a lot on which the similar use is located that is less than the prescribed distance, it will violate this section.

- 1) Between any automotive supply and service establishment and another automotive supply and service establishment, a distance of not less than 2,600 feet.
- 2) Between any motor vehicle service station and another motor vehicle service station, a distance of not less than 2,600 feet.
- 3) Between any repair garage or service station and any other repair garage or service station, a distance of not less than 2,600 feet.

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B. No approval of a second filling station, automotive supply or automotive station within the distance prescribed above of an existing similar facility by either variance or an approved use in another zone shall render the existing facility subject to the minimum distance requirement above. That is, any expansion or reconstruction of the existing facility shall be treated as if it were the only facility within the prescribed distance.

**§ 429-132 New Car Dealer Establishments.**

Within any HCC Zone District, the following additional restrictions and limitations shall apply with respect to such of the conditional uses as are set forth herein. With respect to the new car dealer establishments:

A. Maximum lot size. No new car dealer establishment shall hereafter be created except upon a lot or lots containing no more than four acres, all of which lot or lots shall be located entirely within the HCC Zone.

B. Display area. The display of new and/or used cars by a new car dealer establishment shall be limited to a maximum aggregate of 200 feet along the frontage of any one abutting public road. Such display area shall be further limited to an aggregate of no more than 22 such cards in any one row. All frontage, other than the display area and any driveways, shall be screened by planted greenery areas as set forth in Article XXX.

C. Greenery areas. New car dealer establishments shall have a minimum of 15 feet of planted greenery areas, parallel to each abutting public road (excluding ingress and egress roads as shown on approved site plan). Such greenery shall be credited toward the required greenery area under any required planted area (other than required planted buffer area) and shall comply with all the requirements of any required planted area (other than required planted buffer area).

D. Accessory used car sales. Used car sales by a new car dealer establishment shall be limited to the sale of used cars accepted in bona fide trade-ins for new cars sold from the premises.

E. Inventory storage. Any motor vehicle stored upon the premises of a new car dealer establishment in inventory and not yet prepared for sale shall be adequately screened by a solid fence six (6) feet in height from ground level or enclosed in permanent buildings on these lots in accordance with the requirements of the Land Use Board site plan approval, provided that such structures do not violate any ordinances of the Borough of Paramus.

F. Rooftop storage. Inventory vehicles for new car dealer establishments may be stored on the roof of the building on the lot, provided that:

- 1) Such storage area or structure complies with all other ordinances of the Borough of Paramus;

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- 2) In the case of rooftop or double-deck storage of vehicles, said vehicles are screened with design block or other architectural screening with safe and adequate exits and entrance ramps and aisles; and
- 3) The total building coverage on the lot or lots is not less than 15% nor more than 40% of the total area of said lot or lots, including any vehicular storage structures thereon.

G. Separation of inventory from other parking. All areas for customer and employee parking shall be separated from areas used for the storage of vehicles in inventory or for sale by a clearly distinguishable physical barrier or open space.

H. Expansion of existing new car dealer establishments.

- 1) Any new car dealer establishment may expand any existing building or erect a new building or acquire property to expand its operation, provided that any such expansion of an existing building or any such erection of a new building shall comply with this chapter and all other applicable Borough ordinances, and provided further that any expansion by acquisition or use of additional land:
  - a) Shall be for parcels or lots contiguous to the existing business lot.
  - b) With respect to the existing lot and such additional parcels or lots, shall not result in an aggregate area of more than four acres. Site plan approval by the Land Use Board shall be required for any such expansion.
- 2) Site plan approval for such expansion of an existing new dealer establishment shall be further conditioned upon the applicant causing the existing portions of the premises to be upgraded and brought into conformance with this section to the extent that the same is physically feasible. Nothing herein shall be deemed to require an existing new car dealer establishment to more or relocate an existing building in order to comply with the provisions of this chapter.

**§ 429-133 Compliance Required.**

A. No person shall construct any building or structure in the HCC Zone District in violation of the restrictions, limitations and requirements of this chapter.

B. No person shall use any building or structure or lot or area in the HCC Zone District in violation of the restrictions, limitations and requirements of this chapter.

C. Lawful prior nonconforming uses or structures may be continued only to the extent required by state law, but not otherwise.

D. Additions and alterations to existing nonconforming uses and structures shall be permitted in accordance with the restrictions, limitations and requirements of this chapter. An existing nonconforming structure may be altered without the need for variance

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relief for the nonconforming condition, provided that the condition that is not conforming is not being altered.

**ARTICLE XXIII**

**HIGHWAY CORRIDOR COMMERCIAL – 2 (HCC-2) ZONE**

**§429-134 Permitted uses.**

All uses permitted in the HCC Zone shall be permitted in the HCC-2 Zone except multi-family residential, hospitals and health care facilities campus (Section 429-128), hotels and convention centers and funeral parlors. All accessory uses permitted in the HCC Zone shall be permitted in the HCC-2 Zone.

**§429-135 Regulations applicable.**

All of the regulations set forth in the HCC Zone with regard to Parking Structures, Lot Area and Bulk Requirements, Minimum Distance of Buildings Contiguous to Residential Zone Districts, Parking Requirements, Planted Area and Planted Buffer Area, Amusement Game Machines, Devices, Arcades and Similar Uses, Minimum Distances between Certain Uses, and New Car Dealer Establishments shall apply to the HCC-2 Zone. Notwithstanding the above, the maximum height in the HCC-2 Zone shall be 36 feet.

**§429-136 Sewer Connection Fee.**

A. In addition to any fee, charge or cost provided elsewhere in the Paramus Code, there shall be a one-time sewer connection fee for each building or anticipated increase in flow from an existing building to be served by any new connection to the public sewer in the HCC-2 Zone.

B. The purpose of the sewer connection charge is to provide for a fair payment towards the capital cost of the public sewer system pursuant to N.J.S.A. 40A:26A-11.

C. The fee shall be paid in full to the Borough prior to the issuance of a construction permit issued in accordance with the Uniform Construction Code. In the event a connection is made without prior payment thereof for any reason, the sewer connection fee shall constitute a first lien upon the benefited property and shall bear interest as set forth in N.J.S.A. 40A:26A-12 and as otherwise provided by law. This shall be in addition to any violations, penalties or other remedies otherwise provided by law.

D. The following schedule of fees is hereby established pursuant to this Article:

Sewer connection per dwelling unit:	\$2,000.00
Sewer connection for non-residential/commercial – for every 5,000 square feet of development or portion thereof:	\$2,000.00

## ARTICLE XXIV.

### LIMITED BUSINESS (LB) ZONE

#### **§429-137 Permitted uses; prohibited uses.**

A. Within the LB Zone, no building, structure or area or lot or land shall be used in whole or in part for other than one or more of the permitted or conditional uses expressly set forth herein, accessory uses and subordinate to the permitted uses and conditional uses expressly set forth herein.

B. All uses not expressly permitted by this chapter in the LB Zone District are prohibited.

C. Permitted uses shall be as follows:

- 1) Office, office building;
- 2) Library, museum, art gallery; house of worship, public school, private school (having a curriculum similar to that of a public school);
- 3) Bank;
- 4) Telephone exchange;
- 5) Computer center;
- 6) Building used by Federal, state, or county or municipal government for offices or meeting rooms;
- 7) Restaurant;
- 8) Professional offices; and
- 9) Medical and dental clinics (but not Hospitals or Health Care Facilities Campus pursuant to Section 429-128).

#### **§429-138 Accessory buildings and uses.**

There shall be no accessory buildings within the LB Zone District, but the following accessory uses are permitted:

A. Parking area.

B. Planted area and planted buffer area.

C. Business signs and real estate signs only as permitted, regulated and limited by ordinance, and only if a permit has been lawfully issued for the sign.

D. Other accessory uses within the building customarily incident and subordinate to the permitted use.

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**§429-139 Lot area and bulk requirements.**

Lots and structures in the LB Zone shall conform to the requirements listed below.

A. Maximum height of buildings shall be as follows:

- 1) Flat roof: 25 feet.
- 2) Pitched roof: 35 feet.
- 3) Flagstaffs, chimney flues, radio and television antennas and screened mechanical equipment designed to service the building may exceed the height limitation by not more than 12 feet, provided that such structures do not exceed 10% of the ground area covered by the building and are not used for any other purpose. Structures to provide for the safe access to roof areas are, however, exempt from the above requirements. The screening provided shall be of a material similar to the building facing or as approved by the Land Use Board as compatible and durable.

B. Minimum lot area shall be 43,560 square feet.

C. Minimum width of a lot shall be 150 feet.

D. Minimum frontage of a lot shall be 150 feet.

E. Maximum coverage of a lot shall be as follows:

- 1) By buildings: 20%
- 2) By impervious surfaces: 80%

F. Front yard setback shall be 50 feet.

- 1) With parking in front yard: 60 feet
- 2) Contiguous to a state highway: 80 feet

G. Minimum side yards shall be as follows:

- 1) Total of both side yards shall be the greater of 50 feet or 1/3 of the width of the lot.
- 2) Minimum for any one side yard shall be 25 feet.

H. Rear yard:

- 1) Minimum rear yard shall be 100 feet.
- 2) The minimum open space in the rear yard shall be not less than 100 feet. However, the open space in the rear yard need only be 75 feet if there is no paving, parking, egress or ingress in the rear yard and it is all in planted area, whether or not the same is required planted area. However, no reduction is permitted in the width of any required buffer area.

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I. Minimum distance of building from every residential zone line shall be 100 feet.

**§429-140 Parking.**

The minimum parking requirements set forth in the HCC Zone shall be applicable to all uses in the LB Zone.

**§429-141 Sewer connection fee.**

A. In addition to any fee, charge or cost provided elsewhere in the Paramus Code, there shall be a one-time sewer connection fee for each non-residential building to be serviced by any new connection or any anticipated increase in flow from an existing building to the public sewer in the LB Zone.

B. The purpose of the sewer connection charge is to provide for a fair payment toward the capital cost of the public sewer system pursuant to N.J.S.A. 40A:26A-11.

C. The fee shall be paid in full to the Borough prior to the issuance of a construction permit issued in accordance with the Uniform Construction Code. In the event a connection is made without prior payment thereof for any reason, the sewer connection fee shall constitute a first lien upon the benefited property and shall bear interest as set forth in N.J.S.A. 40A:26A-12 and as otherwise provided by law. This shall be in addition to any violations, penalties or other remedies otherwise provided by law.

D. The following schedule of fees is hereby established pursuant to this Article:

Sewer connection for non-residential/commercial for every 5,000 square feet of development or portion thereof:	\$2,000.00
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**ARTICLE XXV. CEMETERY**

**(CEM) ZONE**

**§429-142 Permitted uses / Prohibited uses.**

A. Within any CEM Zone, no building, structure or area or lot or land shall be used in whole or in part for other than one or more of the permitted uses expressly set forth herein.

B. Permitted uses shall be as follows:

- 1) Interment of the dead and related activities associated with interment, excluding cremation.

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- 2) Mausoleum.
- 3) Family mausoleum.
- 4) Accessory use as house of worship or office space strictly related to and contained within the mausoleum.
- 5) Erection of tombstones and monuments on an area not to exceed 100 square feet and a height not to exceed 10 feet.
- 6) Maintenance building relating to the operation of the cemetery only, not to exceed a height of 20 feet.
- 7) Office buildings solely used for the operation of a cemetery.

C. All uses not expressly permitted by this chapter in the CEM Zone are prohibited.

**§429-143 Maximum building height.**

The maximum height of a mausoleum in the CEM Zone shall not be greater than 35 feet.

**§429-144 Height exceptions; screening.**

Flagstuffs, chimney flues, elevator shafts, radio and television antennas and screened mechanical equipment designed to service the building may exceed the height recommendations by no more than eight feet. All mechanical equipment on the roof of the building shall be architecturally screened.

**§429-145 Yard and setback requirements.**

A. Minimum front yard setback. The minimum front yard open space setback shall not be less than 500 feet from the abutting street right-of-way line on a municipal street or county road, or as otherwise provided by applicable law.

B. Minimum side yards. The minimum side yard open space setback shall not be less than 500 feet on either side from the property line.

C. Minimum rear yard. The minimum rear yard open space setback shall not be less than 350 feet from the property line.

D. Side yard. The measurement of side yard shall be determined by a straight line from the nearest point on any existing or proposed building on the lot or lots that are the subject matter of the application to the nearest point of any side lot line.

E. Minimum required distance of any building or structure for any district zone for residential use. No portion of any building or structure as defined by this chapter shall be located nearer than 750 feet from the boundary line of any residentially zoned district,

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or as otherwise provided by applicable law.

**§429-146 Landscaping plan required.**

No building permit shall be issued by the Building Subcode Official for any new building, structure or addition, nor shall a certificate of occupancy be issued unless the applicant provides the proper landscaping plan as required by the Building Subcode Official as advised by the Board of Shade Tree and Parks Commissioners.

**§429-147 Parking area requirements.**

A. No building permit shall be issued by the Building Subcode Official for any new building, structure or addition, nor shall a certificate of occupancy be issued unless the applicant provides the parking area required by this chapter.

B. The Building Subcode Official may reduce the number of parking spaces by 10% if, in his judgment, it will facilitate and improve traffic safety and fire safety.

**§429-148 Mausoleum construction requirements.**

All mausoleums must be constructed in accordance with the requirements of Federal, State and local building codes, including fire prevention and health codes.

**§429-149 Administration.**

The Building Subcode Official shall have exclusive control over the administration of cemetery zones and issuance of permits and certificates of occupancy required by this zone.

**§429-150 Minimum design elements.**

The applicant must comply with the required standard minimum design elements set forth in Chapter 371, Site Plan Review, of the Code of the Borough of Paramus.

**ARTICLE XXVI.**

**HISTORIC PRESERVATION (HP) ZONE**

**§429-151 Applicability; purpose.**

The HP Zone applies to certain properties with historic and architectural value and is in addition to the regulations of and as an overlay on the otherwise existing zones in which these properties are situate. The purpose of the additional HP Zone designation is to require Land Use Board review of alterations and additions to maintain the historic character and value of these properties and to establish a waiting period before the historic buildings involved can be demolished so that the Borough may explore methods for assistance to preserve the buildings in their present location or have them moved to other suitable locations.

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**§429-152 Properties included.**

The properties set forth on the attached table are designated as being in the HP Zone, in addition to the zone districts in which they are shown on the Zoning Map. The block and lot references are to the Borough Tax Maps.

**§429-153 Permitted uses.**

The uses permitted for each of these sites shall be as specified in the respective zone district in which the site is situated.

**§429-154 Preservation of existing buildings.**

No building or structure shall hereafter be erected, reconstructed, altered, restored or demolished within a site designated as part of the HP Zone unless and until an application for a building permit shall have been approved as to exterior architectural features which are subject to public view from a public street, way or place. Evidence of such required approval shall be a certificate of approval issued by the Land Use Board.

**§429-155 Land Use Board review; demolition or movement of buildings.**

- A. In reviewing plans, the Land Use Board shall give consideration to:
- 1) The historical or architectural value and significance of the building or structure and its relationship to the historic value of the surrounding area.
  - 2) The general compatibility of exterior design, arrangement and materials proposed to be used.
  - 3) Any other factor, including aesthetics, which it deems pertinent.
- B. It is the intent of this section that alterations of, repairs on and additions to historic and architecturally significant buildings and structures be made in the spirit of their architectural style. Criteria for evaluation of historic buildings and structures shall be those developed by the National Trust for Historic Preservation.
- C. Demolition of historic and architecturally significant buildings and structures shall be discouraged. Demolition or removal may be forbidden or postponed for a period of six months from the date of an application for a demolition permit, and the Land Use Board shall then consult civic groups and public agencies to ascertain how the Borough may preserve the building, structure and/or premises. The Land Use Board is empowered to work out with the owner feasible plans for preservation of buildings and structures where demolition or removal thereof would cause notable loss to the public and to the Borough. Moving of such buildings and structures shall be encouraged as an alternative to demolition.

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- D. When it is necessary to move an historic or architecturally significant building or structure to another site within the Borough in order to preserve it, upon approval of relocation plans by the Land Use Board, said building or structure may be relocated, provided that it fulfills the area regulations of the respective zone as to lot size and setbacks. If this conformance is not feasible, variance to normal yard requirements may be granted where it is deemed that such variance will not adversely affect neighboring properties and will maintain the historic appearance of the building or structure.
- E. Any use or construction within an Historic Preservation Zone site shall require the issuance of a certificate of approval from the Land Use Board certifying that such use or construction will not detract from the character of and is in harmony with the nature of said historic site. Plans and specifications shall be used to support the application. It is the intent of this section that the compatibility of plans for such new use or construction be considered in general terms and be judged with leniency.
- F. Nothing in this section shall prohibit the repair or rebuilding of any historic building or structure in the Historic Preservation Zone in order to maintain or return said building or structure to its original condition prior to its deterioration or destruction or to prevent the alteration, repair or demolition of any recent building, structure or addition out of keeping with the architectural character of said area.

**§429-156 Application for inclusion in zone.**

Any building, structure and/or premises of historical or architectural significance within the Borough may be considered for designation as an historic site and placed in the Historic Preservation Zone upon written application to the Land Use Board by the owner or owners of said property and the approval of the Borough Council after obtaining the opinion of the Historic Preservation Commissions. Upon such approval, the site shall be added to the listing above.

**§429-157 Appeals.**

Any person aggrieved by the decision of the Planning Board regarding an historic site shall have the right to appeal to the Borough Council, which shall arrange a public hearing and shall notify the members of the Planning Board of the time and place of such meeting. The Borough Council shall be guided by the standards set forth in this section and may consult with the Historic Preservation Commissions when considering the merits of the application.

**§429-158 Review of designated sites.**

The Planning Board, with the advice and assistance of the Historic Preservation Commission, shall review the designation of historic sites at least once every five (5) years, and if after such review it deems buildings, structures and/or premises not so designated worthy of such designation or if it deems buildings, structures and/or premises so designated not worthy of such designation, it shall make its recommendation for such changes to the Borough Council.

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**ARTICLE XXVII.**

**CONSERVATION / RECREATION (CR) ZONE**

**§429-159** A. **Purpose:** The Conservation Recreation (CR) district is intended to provide for those uses compatible with continuing conservation of natural resources and to provide for the recreation and open spaces needs located within the municipality.

B. **Applicability:** This zoning district shall be applied to the land designated conservation on the Borough's Land Use Map.

**§429-160** A. **Permitted Uses:**

1. Passive outdoor recreational uses such as wildlife sanctuary, nature center, zoo, trails and walkways;
2. Active open space and recreational areas such as fields, playgrounds, courts, fishing, boating and camping facilities;
3. Golf course;
4. Outdoor cultural and educational facilities;
5. Parks and plazas.

B. **Permitted Accessory Uses:** Permitted accessory uses shall be uses customarily incidental to or service the permitted uses, such as clubhouse, rental office, playground equipment, and storage sheds.

C. **Prohibited Uses:** Any other than those uses permitted by subsection A and B of this section shall be prohibited.

**§429-161** A. **Lot Area and Bulk Requirements:**

1. Maximum height of buildings shall be as follows:
  - a. Flat roof: two stories / 20 feet
  - b. Pitched roof: 2½ stories / 30 feet
2. Minimum lot area shall be as follows:
  - A. 43,560 square feet
3. Minimum width of a lot shall be 150 feet
4. Maximum coverage of a lot shall be as follows:
  - a. By buildings: 5%
  - b. By impervious surfaces: 20%
5. Minimum front yard setback shall be the greater of the following distances:
  - a. As measured from street right-of-way line: 25 feet
  - b. As measured from center line of street: 50 feet

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6. Minimum side yards shall be as follows: a.  
Total of both side yards: 18 feet b.  
Minimum for any one side: 8 feet
7. Minimum rear yard shall be 20 feet
8. Minimum lot depth:
  - a. 150 feet

**ARTICLE XXXVIII.**

**MUNICIPAL (MU)  
ZONE**

**§429-162 Permitted uses.**

Within any MU Zone, only open spaces, parks, public recreation facilities and municipal offices, buildings and other facilities shall be permitted. All other uses shall be prohibited.

**§429-163 Accessory uses.**

All those accessory uses normally associated with the principal use shall be permitted in the  
Municipal  
Zone.

**§429-164 Lot area and bulk requirements.**

No specific requirements are established, but site plan recommendations may be made by the Land Use Board in accordance with N.J.S.A. 40:55D-31.

**§429-165 Reversion of property to private use.**

If the public use of any area in the MU Zone District is discontinued and the property reverts to private ownership or use, no new use shall be established until another zone district is applied to this property by the governing body, following the submission of a recommendation by the Land Use Board.

**ARTICLE XXIX  
OUTDOOR DINING**

**§429-166** Outdoor tables and chairs shall be permitted outside the interior of the

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eating establishment on private property or upon the sidewalks directly adjacent to any restaurant, café, cafeteria or place of business where food and/or other refreshments are served in the HCC Zone, HCC-2 Zone, and/or NB Zone, provided that the following rules, regulations and specifications are met.

A. All outdoor dining areas shall be limited to not more than 20% of the total maximum permitted seating for the establishment.

B. All outdoor dining areas shall be immediately adjacent to the principal restaurant.

C. No outdoor dining area:

- 1) Shall be located within any public right-of-way;
- 2) Shall provide less than four feet of clear, unobstructed passageway between tables and chairs and any street trees, bicycle racks, signposts or other fixture or obstruction, which unobstructed passageway may be increased by the applicable land use board in the interests of safety;
- 3) Shall be not less than eight feet from any driveway and/or parking area, excluding designated passenger drop-off and pickup areas; and
- 4) Shall be set back not less than 50 feet from a site entry point or street intersection.

D. The highest standards of cleanliness of the outdoor area shall be maintained at all times, including frequent litter removal, within and around and beyond the subject property. A plan for litter removal, trash handling, and overall cleanliness and maintenance must be submitted together with the application. No outdoor storage of refuse shall be permitted.

E. The hours for outdoor service shall be the hours the establishment is open. No tables, chairs, benches or other equipment used shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk.

F. Noise shall be kept at such a level as to comply with all provisions of the Borough ordinances relating to noise as well as all applicable State statutes. No outdoor music, public address system, loud speakers or any other type of exterior sound systems shall be permitted. No live entertainment shall be permitted.

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- G. Lighting servicing the outdoor dining shall be kept at the minimum necessary to ensure the safety of the public and patrons of the establishment. No lighting provided specifically for outdoor dining shall spill onto adjacent residential properties. All lighting shall be directed towards the principal restaurants and shall otherwise comply with §371-33 of the Site Plan Review Ordinance.
- H. Outdoor dining shall not be permitted if it will interfere in any way with the peace and quietude of nearby residences.
- I. Low barriers of a temporary nature may be placed at the edge of the seating area during business hours so long as there is no interference with public safety or pedestrian movement patterns.
- J. No food or drinks served or consumed at locations permitted for outdoor dining shall be prepared or stored other than in the interior of the eating establishment.
- K. The tables and chairs shall be sturdy and of sufficient strength to be used for the purpose intended.
- L. No tables or chairs shall be placed in existing parking spaces.
- M. No direct sales to patrons through an opening in walls or windows shall be permitted.
- N. There shall be a minimum fifty-foot buffer between the lot on which an outdoor dining area is proposed and an adjacent lot developed with a residential structure.
- O. The outdoor dining operation shall be operated and maintained by the same person who operates and maintains the related restaurant establishment of which the outdoor dining is a part and extension thereof.
- P. "BYOB" is permitted in outdoor dining but only with the consumption of food; establishments with valid liquor licenses may serve alcohol at outdoor dining seating without the consumption of food.
- Q. All necessary amendments to liquor license applications with regard to the description of the area of the licensed premises shall be made and approval for such obtained prior to the service of alcohol in the outdoor dining area which is a part of the premises for which a liquor license has been previously issued.
- R. There shall be no additional signage on the premises or on the furnishings and equipment utilized as part of the outdoor dining operation.
- S. There shall be no tables or chairs located within 30 feet of any curb or paved portion of a county road.

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T. Where outdoor dining is proposed to be located directly adjacent to parking spaces which provide for head-on parking or parking angled towards the proposed outdoor dining area, protective bollards or barriers as approved by the Borough Engineer or Land Use Board as part of a permit shall be required.

**§429-167 Review of application by Zoning Code Enforcement Official.**

A. Application for the permit required hereunder shall be made to the Zoning Code Enforcement Official and shall be signed by the applicant. The application must be renewed annually and shall be on prescribed forms and shall contain the following information.

- 1) Details of trade, corporate, business or fictitious name upon which the applicant does business as a restaurant, café, cafeteria or place of business where food and/or other refreshments are served, including the address and phone number of the person responsible for the application.
- 2) General layout of tables and chairs, and low barrier if proposed, showing dimensions of tables, chairs and overall area, as related to building façade, sidewalk, existing poles, news boxes, trees or other sidewalk installations.
- 3) A detailed narrative and plan of relevant information, describing method of service, proposed hours of service outdoors, method of litter control and trash handling for outdoor service and proposed plan for storage of chairs and tables.
- 4) Photographs or diagrams of tables, chairs, etc. to be utilized, showing style, design, materials, size and colors.
- 5) Proof of insurance in accordance with requirements of §429-169 below.

B. The Zoning Code Enforcement Official and the Borough Engineer will review the application for completeness and compliance with the terms of this article. The Zoning Code Enforcement Official will act upon the same within 20 business days of the submittal of a complete application. If the application is not complete, the Zoning Code Enforcement Official will so notify the applicant within 20 business days of the submission and specifically detail the areas in which the application lacks compliance with the requirements of this article.

C. For each application the Zoning Code Enforcement Official and the Borough Engineer may approve the application and recommend a permit be issued by the Building Department or may approve the application with amendments and conditions or may disapprove the application. Appeal of any action taken by the Zoning Code Enforcement Official may be made to the Paramus Zoning Board of Adjustment.

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D. In processing applications, the Zoning Code Enforcement Official shall confer as it deems necessary with the Borough Engineer, Building Department, Police and Fire Departments and Zoning and Planning Departments, and shall use as criteria for decision making the following parameters:

1. Pedestrian safety.
2. Vehicular safety.
3. Public safety.
4. Design, material, color, layout aesthetics and architectural conformity.
5. Acceptability of the management plan for cleanup, litter control and trash handling.
6. Impact on existing landscaping.
7. Any potential interference with police or fire safety access.
8. Overall impact on the peace and quiet enjoyment of surrounding properties.

**§429-168 Permit nontransferable.**

A. The permit shall be personal to the applicant, and any change or transfer in the ownership interest of the business entity or establishment utilizing the license shall terminate the license and shall require a new application and a new license in conformance with all of the requirements of this article.

B. Acceptance of the permit by the applicant shall operate as a consent to the health, fire, police and building officials of the Borough to inspect the establishment for continued compliance with the terms and conditions of this article and any federal, state, county or local law, article or regulation affecting the same.

**§429-169 Insurance and indemnification requirements.**

A. Insurance.

- 1) Applicant must have a comprehensive general liability insurance policy issued by a company authorized to do business in the State of New Jersey in effect at the time of the application and show proof thereof. If the restaurant operator is not the property owner, then the property owner must likewise have insurance in effect at the time of application by the restaurant operator. The Borough of Paramus must be designated as an additional insured on the operator's policy as well as on the property owner's policy affording the coverage set forth below in the amounts specified:

(a) Bodily injury:

[1] Each person: \$300,000.

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[2] Each accident: \$1,000,000.

(b) Property damage:

[1] Each person: \$300,000.

[2] Each accident: \$1,000,000.

- 2) The insurance coverage required by this section shall at all times be maintained for the full amount. The policy of insurance required by this section to be filed with the Zoning Code Enforcement Official shall contain a clause obligating the company issuing the same to give not less than 30 days' written notice to the Borough Clerk before cancellation or amendments of any of the terms thereof. Notice of cancellation shall not relieve the company issuing such policy of liability for any injury or claim arising.

B. The applicant shall also file with the Zoning Code Enforcement Official a statement agreeing to indemnify and hold harmless the Borough of Paramus, its agents, servants, representatives or employees from any or all claims, damages, judgment costs or expenses, including attorney's fees, which they or any of them may incur or be required to pay because of any personal injury, including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of the outdoor dining for which the license is issued.

**§429-170 Fees.**

A. The applicant shall pay a non-refundable application fee of \$300 for each application or annual renewal. Such fee shall be payable whether the application is approved or not.

B. The applicant may also be required to post an escrow fee of \$500 for the engineering review of the application by the Borough Engineer.

**§429-171 Miscellaneous provisions.**

A. Applicable businesses as set forth in §429-166 are permitted to place benches for patrons awaiting seating, so long as an application as set forth above is submitted and all other parameters of this article are satisfied.

B. It is solely the responsibility of the proprietor of the establishment to obtain Board of Health approval, if necessary.

C. Seasonal outdoor dining as permitted by permit issued pursuant to this section shall in no way affect the parking requirements of the establishment.

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D. An amended application is permitted, but changes to the approved plan shall not be permitted without receiving approval of such amended application.

E. Any permit issued hereunder is issued solely as a revocable permit, which shall be subject to revocation or suspension by the Zoning Code Enforcement Official for failure of any licensee to comply with this article or for violation of any other applicable federal, state, county or municipal law, regulation or ordinance. Any permit issued hereunder is issued upon the express understanding that the permittee obtains no property right thereunder, nor any interest in the continuation of said permit.

F. In addition to the powers of revocation or suspension as set forth above, the Borough reserves the right to modify, suspend or revoke any license on 10 days' written notice if the Borough determines that pedestrian traffic is, in fact, impeded or made unsafe because of the outdoor dining or because of any other safety issue or noise complaints which the Borough determines adversely affects the residents of the Borough as a result of such operation. The license may also be suspended or revoked on 10 days' written notice, in the event that the Borough determines that it is necessary to utilize the area or any part thereof in connection with construction activity, utility repairs or improvements, special events, or any other reason deemed necessary by the Borough. In the event of an emergency, which emergency is certified by the Borough Administrator, the permit may be suspended or revoked without notice.

G. The permittee is required to display the permit certificate prominently in the front window of the establishment. Failure to properly display the requisite permit certificate shall result in suspension or termination of the license by order of the Zoning Code Enforcement Official.

H. The licensee agrees at the end of the permit period, or in the event that the permit is temporarily or permanently suspended or revoked, that the licensee will, at his own cost and expense, remove all tables and chairs from any outdoor dining area and vacate any public right-of-way, if applicable. Failure to do so by 10:30 p.m. on the day in which written notice is received shall grant to the Borough the right to remove any such tables, chairs or property used in connection with outdoor dining, and the permittees agree to reimburse the Borough for the cost of removing and storing the same.

I. When referenced herein, the definition of "sidewalk" shall include both sidewalks located in the public right-of-way and sidewalks located on private property outside of any public right-of-way.

**§429-172 Terms of permits; renewals.**

All outdoor dining permits shall be issued for the period commencing April 15 at 12:01 a.m. and ending November 1 of that particular year. Permits may be renewed annually by the filing of an application in accordance with the provisions of this article.

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**§429-173 Violations and penalties.**

Any person convicted of a violation of any of the provisions of this article shall be subject to a fine not to exceed \$500, with a minimum fine of \$100. Each violation of a provision of this article, and each day that a violation continues, shall constitute a separate offense.

**§429-174 Enforcement.**

The Zoning Code Enforcement Official shall be responsible for permitting and the collection of fees. This article shall be enforced by the Zoning Officer, the Police Department, the Board of Health as to the sanitary code, the Superintendent of Public Works as to trash, litter and recycling regulations, the Borough's Fire Safety Official, the Borough's Code Construction Official or any other Borough official as designated by the Borough Council.

**ARTICLE XXX.**

**PLANTED AREAS AND PLANTED BUFFER AREAS**

**§429-175 Required planted areas; existing vegetation.**

- A. A planted area not less than 20% of the total lot area of a lot is required.
- 1) On any lot in the HCC, HCC-2, NB and LB Zones.
  - 2) On any lot in the R-150, R-100, R-75, R-50, R-2F, R-AH, R-GC and RML Zones where the lot or any building thereon is used or is to be used for any purpose other than a use expressly permitted by ordinance in the particular residential zone.
- B. The retention of existing vegetation rather than the provision of new plantings is encouraged where this is determined by the Land Use Board to be visually appropriate.

**§429-176 Relationship of planted area to buffer area.**

- A. The planted area required above is in addition to any required buffer area or of any required parking areas.
- B. Buffer area required by ordinance shall not be included in determining the amount of area to be devoted to meeting the planted area requirements set forth above, but the total lot area without reduction for buffer area shall be used to determine the minimum 20% of the total lot area required for planted area.
- C. A planted area that is in or to be placed in any required open space area such as side yard, front yard and rear yard shall not be deemed a violation of the minimum

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requirements for open space for such yards.

D. On any lot that requires a planted buffer area, the total of the required planted buffer area and the required planted area shall be 25%. The total, however, shall not be less than 30% if any part of the planted buffer areas is in any residential zone (R-150, R-100, R-75, R-50 and R-2F) or any residential zone of any other municipality.

**§429-177 Required planted buffer areas.**

A planted buffer area not less than 75 feet in width is required on any lot.

A. In the HCC, HCC-2, NB and LB Zones that borders, is contiguous to, or across the street from and within 100 feet of, any residential zone in this or any other municipality.

1) Where an applicant owns property in the HCC, HCC-2, NB and LB Zones and also owns contiguous property or property across the street and within 100 feet located in a residential zone, the Land Use Board may require or accept, if consistent with the criteria set forth in this Article, a planted buffer area of 75 feet which is partly or entirely in the residential zone.

2) The continued existence of any planted buffer area shall be a condition to the continued existence of any certificate of occupancy issued for property in the HCC, HCC-2, NB and LB Zones. The established planted buffer area shall be made by subdivision a part of the lot located in the HCC, HCC-2, NB and LB Zone and shall not be considered a part of any lot in any residential zone with respect to computations for lot size, building coverage, coverage by impervious surfaces and all other calculations as may be required under this Chapter.

B. Planted buffer areas for non-residential uses in residential zones.

1) On any lot in the R-150, R-100, R-75, R-50 and R-2F Zones where a building or lot is to be used, expanded or substantially altered for a use other than permitted by ordinance in that zone, the buffer requirements of Article VII shall apply.

2) A planted buffer area of 25 feet in width is required for any lot in any residential zone where the lot to be created is contiguous to or across the street and within 100 feet of property in the HCC, HCC-2, NB and LB Zones. The Land Use Board shall require on subdivision that such lots requiring a planted buffer area shall still have remaining area and dimensions (excluding the required planted buffer area) sufficient to meet all requirements for the zone in which the lot is located. The planted buffer area of 25 feet in width established by reason of the requirements in this Subsection B (2) shall not be computed to determine the area or width of any planted buffer area required under Subsection A.

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C. Where a new street abuts an adjacent residential developed parcel (i.e. single family house), the minimum buffer shall be 50 feet between such parcel and the proposed new street.

**§429-178 Reduction in required buffer area.**

In the event that the buffer area required pursuant to this Article exceeds 12% of the total lot area, then the Land Use Board shall require a buffer area of uniform width that is not less than 35 feet.

**§429-179 Location, shape and content of areas.**

A. The criteria to be considered in determining the location, shape and content of any required planted area and the creation of any required buffer area shall include the following:

- 1) Drainage control.
- 2) Traffic and pedestrian safety.
- 3) Conservation of the economic values of the property and adjacent property.
- 4) Proper vehicular and traffic sight lines.
- 5) Shade and pollution control.
- 6) Screening and privacy of adjacent residential areas.
- 7) The configuration and relationship of planting areas to the total plan submitted.
- 8) The reduction of noise and lights disturbing to nearby property zoned for residential use.
- 9) The objectives of good planning and zoning pursuant to the provisions of N.J.S.A. 40:55D-1 et seq.
- 10) The preservation of healthy substantial trees wherever it is reasonable to do so, consistent with the criteria set forth herein.

B. In connection with Land Use Board consideration for site plan approval, the Land Use Board shall have the right to determine the proper areas for the required planted area, taking into consideration the criteria set forth above.

**§429-180 Use of areas restricted.**

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A planted area and a planted buffer area required by this Chapter shall not be used for any buildings, structures, paving or parking or for the sale, display, storage or leasing of materials or for any other use other than a planted area or a planted buffer area except:

A. Detention basins, subject to a finding by the Land Use Board that adequate visual screening is still provided.

B. Below-grade, underground parking facilities may be erected underneath any required planted area or planted buffer area, provided that the surface of the lot in the area of the planted buffer area and the planted area has at least four feet of soil and is properly drained so that the same is sufficient to support the growth of plants, ground cover, shrubs and trees.

C. On Land Use Board site plan approval, the Land Use Board shall, however, allow paved ingress and egress from the site to a public street or highway through a planted buffer area where there are no possible safe exits or entrances to a road or highway that is zoned across the street from the site within the HCC, HCC-2, NB or LB Zones. The area to be so paved shall not be included as part of the area making up the required planted buffer area.

**§429-181 Minimum standards.**

A. The required planted area (other than planted buffer areas) need not be all in one area of the lot.

B. Planted areas that are less than 200 square feet shall not be included in any computation of the required area.

C. The planted buffer area shall be located along the entire front, side or sides of the lot or rear of the lot that abuts or is contiguous to or is across the street, but within 100 feet from any property in the R-150, R-100, R-75, R-50 and R-2F Zones and any property zoned for residential use in any adjacent municipality.

D. The Land Use Board may, at the request of any applicant for site plan approval, consider any portion of the planted area to be provided by the applicant on any other lot or lots for purposes of determining the required 20% planted area requirement (not including planted buffer area) if, in the opinion of the Land Use Board:

1) The subject lots are to be operated essentially and substantially as a single site rather than as separate sites;

2) The lots have or are to be provided as part of the site plan with designated pedestrian and vehicular ingress and egress between or among each lot in the unit considered, without using public roads, and utilizing common parking areas.

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**§429-182 Design criteria.**

- A. The planted area and required planted buffer area shall be so designed to provide proper drainage of the soil.
- B. The planted area or required planted buffer area shall be protected by continuous Portland cement concrete or Belgian block curbing on all sides except on the planted buffer area; curbing is required only on the inside perimeter of the planted buffer area.
- C. The planted area or required planted buffer area shall be planted with approved plant material with sufficient organic sanitary material, topsoil, peat moss and the like, so that the same shall be likely to thrive. Minimum depth of topsoil in all turf areas shall be four inches. All topsoil shall conform to specifications approved by the Board of Shade Tree and Parks Commissioners.
- D. No owner, developer or occupant of a lot of which all or a portion is undeveloped shall remove any trees in excess of six inches in diameter as measured one foot above the base from any required planted area or any required planted buffer area or from the lot except by express direction or approval contained in a subdivision approval, soil permit or site plan approval by the Land Use Board of the Borough of Paramus.
- E. Existing healthy trees in excess of six inches in diameter one foot from ground level that are located in any approved planted buffer area or approved planted area shall be preserved unless otherwise ordered by the Land Use Board in connection with site plan approval.
- F. The planted area shall be designed to provide for the planting of plant material that is hardy and of a variety which requires a minimum amount of maintenance.
- G. The Land Use Board may require a planted buffer area pursuant to site plan approval, where changes in topography or elevation of the planted buffer areas would better serve the criteria set forth in §429-179.
- H. In connection with any site plan approval granted, the developer of the property shall protect against damage to trees that are located in the approved planted area and approved planted buffer area and shall also protect these areas by temporary fencing until the certificate of occupancy has been issued and all outside construction has been completed.

**§429-183 Plant selection and placement.**

- A. The following types of evergreen plants (hereinafter denominated "Group A") in the upright varieties are recommended for buffer areas to establish screening of nonresidential use and residential use:
- B. The trees denominated "Group B-1" in the accompanying tabulation and the

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shrubs denominated "Group B-2" in the accompanying tabulation are recommended for use as a formal clipped hedge for screen and buffer planting.

C. The plants denominated "Group C" in the accompanying tabulations are recommended for informal flowering or fruiting or evergreen hedge for buffer and screen planting.

D. The plants denominated "Group D" in the accompanying tabulations are recommended for ground covers for greenery planting and the planted area that are at the end of aisles of parking or very close to entrances and exits to other property or streets or highways. The plants in Group D shall be utilized so as to not obstruct proper sight lines for vehicular and pedestrian safety. The maximum height shall not exceed 30 inches at maturity.

E. The plant species in "Group E" (shade trees) and "Group F" (ornamental trees) are recommended and approved species for planted areas and planted buffer areas. Group E (shade trees) when planted shall have a minimum size of two-and-one-half-inches caliper and a minimum branch height of seven feet. If shade trees in Group E are planted in any area on the lot where they will be close to automobiles or at the end of any parking aisle or near the corner of any intersection of any aisle and any other driveway or aisle or in any other location in parking aisles, the trees shall be pruned to remove all limbs at the trunk if at that point the limbs are lower than 10 feet from the ground. All new trees in Group E and F must be staked in accordance with the American Nurserymen's Standards.

F. All landscaping is to be completed in a good and workmanlike manner and all planted areas and planted buffer areas are subject to the inspection and approval of the Board of Shade Tree and Parks Commissioners prior to the issuance of any permanent certificate of occupancy.

G. The developer must notify the Board of Shade Tree and Parks Commissioners at least 48 hours prior to the installation of any planted material. On the advice of the Board of Shade Tree and Parks Commissioners, the Land Use Board may adopt resolutions at public meetings creating standard specifications for planted material and planting which, if adopted, shall be adhered to by all persons installing such material.

H. Substitutions of plants within the same grouping from those shown in plans submitted are allowed, subject to Board of Shade Tree and Parks Commissioners' approval, where the originally designated plants are not available.

I. The Plant Table reflecting the group set forth above is annexed to this Ordinance.

**§429-184 Submission of proposed landscape plans.**

A proposed landscape plan shall be submitted to the Land Use Board for its

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consideration by:

- A. All applicants for site plan approval.
- B. All applicants for subdivision approval where any of the lots to be created would require a planted buffer area or a planted area.
- C. All applicants for subdivisions requiring planting of public dedicated land.

**§429-185 Contents of landscape plan.**

- A. The landscape plan shall be prepared at a scale shown on the plan by a landscape architect, architect or professional engineer. The name of the preparer of the plan, his address, telephone number and license number shall be indicated on the plan. The scale of the plan shall also be indicated. The name of the applicant and any authorized agents shall also appear on the plan.
- B. The plans shall specify all planted areas and planted buffer areas, if required, and the dimensions of each of said areas. The plan shall specify the total number of square feet of any planted area (not including buffer area), the total number of square feet of any required planted buffer area, the combined total area in square feet, if applicable, and the percentage figures of planted areas and buffer areas of the sum of the two and of the total site area.

**ARTICLE XXXI.**

**PARKING**

**§429-186** Parking requirements for all non-residential uses throughout the Borough shall be governed by this Article unless otherwise specified in a specific zone, in which event, the requirements set forth in the zone shall prevail.

**§429-187**

- A. The size, location, elevation, layout and arrangement of the parking spaces required or provided or to be provided shall be subject to the terms and requirements of this Ordinance and the provisions of Chapter 371, Site Plan Review. In the event of a conflict between this Ordinance and the Site Plan Ordinance, the terms and requirements of this Ordinance shall govern.
- B. If more than one use or building is on a lot, the minimum off-street parking spaces shall be the sum total of all uses on the lot.
- C. If a lot is used in common with another contiguous lot or lots, where ingress and egress for vehicles and pedestrians from one lot to the other lot is provided with parking facilities utilized in common between the several lots, then the minimum requirement shall be the sum total of all the uses on all the lots so used.

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D. Wherever all or some of the minimum number of parking spaces required for any particular use are dependent upon the number of employees on the premises or dependent upon the number of persons on the premises, the requirement shall in each such case be deemed to mean the number of employees or persons on the premises at the same time during the time when such number is at its peak (i.e., the peak shift in an industry or the peak time of day and week in a school, etc.). All Applications for site plan approval shall state the total number of such persons for purposes of determining any applicable parking requirement. The occupancy thereafter issued, which number shall be the limit of the number of employees permitted on the premises at the same time. Use of the premises by a greater number of employees at the same time than the number specified in the site plan or certificate of occupancy shall be a violation of this chapter.

**§429-188**

During non-business hours, all commercial vehicles shall be kept in such location so as to be out of visible view of the public in all cases, as the same shall be determined by the Building Department. Such commercial vehicles shall be in the rear of the business structure provided that the same does not face a residential zone.

**§429-189**

The minimum number of off-street parking spaces shall be as follows:

- a) Movie theaters: 1 space for each 2.5 seats.
- b) Auditoriums, theaters, houses of worship – 1 space for every 4 seats of fixed capacity or 1 space for each 45 square feet of floor areas available to patrons. Benches and pews shall be considered to have 1 seat for each 24 inches of linear seating space.
- c) Offices, including non-medical professional offices – 3 spaces per 1000 square feet.
- d) Retail – 5 spaces for 1000 leaseable square feet.
- e) Restaurants/bars – 1 space per 3 seats plus 50% of the maximum number of employees during any one shift.
- f) Medical, dental use – except in the HCC Zone which is governed by Section 429-126 - 1 space for each professional and employee together with 2 spaces for each examination room/dental chair or 1 space per 200 square feet of gross square feet, whichever is greater.
- g) Bowling alley or billiard parlor – 5 spaces for each alley or table together with 1 space for each spectator seat.
- h) Service stations – 1 space for every 200 square feet of any structure used for the repair of vehicles.
- i) Funeral homes – 1 space per 30 square feet of floor area used for slumber rooms, viewing rooms, parlors and each funeral service room together with 1 space for each employee.
- j) Hotels – 1 space per room together with 1 space for 50% of the employees during peak hours together with parking required for ancillary uses, such as restaurants, bars and banquet facilities.

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- k) Nursery schools, day care, child learning and adult day care centers – 1 space per 350 gross square feet plus 1 space for each employee during peak hours.
- l) All other uses for which parking spaces are specifically set forth herein shall provide the minimum number of spaces for the use most similar set forth herein or, if none, recommended by industry accepted standards promulgated by the by the NJDOT and/or the Institute of Traffic Engineers.

**§429-190**

Nursery schools, child learning and adult day care centers shall provide additional off-street areas for loading and unloading of school buses.

**§429-191**

The land use board may require that a structure or building include one or more off-street loading areas at the rear of a building (but not facing a residential zone) as the same may be appropriate for the particular use.

**ARTICLE XXXII**

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**§429-192 Compliance required.**

No person shall erect, alter, relocate, maintain, reconstruct or cause to be erected, altered, relocated or reconstructed any sign of any type or description unless it shall conform to the requirements of this Chapter and until he shall have complied with the requirements of Chapter 367, Signs, and its amendments and supplements, and shall have applied for and secured a sign permit from the Building Subcode Official. New or altered signs shall be subject to site plan review.

**§429-193 Permitted signs; size.**

A. In all districts, maximum permitted sizes of each listed type shall be in accordance with the regulations set forth as follows:

<b>Business Identification Signs</b>
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District	Professional Sign on Residence (square feet)	Free-Standing Sign (square feet)	Monument Sign (square feet)	Institutional Sign (square feet)	Wall Sign * (percentage of wall area)	For Sale or Rent Sign (square feet)
Residential	1½	Prohibited	Prohibited	12	Prohibited	6
NB	N/A	Prohibited	Prohibited	--	5%	24
LB	N/A	Prohibited	30	--	5%	24
HCC & HHC-2	N/A	36	30	30	5%	32

\* In no event, however, shall the total wall area usable for sign display exceed 100 square feet on any one side of a building or structure or 5% of the total area of said side, whichever is less, less the area of any nonconforming signs. Only one sign unit shall be permitted on any wall and a total of no more than four sign units shall be permitted on any single tenant building, provided that the total sign area shall not exceed 200 square feet, less the area of any nonconforming signs, and provided further that no individual sign shall exceed 5% of the wall area on which it is located or 100 square feet, whichever is less, less the area of any nonconforming signs. The wall area calculations should be taken to the roofline (and not include any surface area of the parapet or mansard above the roofing).

\*\* Enclosed shopping malls shall be permitted to have exterior wall business signs only for tenants having a floor area of at least 35,000 square feet and having an exclusive customer entrance and exit door leading to a parking area. Any such wall sign shall be positioned to draw attention to the customer entrance door.

B. Where separate entrances exist and specific certificate of occupancy is on record with the Building Department, a wall sign may be allowed for the wall area associated with the business. A total of 100 square feet of sign area is allowed for the entire wall, and no more than 5% of the individual store front wall can be used in determining the size of the allowable sign area. In any one building, there shall be no more than one wall sign per tenant, except that end tenants shall be permitted to have two wall signs, one on each of the front and side walls.

**§429-194 Freestanding business signs.**

A. A freestanding, double-faced sign, not to exceed 36 square feet, is permitted in the HCC and HCC-2 Zones where necessary to identify a group of stores or other commercial establishments on the same lot.

B. Freestanding signs shall not be externally illuminated.

C. The bottom of any freestanding sign shall be a minimum of 8 feet from the

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ground level and the top of said sign shall not exceed 18 feet from the ground level.

D. No freestanding sign panel shall exceed a height of 8 feet, a length of 12 feet, nor a depth of 18 inches.

E. No part of a freestanding sign shall be closer than 15 feet to the curblineline of an abutting street nor closer than 10 feet to the street right-of-way.

F. Street address numbers. All freestanding signs and monument signs referencing businesses shall contain the street address number of the property on each face which displays information. Street address numbers on business and all other freestanding signs (except entrance signs) shall have a height of 8 inches on State highways and a height of 4 inches on other roads.

G. A freestanding sign may have a decorative sign base as long as it meets the following requirements:

- 1) The color of the decorative sign base must be consistent with the colors of the sign. The sign and decorative sign base, together, may not exceed the maximum of four colors.
- 2) A decorative sign base may not contain any lettering, logo or other advertising. The street address of the property required may be located on a decorative sign base.
- 3) A decorative sign base must cover the entire length (the distance between the bottom of the sign panel and the ground) of the support structure to which it is affixed.
- 4) The width of a decorative sign base may not be greater than 1/3 the length of the sign panel or 42 inches, whichever is less.
- 5) The depth of a decorative sign base may not be greater than the depth of the sign panel. The depth of the base shall be measured to include the support structure.
- 6) A decorative sign base may not be illuminated.

**§429-195 Freestanding entrance signs.**

A. One double-faced or single-faced entrance sign shall be permitted at each entrance driveway for the purpose of directing motorists safely into business establishments located in the NB, LB, HCC and HCC-2 Zones. Such entrance signs shall be uniform in size and content as follows:

- 1) Size: Two feet in height; four feet in length and not more than 12 inches in depth.

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- 2) Lettering and construction: The content of the sign and the size of lettering shall conform to all of the aspects of the standard entrance sign in Figure I appended to this Article and on display in the office of the Building Subcode Official of the Borough of Paramus. Only the name of the principal occupant may be inscribed thereon.
- 3) Coloring: Black letters on a white background shall be employed.
- 4) Illumination: All entrance signs under this chapter must be of reflective surface and not lighted by interior illumination.
- 5) Height: Height of sign from mean ground level shall not exceed four feet.
- 6) Location: Sign shall be placed on the far side of the entrance driveway relative to the direction of traffic flow.
- 7) Shape: Rectangular shape shall be required.
- 8) All entrance signs shall contain the street address number of the property on each face which displays information. Street address numbers on entrance signs shall have a height of four inches.

**§429-196 Wall signs.**

A. No sign shall project from the building to which it is attached more than one foot at one end and no more than three feet at the other end. That side which projects more than one foot shall be covered with the same material as the remainder of the sign and shall be at a right angle to the façade or side of said building. The space between the sign face and the building wall shall be enclosed so that the sign face and sign sides are flush with the building wall.

B. No wall signs shall be permitted on any office buildings except as follows:

- 1) A single building identification sign consisting of the name or number of the building, not exceeding in area 5% of the area of the wall on which it is located or 60 square feet, whichever is less, less the area of any nonconforming sign, shall be permitted.
- 2) An identical facsimile of the single sign identified above may be permitted on a second wall of an office building, provided that the aggregate area of both signs does not exceed 90 square feet, less the area of any nonconforming signs.

**§429-197 Monument signs.**

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One monument sign per lot shall be permitted no greater than 30 square feet. Such sign shall be located in any front yard area but in no case less than 15 feet from the curblines of any abutting street nor less than 10 feet to the street right-of-way. The maximum height from the ground shall be 6 feet. No internal illumination shall be permitted.

**§429-198 Institutional signs.**

One institutional sign shall be permitted for any principal use allowed in any residential zone. Such sign shall be located in a front yard area but in no case less than 15 feet from the curblines of any abutting street nor less than 10 feet to the street right-of-way. The maximum height from the ground shall be six feet. No internal illumination shall be permitted.

**§429-199 Gas station signs.**

A. A gasoline service station shall be permitted to have only the following signs:

- 1) One freestanding sign containing a maximum of 60 square feet and comprised of a maximum of 36 square feet for gas station identification purposes and a maximum of 24 square feet for price display and other purposes.
- 2) Where a canopy is provided over pump islands, one canopy fascia-mounted business sign shall be permitted having a maximum area of 12 square feet. Where a gasoline service station with a canopy is on a corner lot, two canopy fascia-mounted business signs shall be permitted.
- 3) Where an accessory convenience retail building is provided, wall-mounted signage shall be permitted in accordance with the standards for wall-mounted signs elsewhere in this Article.
- 4) Each fuel dispenser shall be permitted to contain product pricing information, provided that the letters, numbers or brand information do not have a height which exceeds six inches, but in no case shall any fuel dispenser signage exceed two square feet in area.

**§429-200 Illumination.**

A. All business signs and all spotlights and floodlighting used in connection with the operation of any business shall be extinguished by 11:00 p.m. or upon the close of business serviced by said signs or lighting, whichever last occurs. Extinguishing of such lights shall be controlled by automatic means. Notwithstanding the foregoing, the Chief of Police, subject to the approval of the Building Engineer, may authorize lighting specifically designed for the protection of properties otherwise subject to this section, which lighting, when authorized, shall be exempt from the provisions hereof.

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B. Winter season holiday lighting shall be permitted within a continuous period of no more than 60 days per year and shall be exempt from site plan approval. Such building, landscaping or site accent lighting which is installed or used at times outside of the permitted 60 day period shall be subject to site plan approval.

C. No sign shall be illuminated by lighting of intermittent or varying intensity. Klieg lights or similar high-intensity search lights shall be prohibited. Open neon signs shall be permitted within the interior of enclosed shopping malls.

**§429-201 Additional requirements.**

A. A professional or announcement sign of a home professional office on a residence building shall be fixed on the main wall of such building or on a signpost not more than 6 feet in height above ground and set back not less than 20 feet from the curblineline and shall not project more than 24 inches. Such sign may be internally lighted between the hours of 8:00 a.m. and 9:00 p.m. and, as to a sign of a physician, surgeon or dentist, without any time restriction. Such lighting shall be arranged so as to prevent glare, and no sign shall be illuminated by lighting of intermittent or varying intensity.

B. A name or announcement sign affixed to the main wall and one double-faced freestanding sign for the use of a church, parish house, club, school or public or semipublic building shall be permitted in any district. The wall sign shall not exceed in

height 10% of the vertical height of the wall of the building to which the sign is attached and shall not exceed 12 square feet in area. Such signs may be internally lighted between the hours of 8:00 a.m. and 9:00 p.m. Such lighting shall be arranged so as to prevent glare, and no sign shall be illuminated by lighting of intermittent or varying intensity.

C. A real estate "For Sale or Rent" sign shall apply only to the premises upon which it is placed, and no part of said sign shall be erected closer than 15 feet to the front property line of said premises. Said sign must be removed upon the sale of said premises.

D. No business sign shall be erected or maintained upon the roof of a building, including a mansard roof or parapet, nor shall any sign project above the roof of a building, except that a wall-mounted sign on the parapet wall of a one-story building is permitted above a roof line elevation, provided that the sign shall be placed in symmetry with the architectural lines and shape of the front wall. Where a sign is mounted on a parapet wall, the parapet wall shall not extend more than four feet above the abutting roof elevation.

E. The erection of any advertising sign (off premises) or billboard or sign which moves or rotates is prohibited in all districts.

F. No sign, temporary or otherwise, on the inside of a window shall be greater than

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2 feet in height nor cover more than 20% of the square footage of said window, but in no case shall such sign be greater than the total of 16 square feet of the total glass area of each wall. No window sign shall be permitted above the first floor of any building.

G. No sign permitted in this chapter shall consist of more than 4 colors, inclusive of black and white. In a building with more than two first floor retail uses, all signage shall conform to a sign program authorized by the property owner for the entire building wherein the sign colors of all signs shall not exceed eight colors, inclusive of black and white.

H. No permanent cloth, paper, oilcloth or canvas signs, promotional flags, banners or pennants of any kind shall be permitted on the exterior of any structure. Temporary signs are only permitted in accordance with Chapter 367 of the Code of the Borough of Paramus.

I. No permit shall be issued to erect an exterior sign on property containing a nonconforming sign until such time as the nonconforming sign has been removed.

J. When the owner or lessee of a sign vacates the premises upon which the sign is located, the lettering on said sign must be removed. If the owner or lessee of said sign does not remove it, then the owner of the building or property shall be held responsible for the removal of the lettering within 30 days of vacancy.

K. A logo may be permitted on a sign only after specific approval of the Zoning Officer and the Construction Code Official.

L. No vehicle or mobile sign shall be used to circumvent these regulations.

M. No balloon, banner or similar attention-getting device shall be permitted on any building or on any site.

N. No internally illuminated panels on vending machines outside of buildings shall be permitted wherein the lettering or product image exceeds four inches in height.

**§429-202 Nonconforming signs.**

A sign which is nonconforming for any reason shall not be reconstructed, enlarged or extended.

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**ARTICLE XXXIII.**

**WIRELESS TELECOMMUNICATIONS FACILITIES**

**§429-203 Purpose.**

A. The purpose of these regulations for the siting of wireless telecommunications towers and antennas is to:

- 1) Protect residential areas and land uses from potential adverse impacts of wireless telecommunications facilities;
- 2) Encourage the location of cellular facilities in appropriate locations;
- 3) Minimize the total number of cellular facilities throughout the Borough of Paramus;
- 4) Strongly encourage the collocation on approved wireless telecommunications facilities as a primary option rather than construction of new or additional single-use towers;
- 5) Encourage users of monopoles and antennas to locate them, to the extent possible, in areas where the adverse impact on the residential community is minimal, particularly to avoid adverse visual impacts upon residential dwellings;
- 6) Encourage users of monopoles and antennas to locate and configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;
- 7) Enhance the ability of the providers of telecommunications services and emergency services to provide such services to the community quickly, effectively and efficiently; and
- 8) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

B. In furtherance of these goals, the Borough of Paramus shall give due consideration to the recommendation of the Borough Master Plan, Zoning Map, existing land uses and impact upon residential areas in approving sites for the location of towers and antennas.

**§429-204 Nonapplicability to amateur radio stations and to receive-only antennas.**

All new Towers, Antennas, Distributed Antenna Systems (DAS) (also referred to as a microcell, booster or repeater antenna system) and wireless telecommunications facilities in the Borough of Paramus shall be subject to the regulations of this Article, except as otherwise

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provided herein. The provisions of this Article shall not govern any antenna that is owned and operated by a Federally licensed amateur radio station operator or is used exclusively as a receive-only antenna in accordance with Federal Communications Commission regulations.

**§429-205 Checklist for applications.**

In addition to all items required under Chapter 371 for Site Plan Review, all applications for the approval of wireless telecommunications towers or antennas shall also provide the following:

- A. A radio frequency report indicating the need for their facility at the proposed location;
- B. Visual simulations of the proposal;
- C. If the application requests approval of a generator, it shall include a noise report by a qualified noise expert; and
- D. An inventory of the applicant's existing towers or sites approved for wireless telecommunications facilities that are either within the jurisdiction of the Borough of Paramus or within three (3) miles of the proposed site within the State of New Jersey.

**§429-206 Application fees.**

- A. Application for antennas to be affixed to an existing structure: application fee \$2,500.00; escrow required \$3,500.00.
- B. Application fee for new towers for telecommunications: \$3,500; escrow required \$5,000.

**§429-207 Other ordinances.**

Nothing contained herein shall be deemed to supersede or modify any provision of the Uniform Construction Code, Uniform Fire Safety Act, Property Maintenance Code of the Borough of Paramus or any ordinances of the Borough of Paramus relating to the public streets, parks or public places or obstruction or encumbrances thereon.

**§429-208 Definitions.**

For the purposes of this article, the following terms shall have the meaning indicated below:

**ANTENNA**

A device used for communication by which electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals are radiated or received, excluding television reception or satellite receiving dishes.

**ANTENNA STRUCTURE**

A structure support or other equipment used to mount antennas as part of

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telecommunications facility.

**DISTRIBUTED ANTENNA SYSTEM (DAS)** (also referred to as microcell, booster or repeater antenna system). These facilities include but are not limited to: buildings, cabinets, other structures and facilities, generating and switching stations, repeaters, antennas, transmitters, receivers and all other buildings and structures linking the wireless network of RF signal devices to conventional wired and other communications systems.

**EQUIPMENT SHELTER OR CABINET**

A structure containing equipment designed to be used as part of a telecommunications facility.

**MONOPOLE**

An antenna structure consisting of a single pole.

**ROOFTOP ANTENNA**

Antenna affixed to an existing structure or rooftop that does not require the construction of a new structure.

**STEALTH WIRELESS FACILITY**

A wireless facility that is camouflaged or conceals the presence of antennas. It is also called an "Alternative Tower Structure" and may look like a tree, clock tower, light pole, flagpole or other alternative design mounting structure.

**TELECOMMUNICATIONS FACILITIES**

All structure, including antennas, monopoles, towers, equipment shelters or cabinets and equipment used for the transmission and reception of wave frequencies for the purpose of any wireless communications.

**TOWER**

An Antenna Structure consisting of a lattice structure or frame.

**WHIP ANTENNA**

Antenna that is less than three (3) feet long and two (2) inches wide.

**WIRELESS TELECOMMUNICATIONS ANTENNA / DISTRIBUTED ANTENNA SYSTEM (DAS)** (also referred to as a microcell, booster or repeater antenna system)

A type of antenna that is used specifically for the purpose of providing wireless telecommunications services.

**§429-209 Rooftop Antennas.**

Rooftop Antennas shall be a permitted use in the Borough's nonresidential districts. Wireless telecommunication facilities installed as a distributed antenna system (DAS) (also referred to as a microcell, booster or repeater antenna system) that are mounted on an existing building as a permitted use shall comply with the following requirements which shall apply to Antennas mounted on an existing structure:

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- A. Antennas shall not be permitted in any residential zoning district;
- B. All Rooftop Antennas and Antenna Structures installed on buildings within the Borough of Paramus shall have a stealth design, the purpose of which is to reduce the likelihood of detection and have the least visual impact from all street rights-of-way and adjacent properties (this can be accomplished through the use of materials, colors or design of the Antenna);
- C. All Rooftop Antennas and Antenna Structures that are attached to a roof shall be sited near the center of the roof if the roof is flat, or if the roof is pitched, a Rooftop Antenna and Antenna Structure shall be integrated with elements of the roof design so as to minimize visibility from the street, rights-of-way and adjacent properties. All equipment related to the Rooftop Antenna and/or Antenna Structure shall be set back from the building façade for a distance greater than or equal to the total height of the equipment (excluding Whip Antenna);
- D. All Rooftop Antennas and Antenna Structures shall be fully concealed with architectural screening that matches the color, texture and quality of the building, with the exception of Whip Antennas which may be visible. If an Antenna or Distributed Antenna System (DAS) (also referred to as a microcell, booster or repeater antenna system) is installed on a structure other than a Tower, the Antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the Antenna and related equipment as visually unobtrusive as possible;
- E. All architectural screening shall be constructed of materials that match those used on the exterior of the building or with materials of similar texture. In lieu of screening, Antennas and Antenna Structures may be colored to match the exterior of the building or architecturally designed to complement the details of the building if it can be demonstrated that the Antennas and Antenna Structures alone would be less visually distinct from the building than architectural screening that would otherwise be required;
- F. Any ground equipment for Rooftop Antennas shall provide landscape screening with materials that are capable of screening for the entire calendar year. A minimum of one (1) row of evergreen shrubs or trees capable of forming a continuous hedge of at least six (6) feet in height within two (2) years of installation shall be provided around all freestanding Antennas or ground equipment;
- G. For Rooftop Antennas and ground equipment related thereto, the setback distances in plain view shall be measured as a straight line from the nearest part of the Rooftop Antenna or ground equipment related thereto;
- H. All ground equipment for Rooftop Antennas shall have a minimum front, side and rear setback requirement of twenty-five (25) feet to any property line, unless a greater setback requirement is provided for herein;
- I. No Rooftop Antennas or ground equipment related thereto shall be located less than

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fifty (50) feet to the nearest residential zoning district;

J. No Rooftop Antennas or ground equipment related thereto shall be located less than one hundred (100) feet to the nearest residence in a residential zoning district;

K. The existing structure shall be at least fifty (50) feet in height;

L. The Antennas and the Antenna Structures shall be located at or near the top of the existing structure;

M. Notwithstanding the height limitations of the zoning district, the height of such Antenna and related Antenna Structure above the ground shall not exceed the height of the existing structure above the ground in the location of the Antenna by more than 10 feet (excluding whip antennas);

N. Antennas shall not exceed one (1) meter in diameter;

O. There shall be no additional parking requirement due to a Telecommunications Facility;

P. There shall be no advertising of any kind, including but not limited to signage, on a Telecommunications Facility; and

Q. There shall be no external lighting on a cellular facility other than that required by the FAA. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

**§429-210 Monopoles.**

Monopoles shall be a permitted use in M-U Zone. In addition to the general requirements for Antennas contained in §429-209 above, the following additional requirements shall apply to freestanding Antennas:

A. Any new Monopoles shall be designed to use the most current stealth technology existing at the time of the submission of the application and shall be designed to reduce visual obtrusiveness;

B. No lattice-style tower shall be permitted. Stealth Wireless Facility design is required;

C. No freestanding Tower or Antenna Structure shall exceed the height necessary in order to fill the gap in service shown by radio frequency experts and the report required under the checklist for Telecommunications Facilities;

D. Any Monopole shall be set back from the property line a distance equal to or greater than the height of the Tower and Antenna;

E. Any Antenna Structure, Equipment Shelter or Equipment Cabinet servicing the Tower

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or Antenna shall conform to the setback requirements otherwise applicable in the zone district or be set back at least twenty-five (25) feet from the property line, whichever is greater. Equipment and/or Equipment Cabinets servicing telecommunications facilities shall be designed and painted to reduce visual obtrusiveness;

F. There shall be no additional parking requirement due to a Telecommunications Facility;

G. There shall be no advertising, including but not limited to signage, on a Telecommunications Facility;

H. There shall be no external lighting on a Telecommunications Facility other than that required by the FAA;

I. The applicant shall provide a letter of commitment, submitted prior to any approval by the Board, to lease excess space on the Telecommunications Facility to other telecommunications providers at reasonable rental rates and on reasonable terms. The letter shall commit the owner of the Telecommunication Facility and successors in interest. If the applicant provides proof that collocation would require additional antenna height that would create a visual detriment, then the reviewing board may waive the requirement of collocation;

J. Monopoles shall be enclosed by security fencing not less than six (6) feet in height and not more than eight (8) feet in height and shall be equipped with an appropriate anti-climbing device; provided, however, that the reviewing board may waive such requirements as it deems appropriate;

K. Landscaping.

- 1) Monopole Telecommunications Facilities shall be landscaped with a buffer of plant materials that screens or effectively screens the view of the Tower compound from property used for residences or from public parks; and
- 2) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. The reviewing board may waive this requirement if the goals of this article would be better served thereby.

L. Any new Monopole shall be located at a minimum distance from a residential zone of at least two (2) times the proposed height of the Monopole. A one hundred (100) foot Monopole should therefore be required to be at least two hundred (200) feet from the border of a residential zone;

M. All proposed Antennas, any proposed new Monopole Telecommunications Facility and any proposed Equipment Shelter or Cabinet enclosing related electronic equipment must blend in with the surrounding area as far as practicable; and

N. Monopole Equipment Shelter or Cabinet Facilities in the M-U Zone are subject to site plan approval of the Land Use Board.

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**§429–211 Restoration Provisions; Performance Bond.**

A. Any Telecommunications Facility that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such Antenna or Tower shall remove the same within 90 days of receipt of notice from the Borough of Paramus notifying the owner of such abandonment; and

B. The applicant shall provide a performance bond and other assurances satisfactory to the Borough Attorney that will cause the Antennas, the supporting Tower, the ancillary Equipment Shelter or Cabinet enclosing related electronic equipment, and all other related improvements to the land to be removed, at no cost to the Borough.

**§429–212 Conditions on approval.**

In granting approval for a Telecommunications Facility, the Borough's Planning Board or Board of Adjustment may impose such conditions to the extent that it concludes are necessary to minimize any adverse effect of the proposed Tower upon adjoining properties.

**§429–213 Cable microcell networks.**

If a cable microcell network is proposed, all cables, wires and equipment shall be located so that they do not interfere with the municipal fire alarm equipment and cable system. Applications for cable microcell network systems must be reviewed and approved by the Fire Department and the Borough Engineer as prior approvals before issuance of required construction permits.

**Section 3. Repealer**

All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

**Section 4. Severability**

If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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**Section 5. Effective Date**

This Ordinance shall take effect upon the passage and publication as provided by law.

Attest:

  
Annemarie Krusznis, RMC

Approved:

  
Richard LaBarbiera, Mayor

Introduced: March 22, 2016  
Final: December 6, 2016