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ORDINANCE #2026-07

Introduction: February 23, 2026

Adoption: March 9, 2026

AN ORDINANCE OF SOUTH ORANGE VILLAGE IN ESSEX COUNTY, NEW JERSEY AMENDING AND RESTATING VILLAGE CODE CHAPTER 185 TO REVISE IMPERVIOUS COVERAGE STANDARDS

WHEREAS, South Orange Village adopted a comprehensive Master Plan in November 2021, and

WHEREAS, Objective 3.1 of the Land Use + Community Form Element of the Master Plan recommends the Village "reduce non-conformities by amending zoning standards that do not reflect established neighborhood identities," where "narrowly tailored policies can be enacted to guard against specific concerns without unduly impacting entire districts;" and

WHEREAS, Strategy 2 of Objective 3.1 recommends amendments to bulk standards, such as impervious coverage, to accommodate "small lot" configurations, where such standards may be "conditional;" and

WHEREAS, Strategy 3 of Objective 3.1 further recommends performance-based opportunities be created for minor reductions in bulk standards to mitigate associated negative impacts, such as installing drywells and permeable pavers as part of enhanced stormwater management and sustainable design practices; and

WHEREAS, Strategy 3 of Objective 2.1 of the Quality of Life Element of the Master Plan recommends the Village "increase requirements in land use policies for stormwater management through incentives and heightened standards for impervious coverage;" and

WHEREAS, Strategy 1 of Objective 3.2 of the Land Use + Community Form Element of the Master Plan recommends the Village "Update the Land Development Ordinance to remove redundant and inconsistent regulations. The code should be organized and presented to maximize transparency and user-friendliness;" and

WHEREAS, the Land Development Ordinance contained in Chapter 185 contains various definitions and regulations providing for and regulating various sustainable design practices and conditional incentives for impervious coverage; and

WHEREAS, the Village finds that such regulations may be revised to improve ease-of-use for both applicants and land use officials, remove redundancies and inconsistencies, and otherwise better advance the Village's sustainability policies.



NOW THEREFORE, BE IT ORDAINED, by the Village Council of the South Orange Village, County of Essex, State of New Jersey, as follows:

[Strikethrough indicates deletion. Underline indicates addition. All definitions not expressly amended or supplemented herein shall remain unchanged.]

SECTION 1.

Chapter 185, Part 1 – General Provisions, Article 185-1 – Short Title; Purpose; Definitions, Section 3 – Definitions; Word Usage is hereby amended and restated, in relevant part, as follows:

COVERAGE, LOT - The percentage of surface area of a lot which is covered by all existing and proposed buildings and structures, including driveways, parking lots, pedestrian walkways and other man-made impervious improvements which are more impervious than the natural surface. All required parking areas which are permitted to remain unpaved shall be included in the computation of lot coverage. In calculating the coverage, due consideration shall be given to the increased permeability of pervious surfaces and primarily impervious surfaces as defined herein, as well as pervious surfaces, which shall be calculated at a discounted rate of 75% of their coverage surface area. – See Pervious Surface.

COVERAGE, IMPERVIOUS SURFACE — See Impervious Surface.

COVERAGE, PERVIOUS SURFACE — See Pervious Surface.

IMPERVIOUS SURFACE — Any hard-surfaced, man-made areas that do not readily absorb rainwater, including but not limited to buildings, patios, solid wood or composite decks that do not allow water to flow between the decking to the ground beneath, porches, paved parking, turnabouts and driveway areas, walkways, sidewalks, and paved recreation areas (tennis, basketball courts), asphalt, concrete, gravel, and pavers; buildings and structures; patios, solid wood or composite decks, slatted decks over another impervious surface, and porches; parking areas, driveways, and turnabouts, whether paved or unpaved; walkways, sidewalks, and curbing; retaining walls; and swimming pools and paved recreation areas (e.g. tennis, basketball courts), but shall not include swimming pools, nonpermanent children's play equipment, movable outside lawn furniture, planters, arbors, fences and small garden structures such as birdbaths or artwork.

LOT COVERAGE — The percentage of surface area of a lot which is covered by all existing and proposed buildings and structures, including driveways, parking lots, pedestrian walkways and other man-made impervious improvements which are more impervious than the natural surface. All required parking areas which are permitted to remain unpaved shall



~~be included in the computation of lot coverage. In calculating the coverage, due consideration shall be given to the increased permeability of pervious surfaces and primarily impervious surfaces as defined herein.~~

~~PERVIOUS SURFACE — Porous asphalt, porous concrete and nongROUTED permeable pavers, bricks or other porous materials which are demonstrated by product specification or certified by a licensed professional engineer to allow some rainwater to pass through and be absorbed by the ground beneath. The percentage of impervious surface will be calculated based on the manufacturer's product specifications to be provided to and approved by the Village Engineer. (Note: Property owners shall be encouraged to use pervious paving for new driveways and parking areas and other best management practices, including rain gardens, rain chains, rain barrels and other water collection techniques, to reduce the amount and velocity of rainwater runoff from the surface of their lots, to retard soil erosion and improve the quality of the water running off to receiving surface bodies of water.)~~ Certain materials that are considered to be primarily impervious but allow for some amount of water infiltration, which shall include green roofing systems, non-movable planter fixtures that are compliant with the NJ Stormwater Best Management Practices Manual, and decks with slats over natural, unimproved ground.

~~PRIMARILY IMPERVIOUS SURFACE — A gravel, loose stone or stone dust area which allows some rainwater to be absorbed into the ground, and ordinary brick, concrete pavers or bluestone laid in sand, without an impervious plastic or other barrier, with space for rainwater to penetrate to the ground. Such areas shall be considered 75% impervious.~~

SECTION 2.

Chapter 185, Part 7 – Improvements and Design Standards, Article 185-XVI – Improvements and Design Standards, Section 102 - Stormwater Control, Section II – Definitions is hereby amended and restated, in relevant part, as follows:

For the purpose of this ordinance Section 185-102, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8- 1.2.

[All definitions herein shall remain unchanged.]



SECTION 3.

Chapter 185, Part 13 – Zoning, Article 185-XXX - Zone Lot, Yard, and Bulk Regulations, Section 167 - Supplemental Height and Bulk Regulations, Subsection – 167(A) - Accessory Structures is hereby amended and restated, in relevant part, as follows:

- A. Accessory structures. No accessory structure may be built on any lot on which there is no principal building or structure. Unless otherwise regulated in this Part 13, accessory structures shall meet the following conditions:

1. Accessory structures in residential zones.

- a. Accessory structures shall not exceed 15 feet in height.
- b. Accessory structures shall meet the front wall and side yard requirements of the principal building. No detached accessory structure shall be located forward of the front wall of the principal structure or building on the lot.
- c. Accessory structures erected in the rear yard shall be at least three feet from a side or rear property line.
- d. Accessory structures shall be at least 20 feet from a principal building and at least 10 feet from another accessory building.
- e. Accessory structures shall not occupy more than 30% of the rear yard area.
- f. No accessory structure shall be used as a dwelling, except as permitted in Section 185-167B.
- g. Decks and patios shall not be permitted in the front yard and shall meet all of the setback requirements for the zone in which they are located. The construction of a deck or patio in one- and two-family zones shall be permitted to increase lot coverage up to 10% of the maximum lot coverage in the zone in which it is located (for example in zones permitting a maximum coverage of 40%, a ten-percent increase would permit an increase in coverage to 44%, and, in the RA-100 zone, from 30% to 33%), subject to compliance with all of the setback requirements of the zone and the installation of stormwater recharge system (such as a drywell), to mitigate the increase in lot coverage above the maximum permitted in the zone. The Applicant must provide detailed calculations and percolation testing necessary to determine that the stormwater recharge system is sufficient to off-set the increase in lot coverage for a 100 year storm for review and approval by the Village Engineer. If the site has a legally existing, nonconforming coverage that exceeds the ordinance limit, then an additional 10% would be allowed for compliant decks and patios, with the installation of a dry well that captures all runoff above the base zone maximum limit (i.e. 40% in the RA-60 zone, and 30% in the RA-100 zone).



- h. Private drainage systems such as roof leaders and sump pumps, wherever possible, shall discharge to unimproved surfaces wherever possible. Where such discharge is infeasible due to the location of unimproved surfaces or gravity flow, or would otherwise discharge into poor draining or highly erosive soils on-site, private drainage systems shall be connected to the municipal storm sewer system wherever feasibly accessible for gravity flow adjacent to the property boundary. Where there exists or is a proposed on-site stormwater management system, said system shall have an overflow similarly connected to the municipal storm sewer wherever feasible. Such requirement shall apply to new construction exceeding 200 square feet or redevelopment, as well as in developments with an existing storm sewer connection or on-site management system.
2. Accessory structures in all other zones. For the purposes of this Part 13, accessory structures in all other zones shall meet the height and yard requirements for principal buildings. No such accessory building shall be located closer to another building than the height of the shorter building.

SECTION 4.

Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5.

This ordinance shall take effect after referral to the Planning Board pursuant to N.J.S.A. 40:55D-64, notice and a hearing pursuant to N.J.S.A. 40:55D-62.1, and upon final passage and publication as required by law. The Village Clerk shall provide any and all notifications mandated by the Municipal Land Use Law, N.J.S.A. 40:49-2.1 and N.J.S.A. 40A:55-1 et seq.

SECTION 6.

On passage this ordinance shall be codified.

Introduction – First Reading

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Canning			X			
Haskins			X			



Greenberg						X
Jones	X		X			
Lewis-Chang			X			
Zollman		X	X			

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Village Council at their regular meeting held on February 23, 2026.

Ojetti E. Davis
Village Clerk

Adoption – Second Reading

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Canning						X
Haskins	X		X			
Greenberg			X			
Jones						X
Lewis-Chang		X	X			
Zollman			X			

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Village Council at their meeting held on March 9, 2026.

Ojetti E. Davis
Village Clerk

Adopted:

Sheena C. Collum, Mayor

Attest:

Ojetti E. Davis, Village Clerk