**ORDINANCE NO. 26-2025**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending chapter 92 “ZONING” of the Code of the Borough of Bloomingdale**

 **WHEREAS,** the Borough Code currently sets forth standards and regulations relating to governing certain uses of the Borough; and

 **WHEREAS**, the Ordinance Review Committee find it necessary and appropriate to amend the zoning chapter of the Borough code to clarify and regulate certain uses relating to walls; and

 **WHEREAS**, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

 **NOW THEREFORE BE IT ORDAINED**, by the Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, as follows:

 **SECTION 1.** Chapter 92 “Zoning”, Article V “Regulations Governing Certain Uses”, Section 92-26 Miscellaneous uses’ amended to add a new subsection 92-26.7 ‘walls’ to read as follows:

§92-26.7 **Walls.**

1. All walls in any zone district, to include retaining walls, shall be regulated by the provisions of this Section 92-26.7.
2. Height. The maximum permitted height of a wall shall be four (4) feet in front yard areas and six (6) feet in side or rear yard areas.
3. No wall shall be erected or maintained at a height or in a location that would limit or restrict pedestrian or vehicular sight distance for any street or driveway under the Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq., or any other regulation of the Borough of Bloomingdale, the County of Passaic or the State of New Jersey.
4. Terracing and embankments. Notwithstanding any other provisions of this Section 92-26.7, the use of terracing whereby a series of two (2) or more parallel retaining walls are constructed behind one another with stabilized embankment slopes between them shall be limited as follows:
	1. The horizontal offset distance between the back of a lower wall and the front of an upper wall, as measured from the finished grade at the bottom of the lower wall to the finished grade at the bottom of the upper wall for two (2) adjacent walls, shall not be less than three (3) feet.
	2. The embankment slope between the lower and upper wall shall not be steeper than seven (7) horizontal to one (1) vertical (15%) and shall be stabilized.
5. Set-Backs. All walls must be erected or maintained within the front yard property line, and no wall shall be erected or maintained to encroach upon the public right-of-way. No wall having an exposed height of four (4) feet or greater shall be erected or maintained that is less than five (5) feet from any side or rear yard property line. Walls having an exposed height of less than four (4) feet shall be erected or maintained no less than two (2) feet from any side or rear yard property line.

(5) No wall exceeding six (6) feet in height from the lowest elevation of the finished grade to the top of the wall shall be erected or maintained in any zone district unless a variance application has been submitted to and approved by the Bloomingdale Planning Board in accordance with the terms of Chapter 33, Land Use Procedures.

(6) Zoning permit required. No wall regulated by this Section shall be erected or maintained except in accordance with a zoning permit issued by the Zoning Officer.

(7) No wall shall be erected or maintained having an average total height of four (4) feet or greater, as measured from the bottom of the foundation to the top of the wall, without first obtaining a construction permit from the Bloomingdale Building Department as required by the NJ Uniform Construction Code.

(8) Any soil movement must be in compliance with Chapter 32, Soil and Soil Removal.

(9) Any wall having an average exposed height of ten (10) feet or more shall have a permanent fence with a height of no less than four (4) feet.

(10) Any retaining wall having an exposed height greater than two (2) feet and located within ten (10) feet of a driveway, parking area, or other surface accessible to vehicles shall include provisions for a permanent vehicular barrier where vehicles could reasonably travel or drive over the edge of the wall.

(11) Design by professional engineer, details and design calculations. Notwithstanding any other provisions of this Section 92-26.7, any retaining wall greater than four (4) feet in height and any terracing utilizing retaining walls where the summation of the heights of each retaining wall utilized exceeds four (4) feet in height shall be required to be designed by a licensed professional engineer registered in the State of New Jersey. In addition, details and design calculations shall be submitted to and approved by the Bloomingdale Borough Engineer prior to the issuance of a construction permit. The design calculations and details shall include and address but not be limited to:

* 1. Materials being used for the retaining wall and backfill.
	2. Soil-bearing capacity.
	3. Frictional resistance and passive soil pressures acting on the wall with their magnitude and location.
	4. All lateral forces and their magnitude and location that can occur on the wall.

 All other portions of this Section shall remain unchanged.

**SECTION 2.** All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

BOROUGH OF BLOOMINGDALE

 COUNTY OF PASSAIC

ATTEST: STATE OF NEW JERSEY

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Breeanna Smith, Clerk John D’Amato, Mayor