

Newark Zoning & Land Use Regulations



NPO
NEWARK PLANNING OFFICE

November 2014



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others who offered feedback, suggestions & advice
on the rules contained in this document for building
the city we want. Respect to the ancestors & children.

Welcome to the Newark Zoning & Land Use Regulations (NZLUR), the rules for what you can build & where you can build it in Newark.

In these pages, you will find the law governing the use and design of buildings in Newark. You will also find regulations for many other parts of Newark's physical environment such as landscaping, parking lots, fences, signs, historic landmarks, and stormwater management.

The Newark Planning Office prepared the NZLUR in 2013 and 2014. While Newark's zoning had not been comprehensively revised since 1954, many things had changed in the following 60 years!

The NZLUR simplifies and modernizes the way Newark's zoning addresses the use of buildings. For example, the NZLUR eliminates outdated uses like leather tanneries and pool halls, and consolidates many uses based on avoiding nuisances and development conflicts.

The NZLUR also sets common-sense standards for how new buildings are designed. These measures grow from the successful 2009 implementation of zoning reforms for Newark's most common building types, two- and 3-family houses, which focused on improving the quality and safety of Newark's streets by setting standards for windows, front set-backs, and the location of primary entrances that keep eyes on the street.

This draft was presented to the Newark Central Planning Board at public hearings September 8 and November 10, 2014, and adopted by the Newark Municipal Council on February 4, 2015.

If you are interested in hosting Newark Zoning Workshop that breaks down these rules and what they mean for your neighborhood, call (973) 733-6333 or email newarkplanningoffice@gmail.com.

Beginner's Guide

The following resources are included in the NZLUR to help zoning beginners & professionals become familiar Newark's new zoning.

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Overview of the NZLUR's contents.

Page 6 Who Makes Decisions About What Gets Built in Newark?

This diagram, from the Newark Zoning Workshop, shows the process by which someone receives authorization for building in Newark. It provides a quick guide to the roles of the Central Planning Board, Zoning Board of Adjustment, and Landmarks & Historic Preservation Commission. Most importantly, it shows the important roles of the public in this process.

Page 7 Citywide Zoning & Neighborhoods Map

Use this map to see the overall pattern of zones in the city and to look up the map for your neighborhood on the more detailed maps that follow.

Page 8-31 Neighborhood Zoning Maps

These maps provide detailed zone maps for each neighborhood in Newark.

Page 32-49 Introduction to Zones

These one-page zone overviews introduce the general rules for each zone, which are provided in more detail in later NZLUR chapters.

Chapter 1. Purpose & intent

40:1-1. Enumeration of purposes

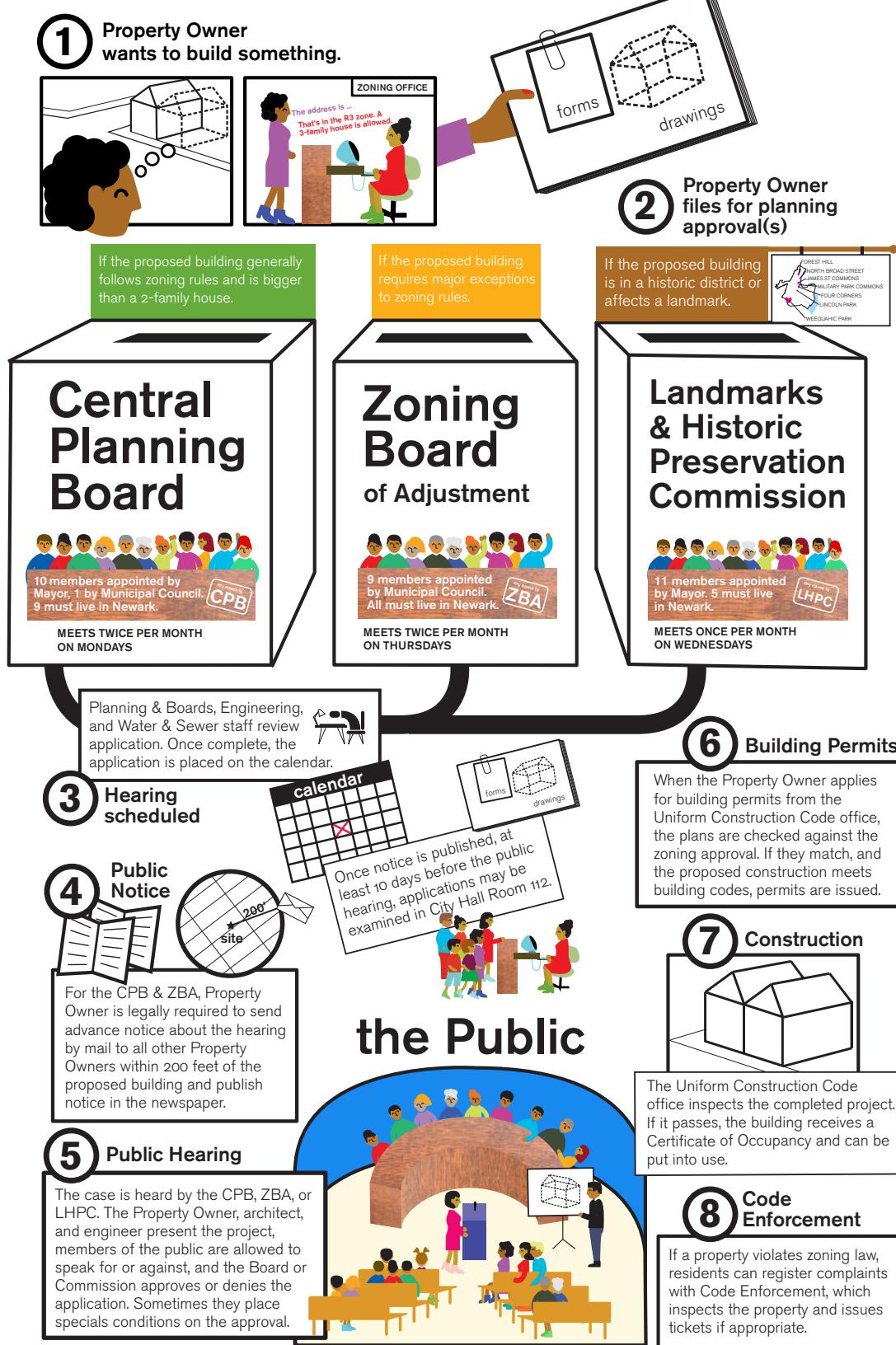
The purpose of this Title is to promote the health, safety and general welfare of the City of Newark and its people by advancing the purposes of the Municipal Land Use Law set forth at NJSA 40:55D-2 and by ensuring that all land development in the City meets the applicable requirements of Federal, State and local laws. In order to fulfill this purpose, it is the intent of this Chapter to provide regulations that are consistent with the City's Master Plan, that implement the Master Plan's Land Use Plan Element, and that advance the general concepts and recommendations of the Master Plan.

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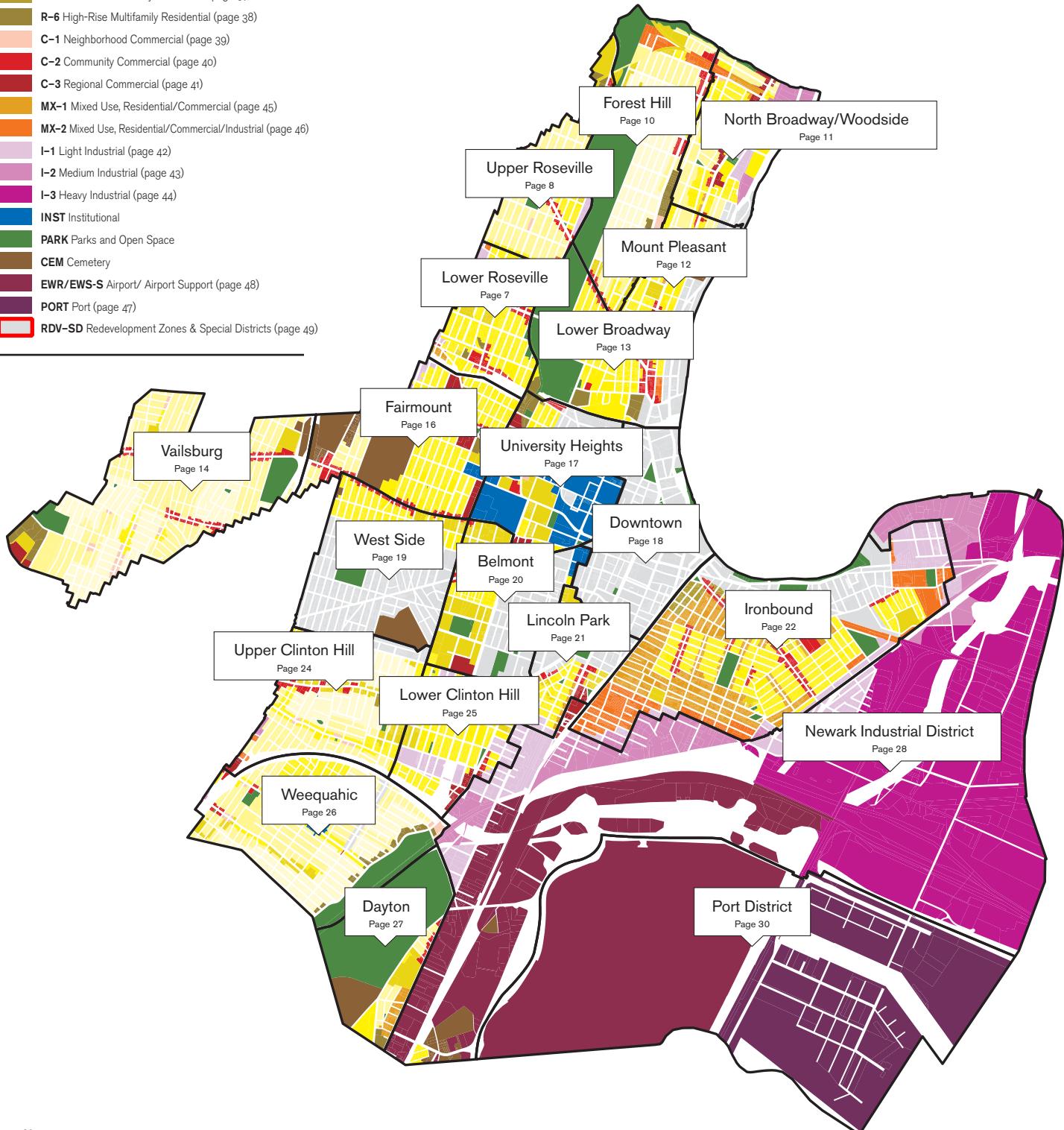
Who makes decisions about what gets built in Newark?



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Newark Zoning & Neighborhoods

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CEM	Cemetery
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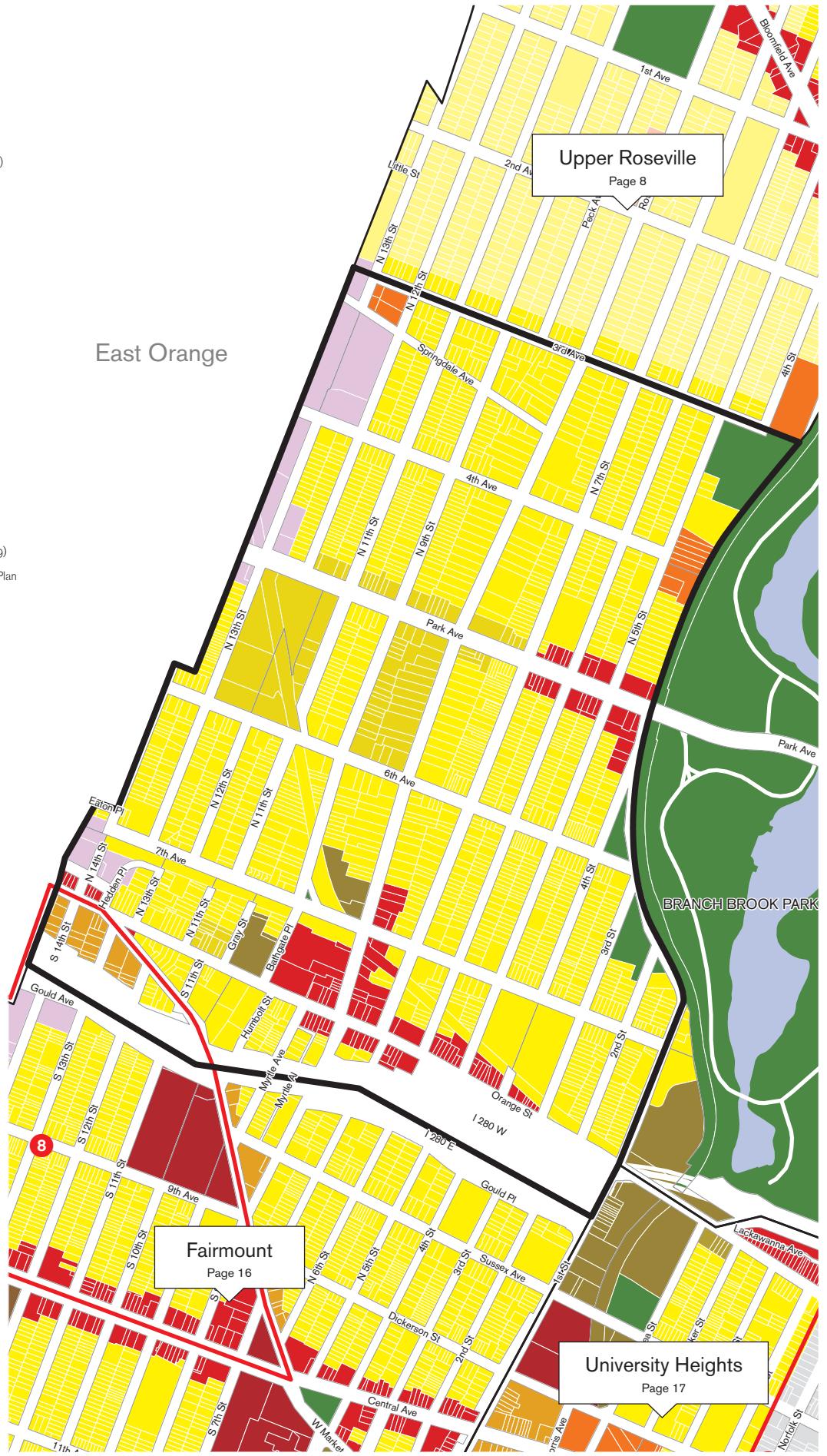
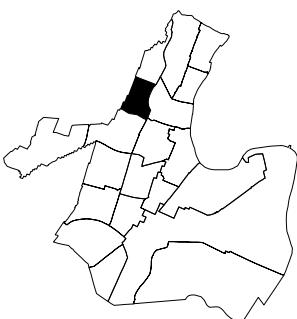
Bloomfield Township



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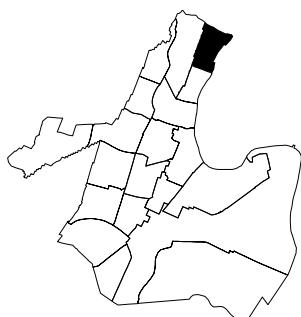
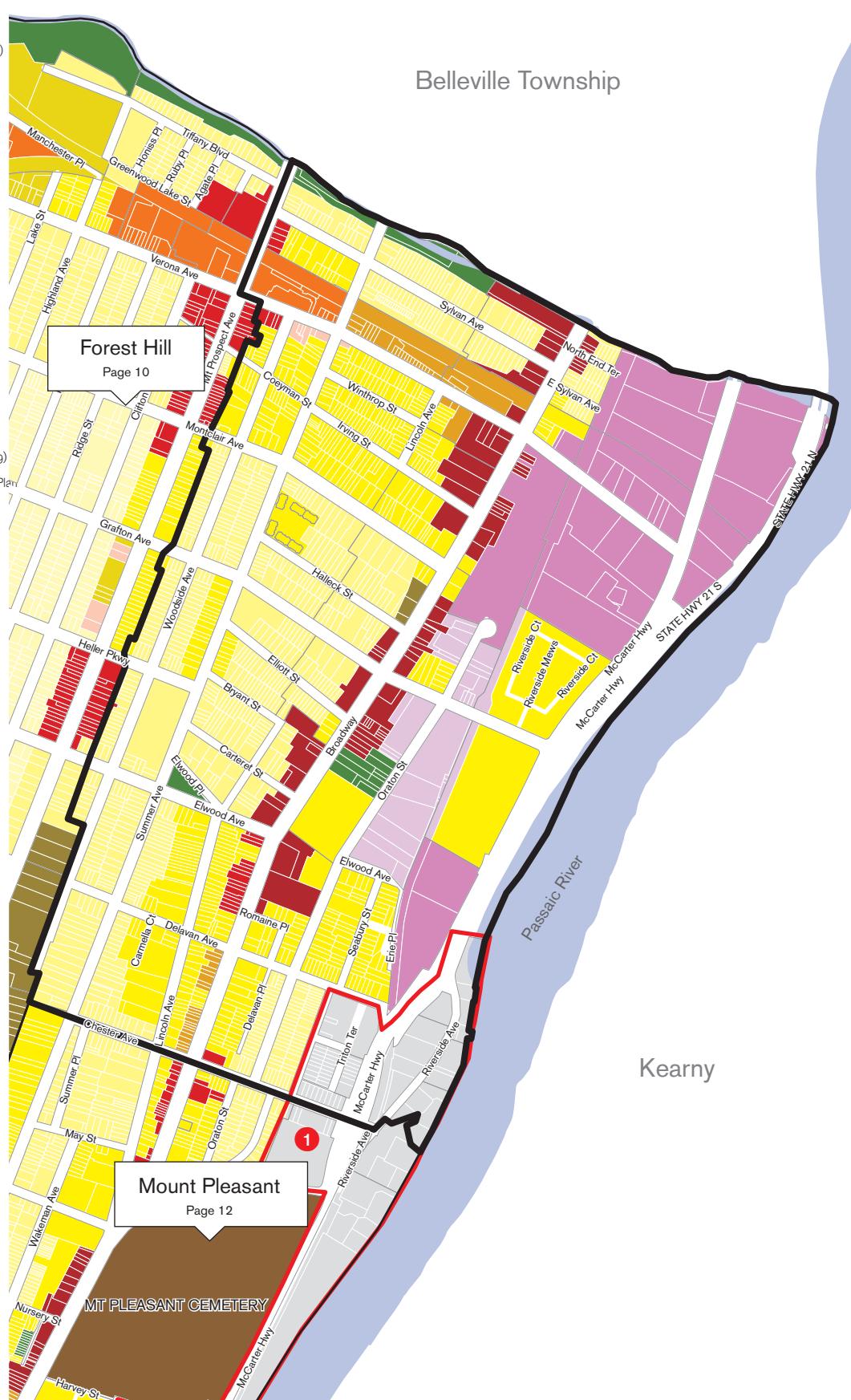
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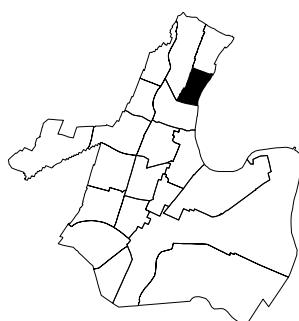
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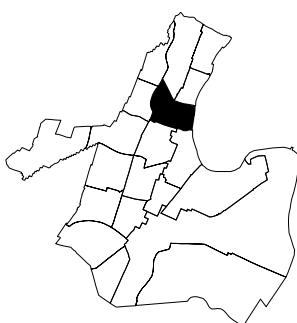


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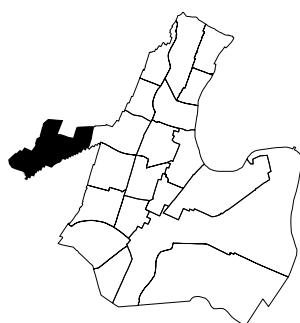
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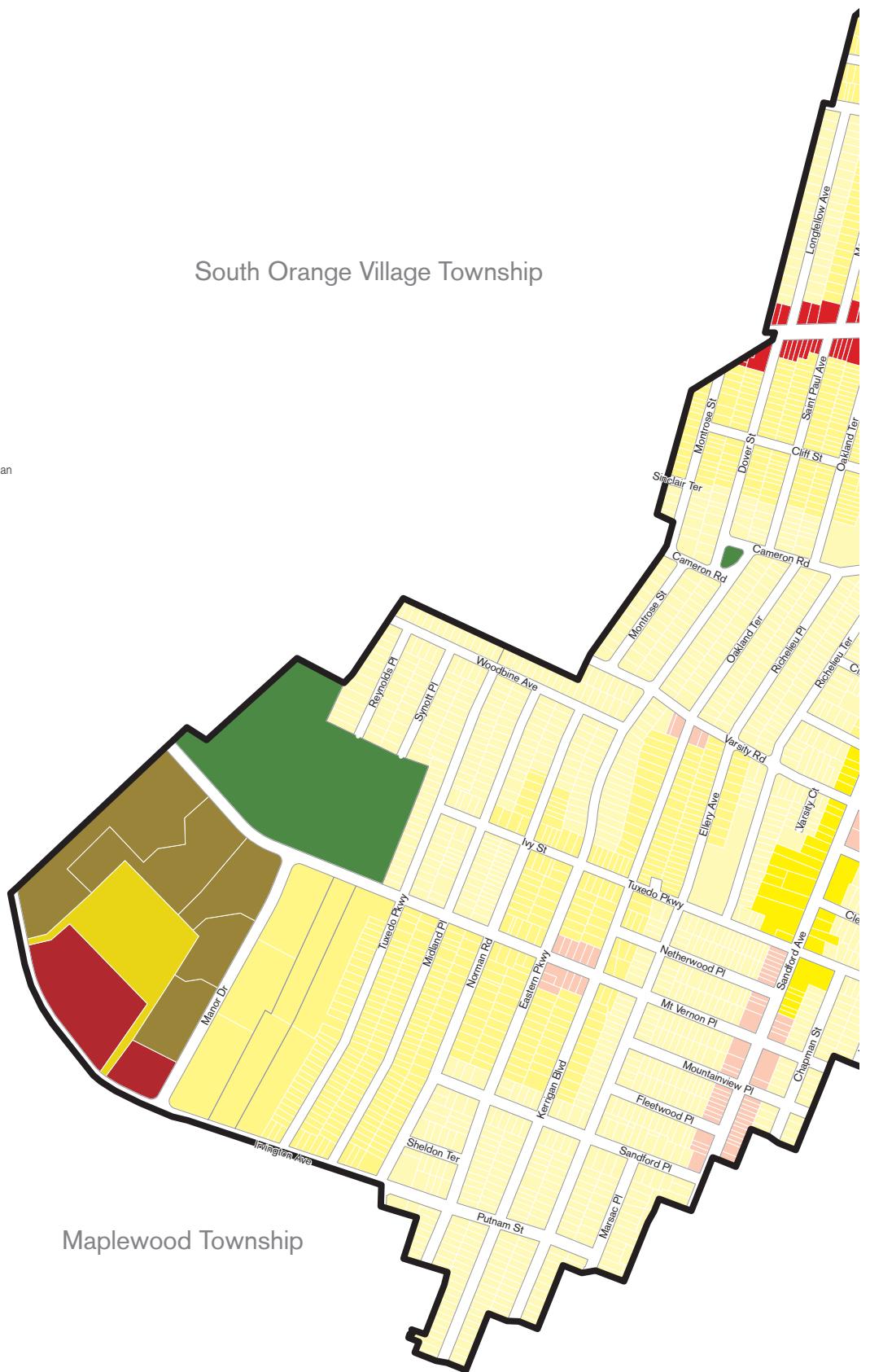
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South Orange Village Township



East Orange



Irvington Township

West Side

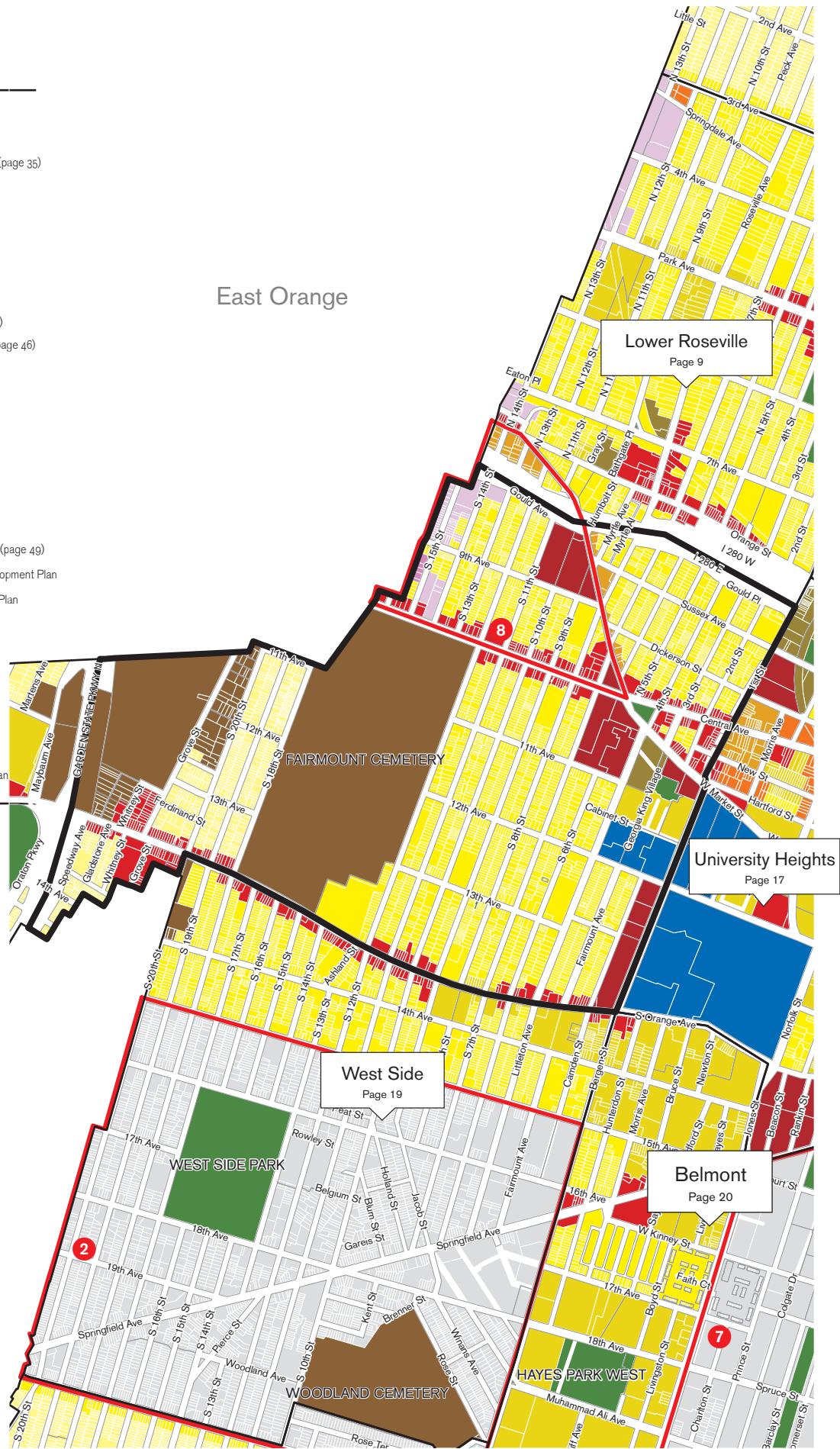
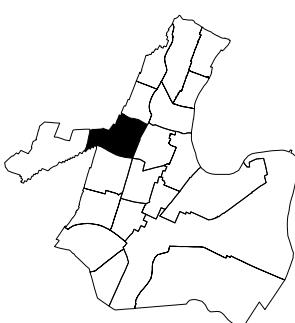
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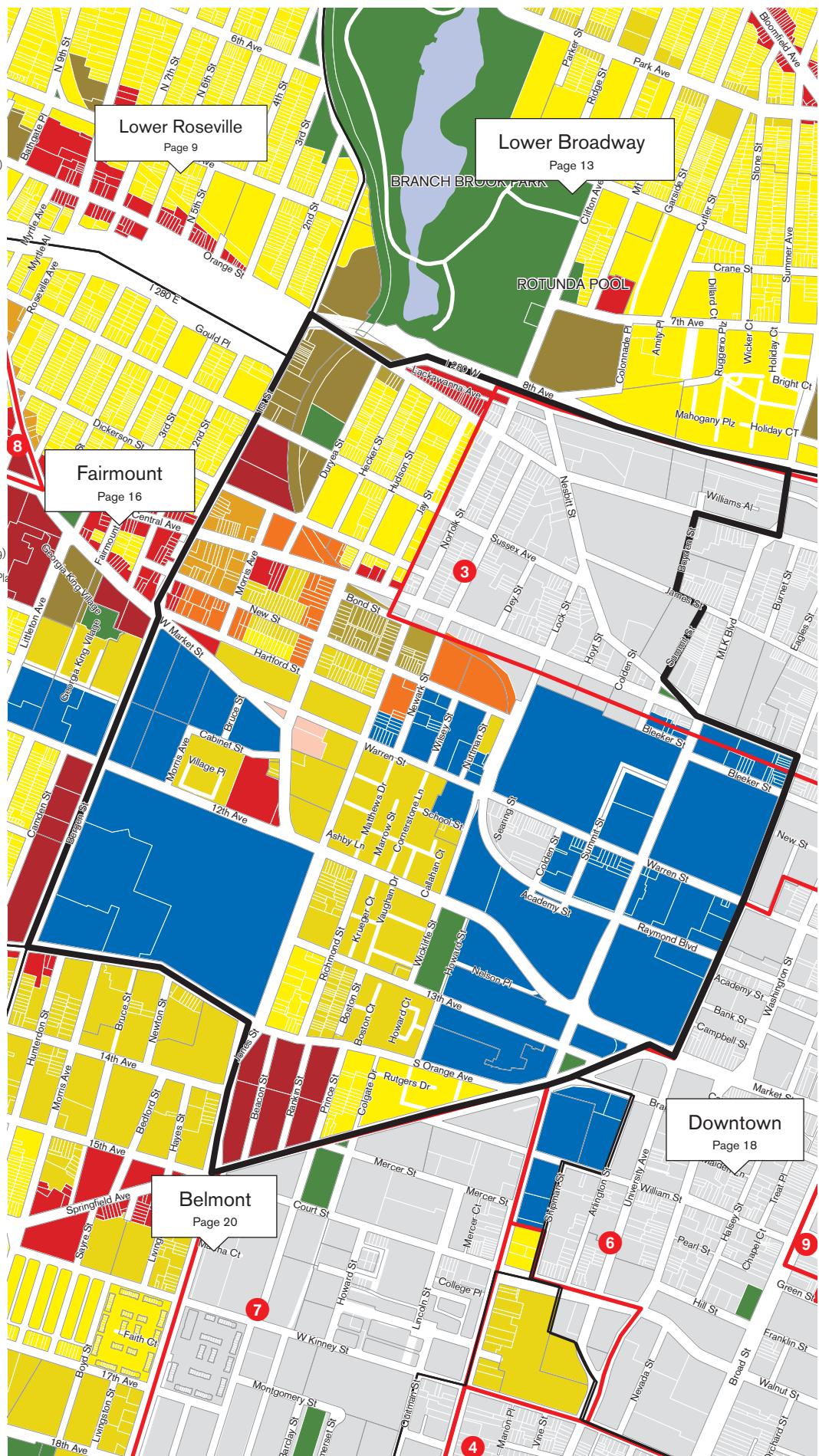
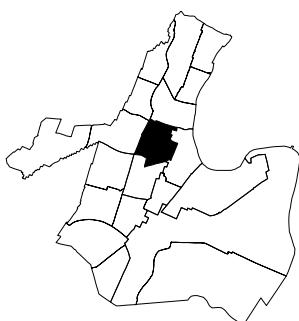
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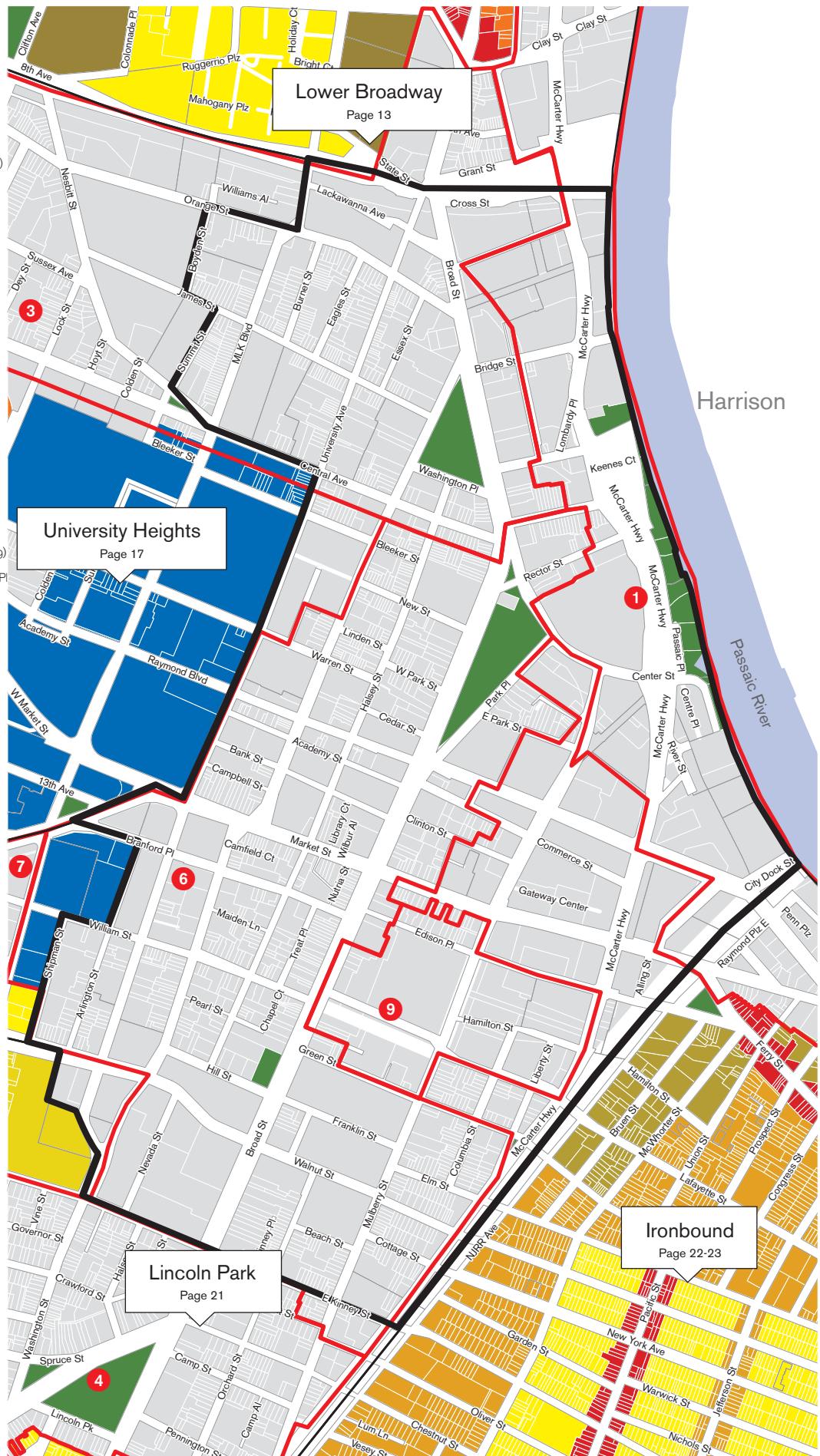
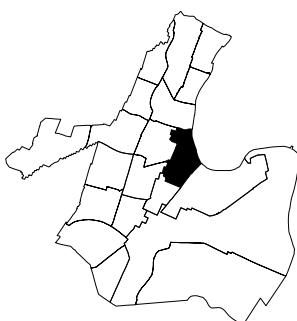
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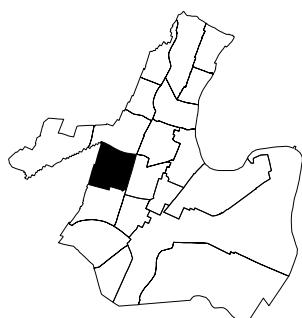
West Side

East Orange

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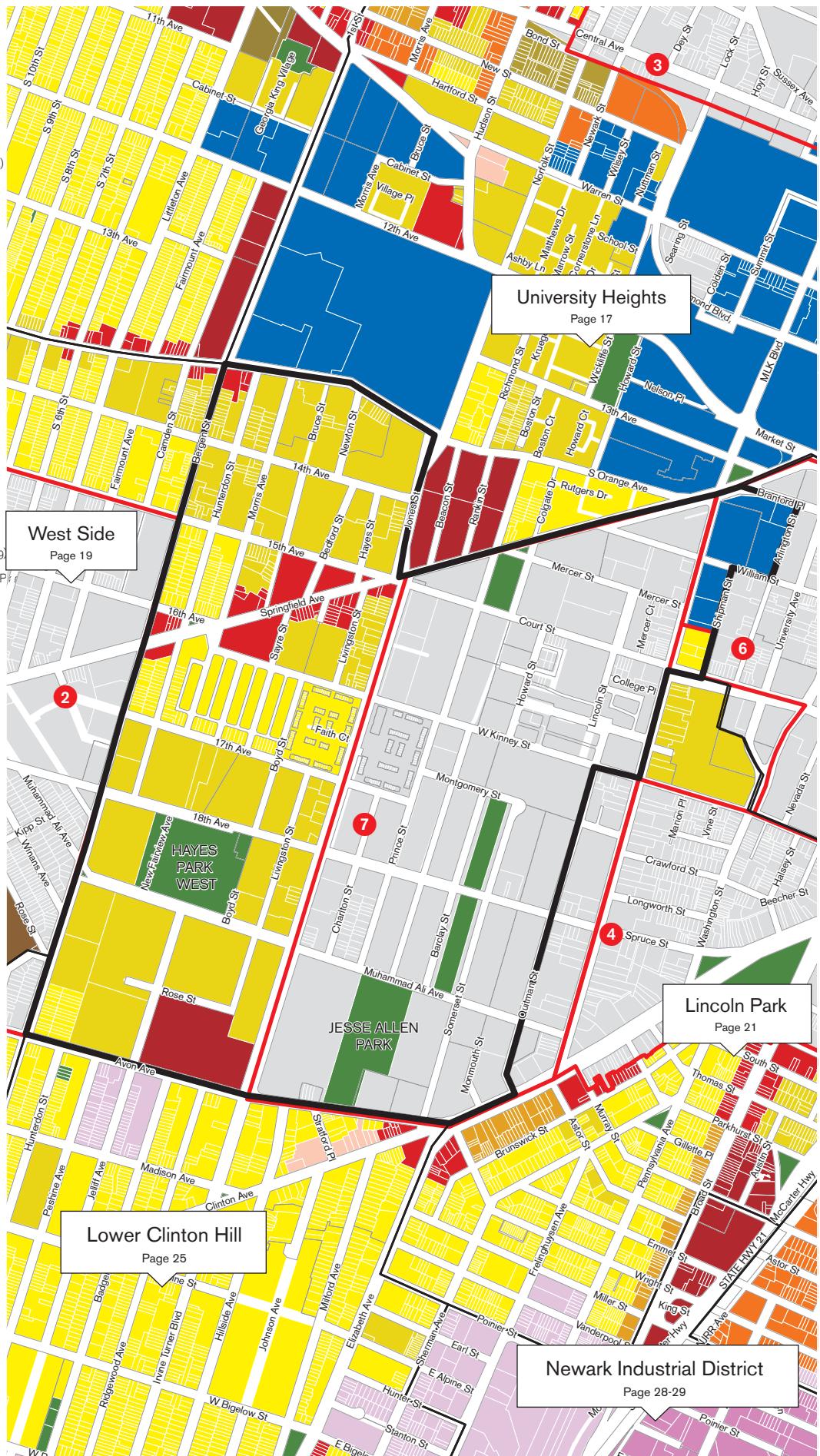
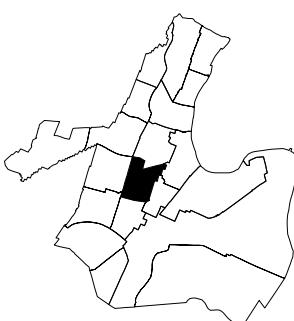


Belmont

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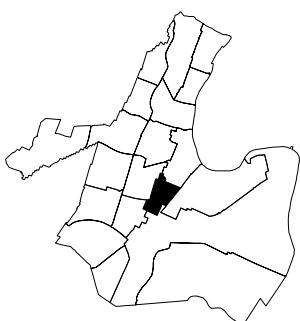
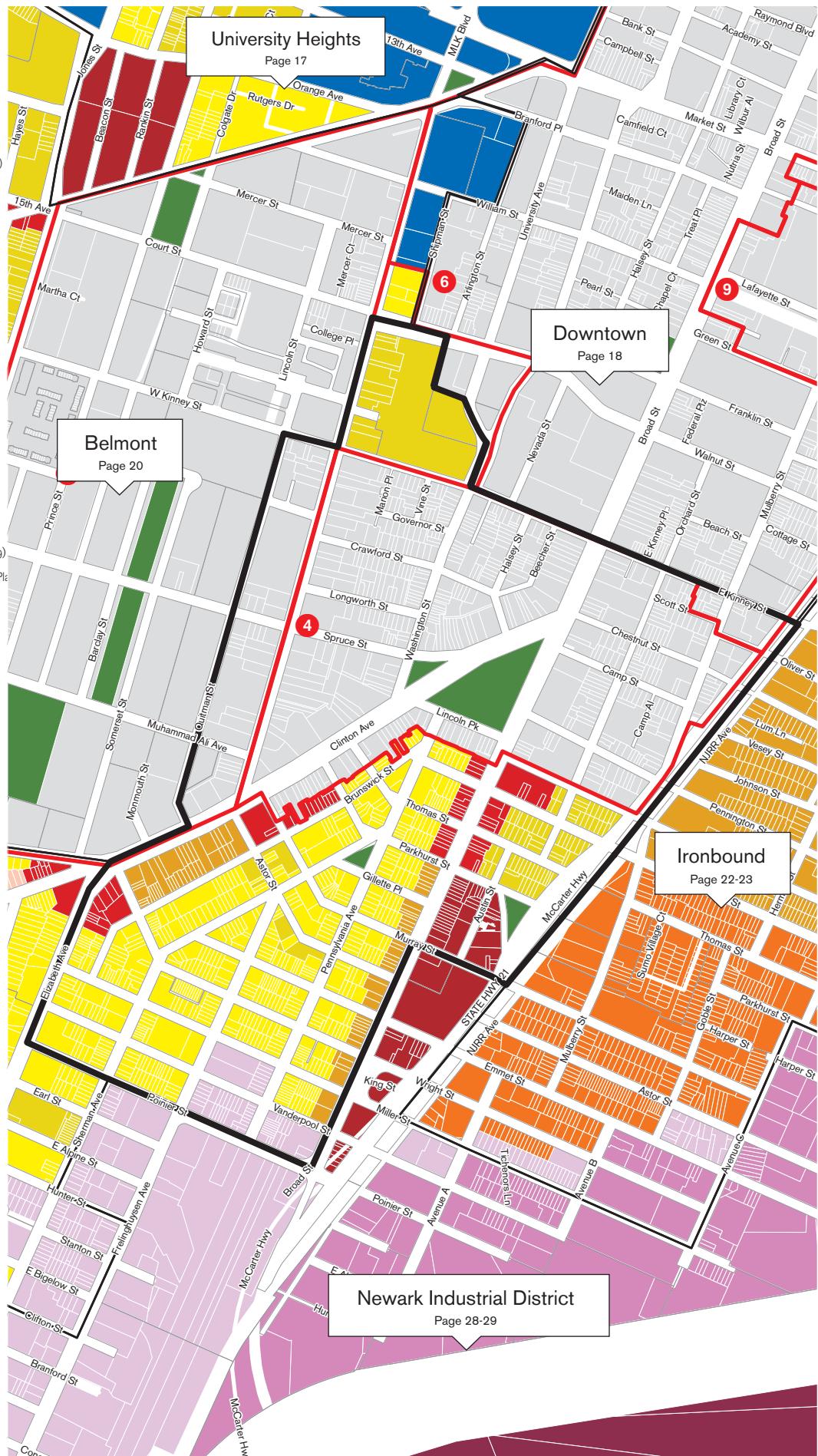
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Lincoln Park

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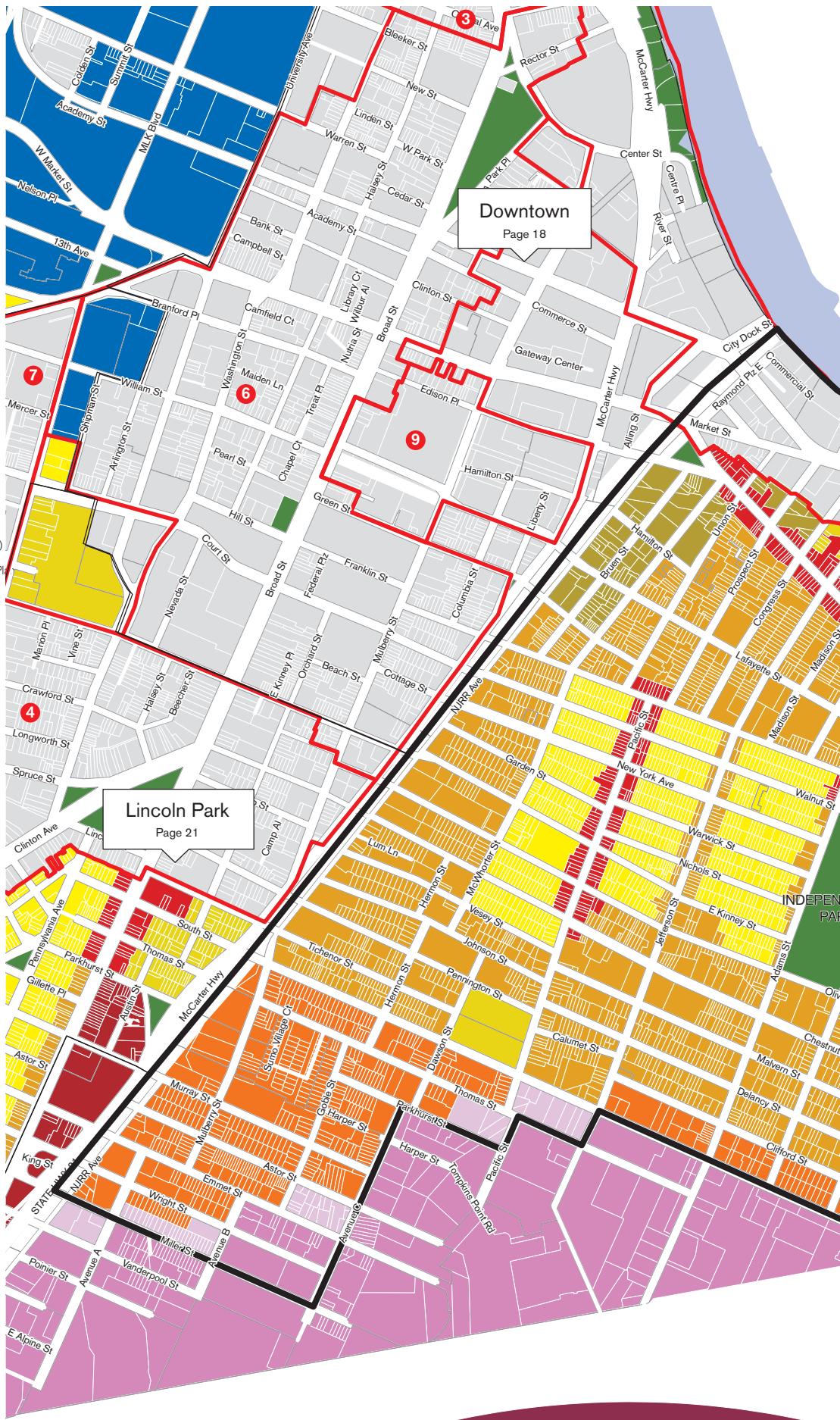
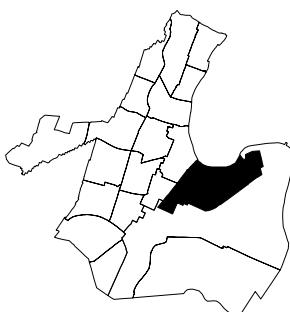


Ironbound

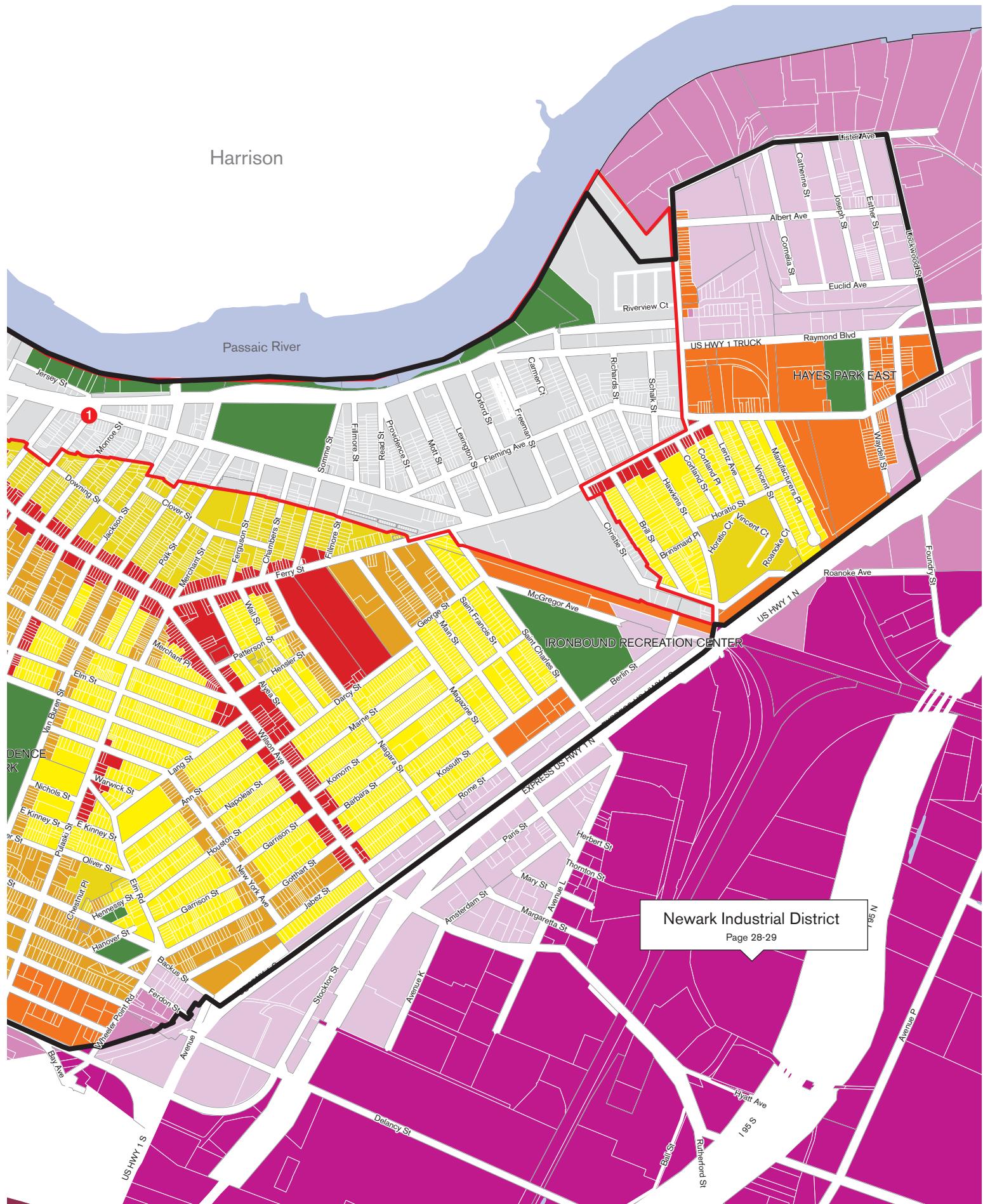
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Harrison

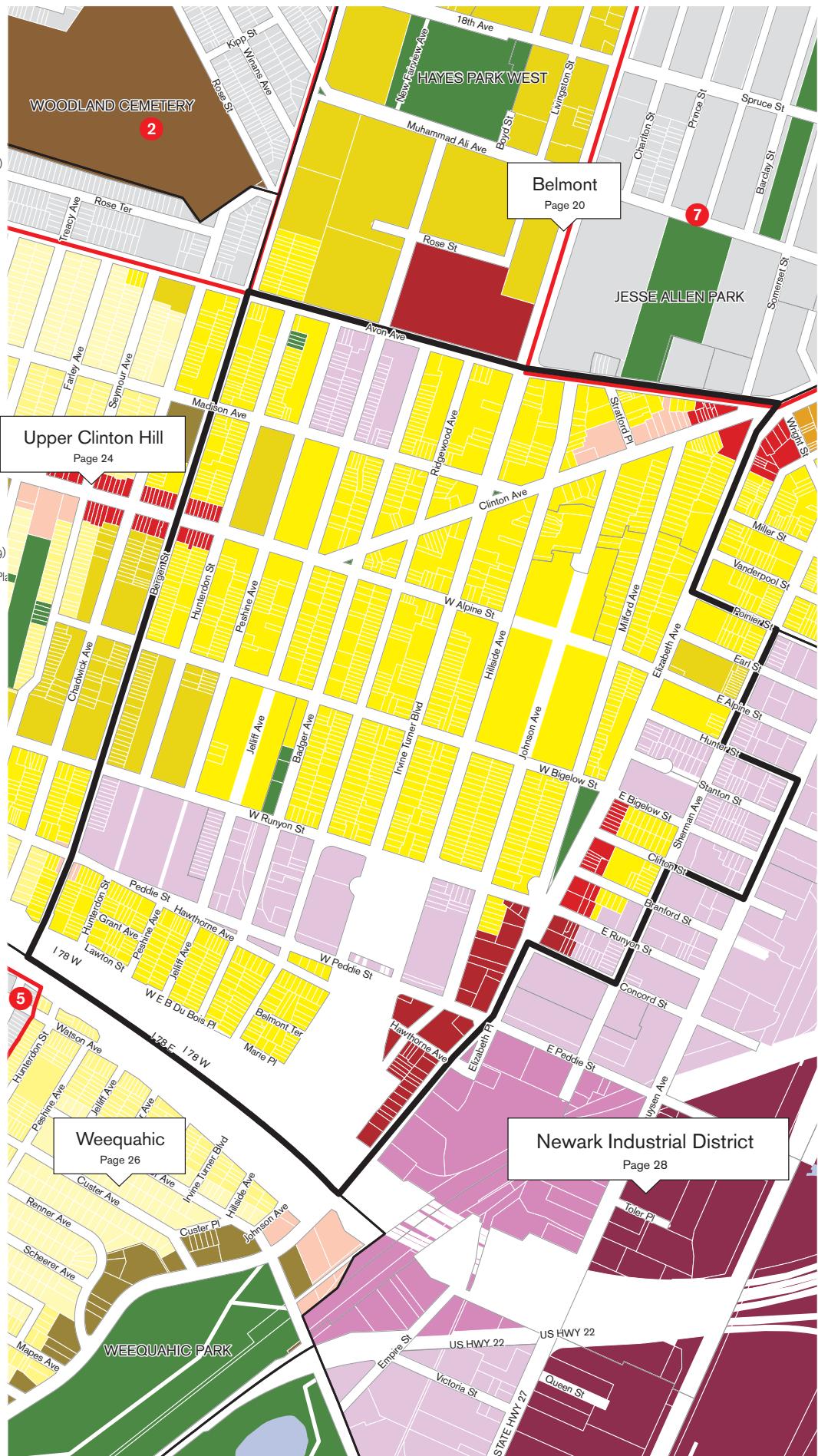
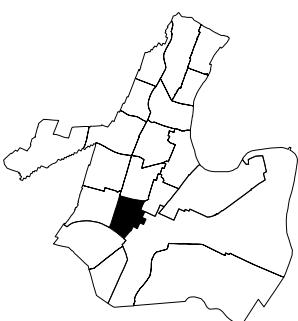


Lower Clinton Hill

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Weequahic

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Irvington Township

Upper Clinton Hill

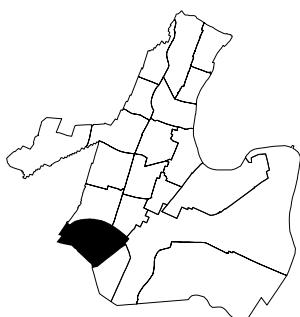
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Lower Clinton Hill

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Hillside Township

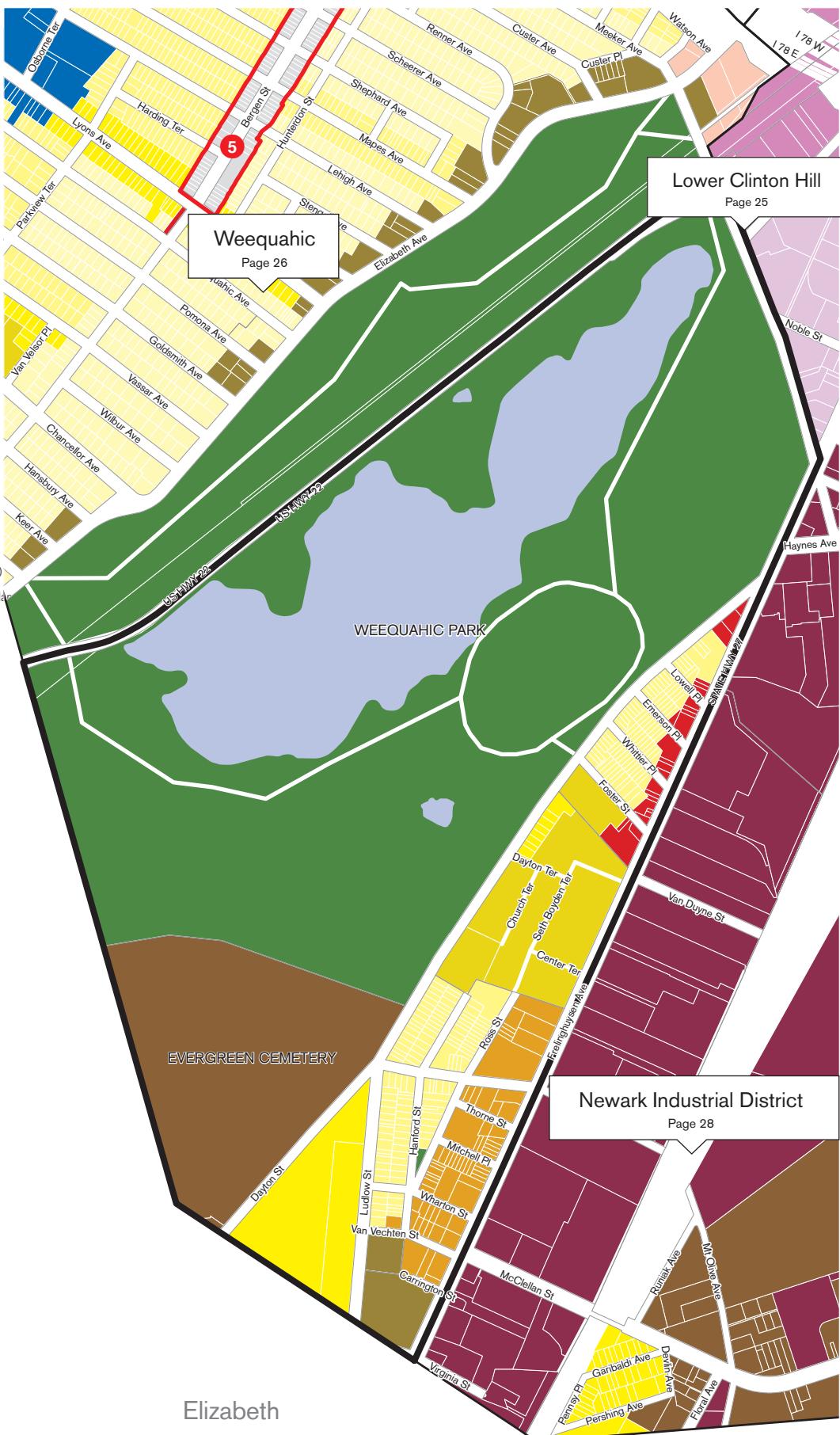


Elizabeth

Dayton

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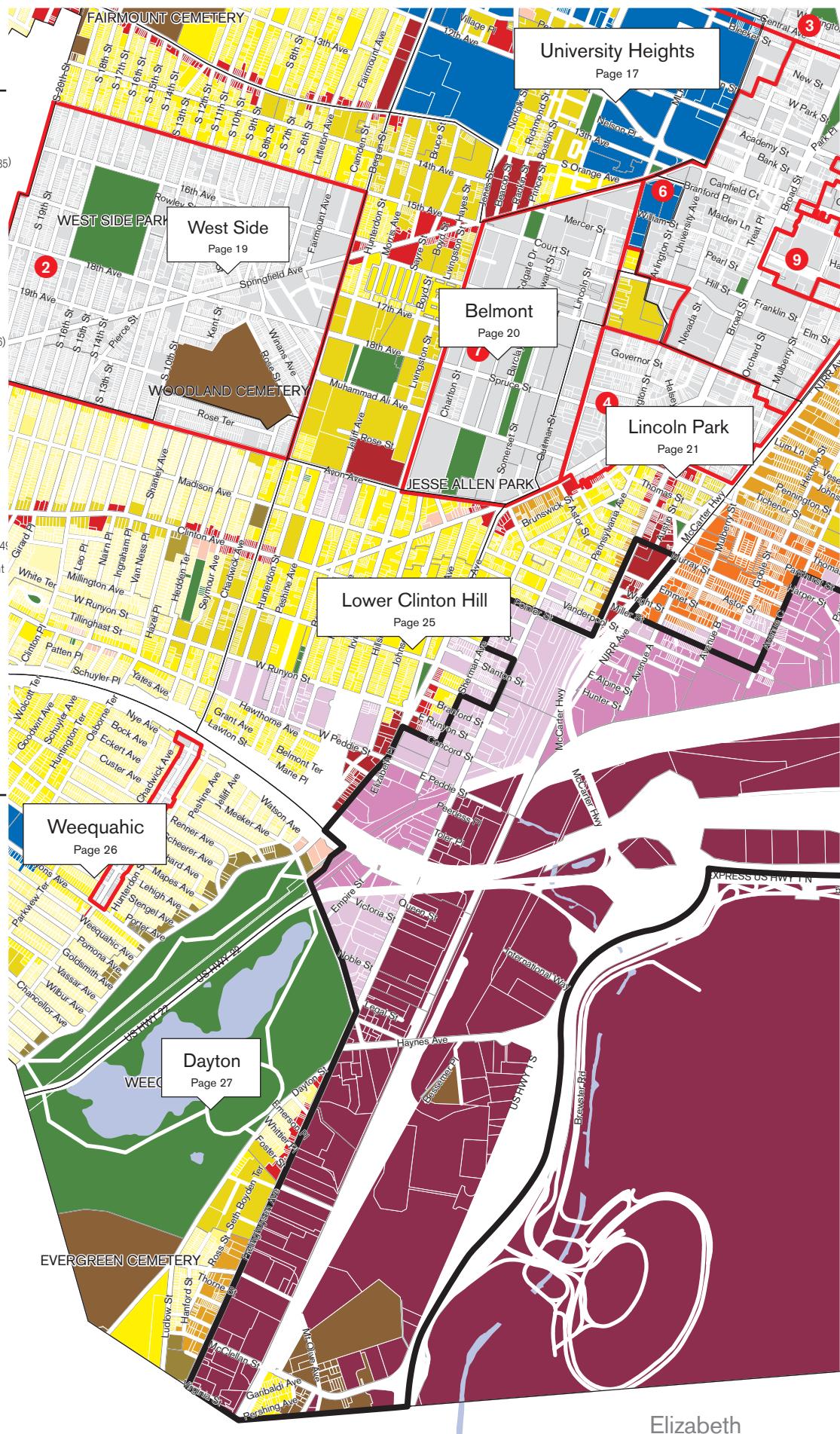
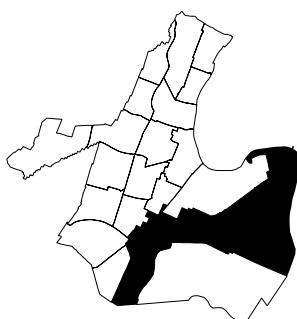
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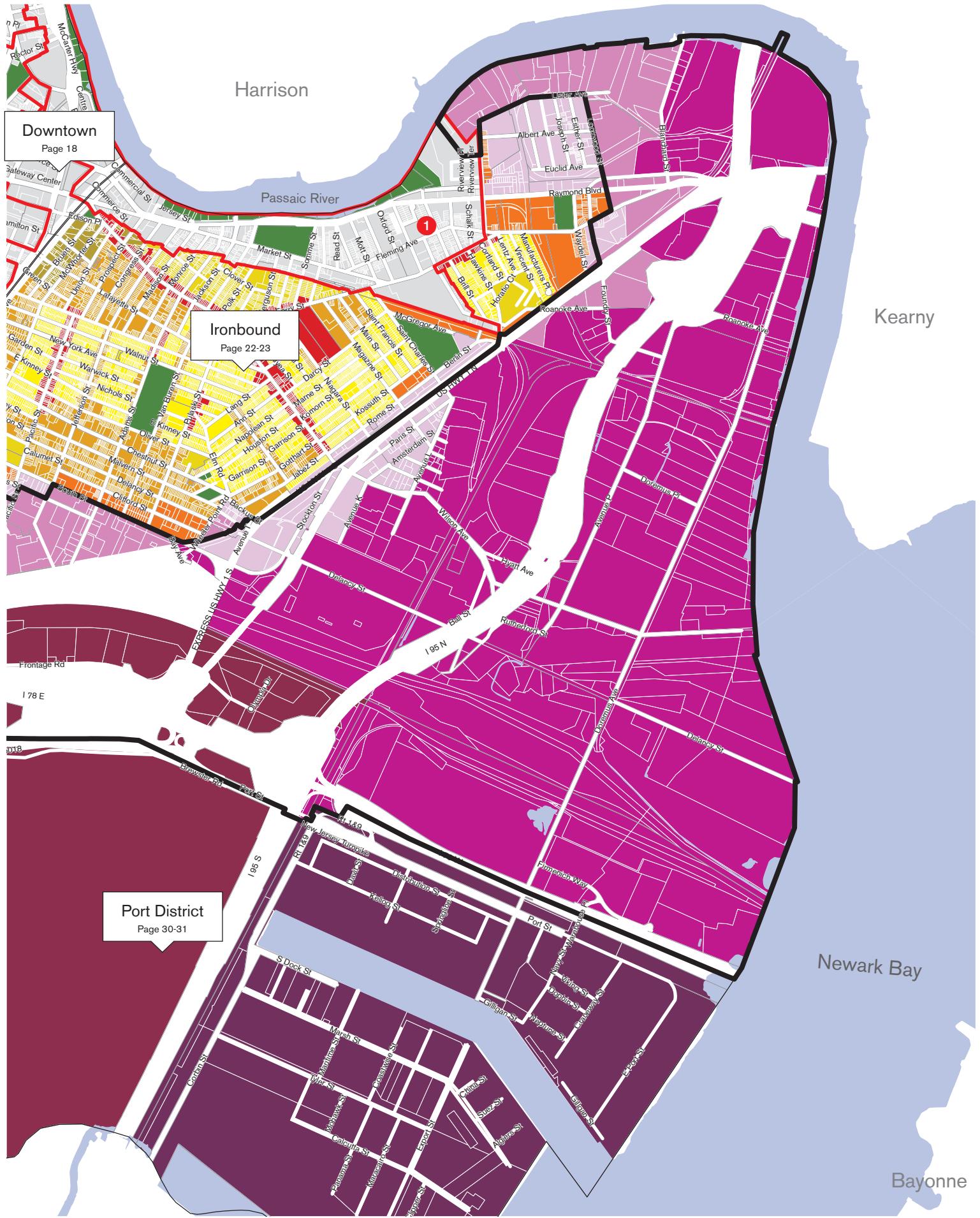


Newark Industrial District

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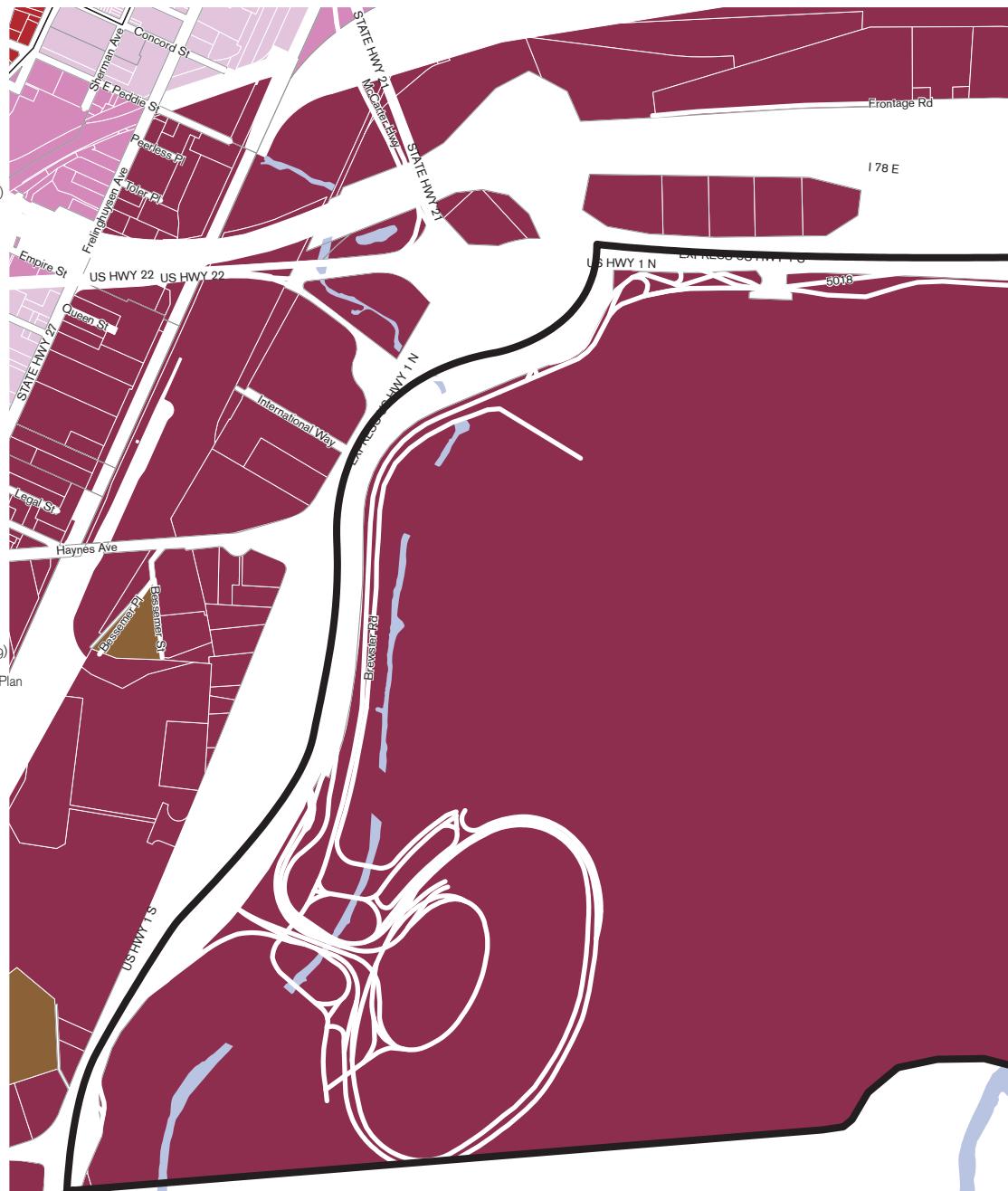




Port District

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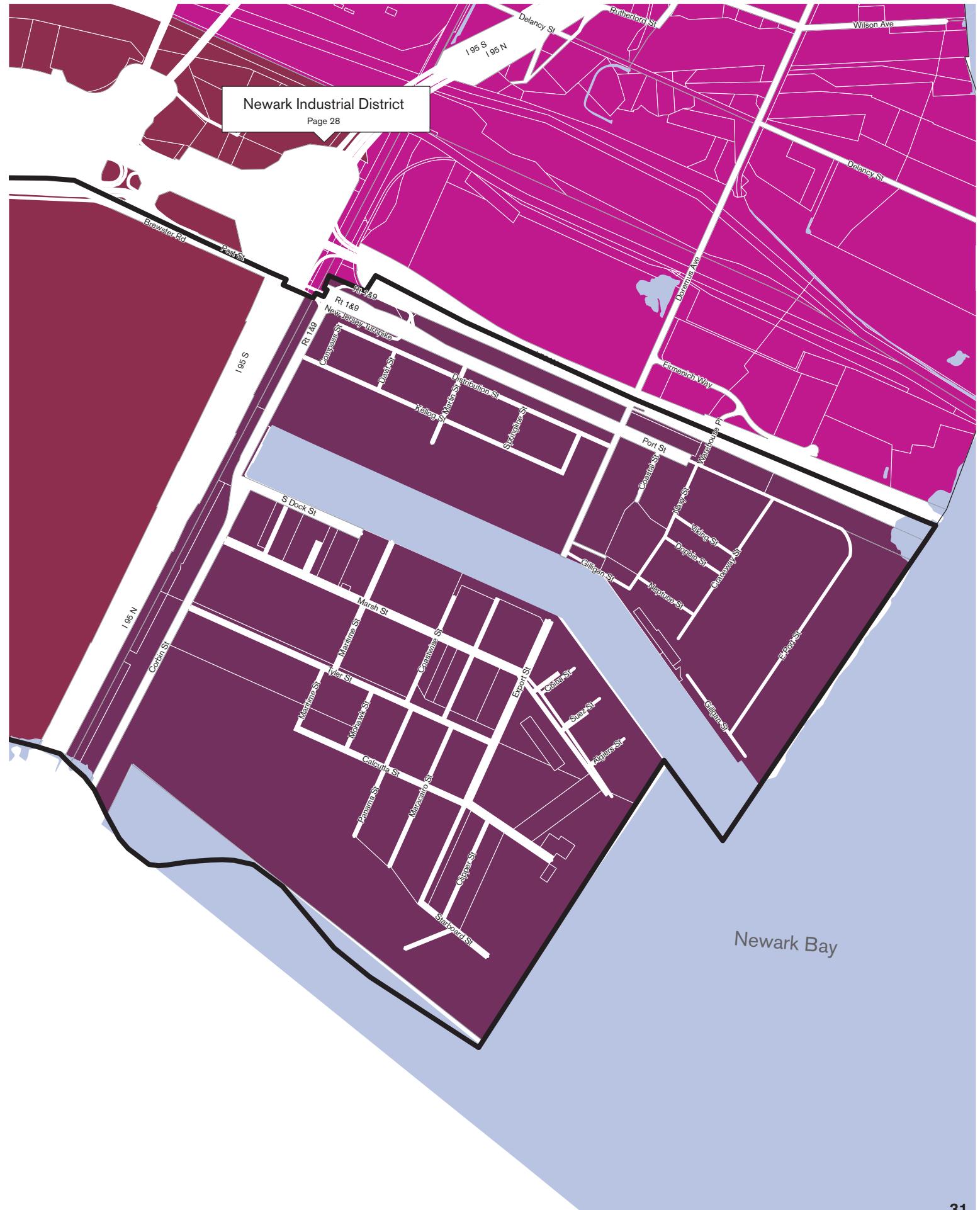
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Elizabeth

Newark Industrial District

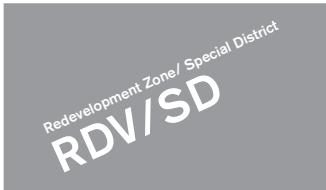
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Introduction to Zones

On the preceding Newark Zoning Maps, every area of the city appears as a color that corresponds to one of the zones below. This introduction to the zones

provides a general overview of what land uses are permitted and prohibited in each zone, the rules for design, and maps of where within Newark the zone appears.

Residential 1 Family R-1		Regional Commercial C-3	
Residential 1-2 Family R-2		Light Industrial I-1	
Residential 1-3 Family & Town House R-3		Medium Industrial I-2	
Residential Low-Rise Multifamily R-4		Heavy Industrial I-3	
Residential Mid-Rise Multifamily R-5		Mixed Use 1 Residential & Commercial MX-1	
Residential High-Rise Multifamily R-6		Mixed-Use 2 Residential, Commercial, Industrial MX-2	
Neighborhood Commercial C-1		Port PORT	
Community Commercial C-2		Airport & Airport Support EWR & EWR-S	

Residential 1 Family **R-1**

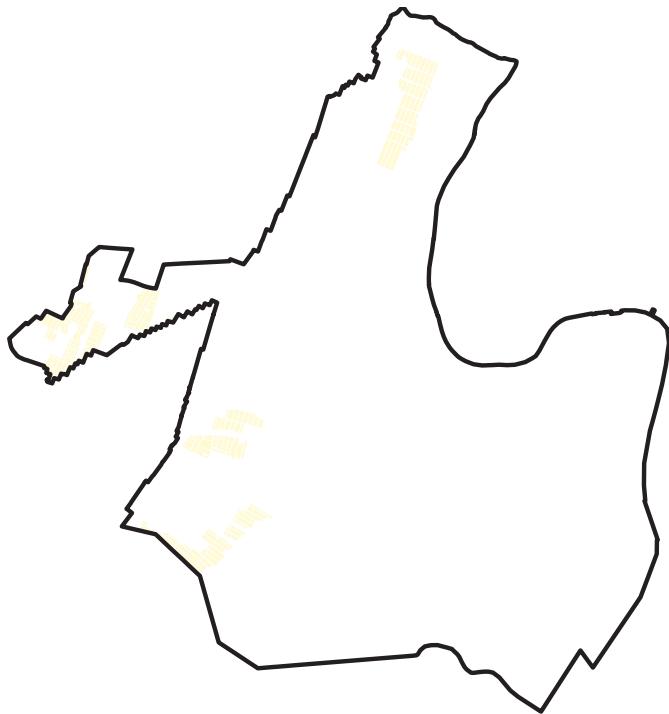


One-Family Residential (R-1) zoning allows for the lowest density, residential development in the city. In this zone, only single-family homes up to 3-stories high can be built. Other permitted uses include parks, community residences, garages, family day care, storage sheds and private swimming pools. To maintain the existing residential character of these places, uses such as assisted living and nursing home facilities, community centers and gardens, ground-floor retail, child care centers, offices, places of worship, and urban farms are not permitted. Schools are permitted only with conditions.

R-1 zoning is generally applied in areas of neighborhoods with existing larger, single-family homes such Forest Hill, large sections of Vailsburg and portions of Weequahic and Upper Clinton Hill. These areas are generally characterized by detached homes on larger yards and feel more suburban than the denser residential areas of most of Newark.

Learn more about the specific uses that are permitted and prohibited in R-1 zones beginning on 82.

Learn more about the size and design of buildings permitted in R-1 zones beginning on page 98.



Residential 1–2 Family **R-2**

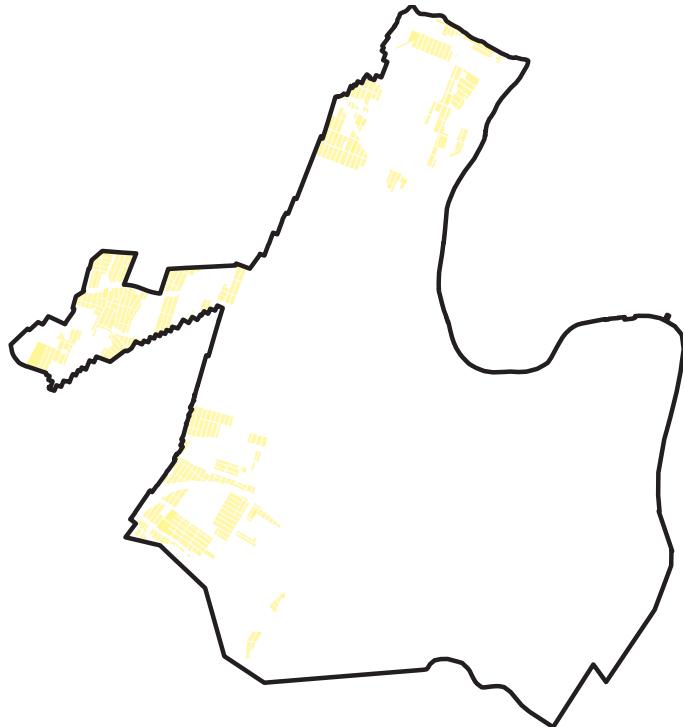


One-to-Two Family Residential (R-2) zoning allows for slightly denser residential development than in One-Family Residential (R-1) zoning, permitting single- and two-family homes up to three stories high. Other permitted uses include parks, community residences, garages, day care, storage sheds, private swimming pools, and home gardening. Areas zoned R-2 encourage strong residential character and do not permit such uses as assisted living and nursing home facilities, community centers, ground floor retail, office and service, and urban farms. Child care centers, places of worship, and schools are permitted only with conditions.

R-2 zoning is generally applied in areas of neighborhoods with a mix of single- and two-family homes such as those found in Upper Roseville, much of Upper Clinton Hill and sections of Vailsburg, Weequahic, Forest Hill, North Broadway/Woodside and Mount Pleasant. These areas are generally characterized by both detached and semi-detached, duplex homes that sit on smaller yards, giving them a more suburban feel.

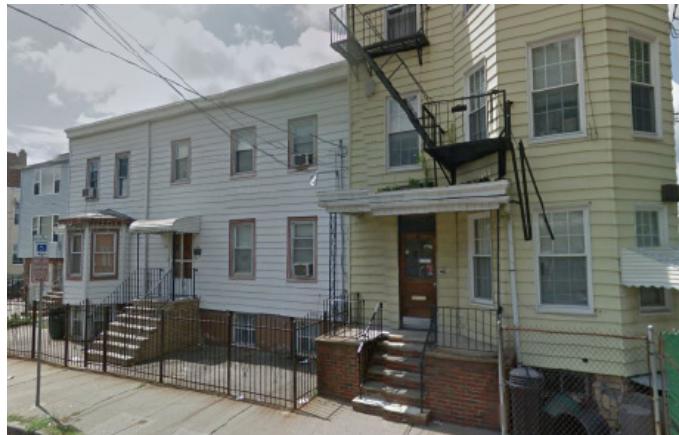
Learn more about the specific uses that are permitted and prohibited in R-2 zones beginning on page 82.

Learn more about the size and design of buildings permitted in R-2 zones beginning on page 98.



Residential 1–3 Family & Town House

R-3

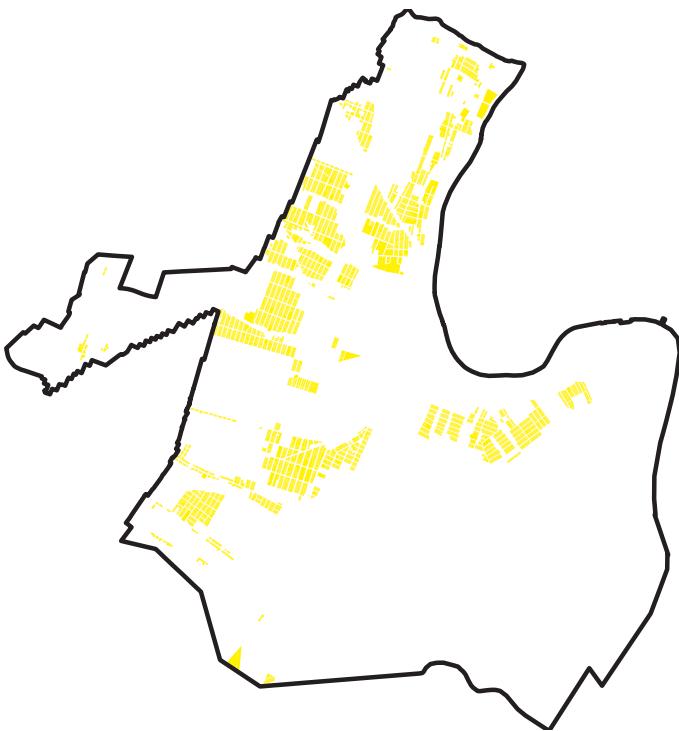


One- to Three-Family and Town House Residential (R-3) zoning allows for denser, residential development than in One- and Two-Family Residential (R-2) zoning, permitting single-, two- and three-family homes, as well as townhomes, up to three stories high. Other permitted uses include parks, community residences, garages, and day care. Areas zoned R-3 encourage strong residential character and do not permit such uses as assisted living and nursing home facilities, ground floor retail, office and service. Child care centers, community centers, places of worship, and schools are permitted only with conditions.

R-3 zoning is generally applied in areas of neighborhoods with a mix of single-, two- and three-family homes, as well as townhomes, such as those found in Lower Roseville, Lower Broadway, Fairmount and Lower Clinton Hill, as well as sections of North Broadway/Woodside, Mount Pleasant, the Ironbound, and a small section of Weequahic. These areas are generally characterized by bulkier detached homes and rows of townhomes on smaller yards, giving them a semi-urban feel.

Learn more about the specific uses that are permitted and prohibited in R-3 zones beginning on page 82.

Learn more about the size and design of buildings permitted in R-3 zones beginning on page 98.



Residential Low-Rise Multifamily

R-4

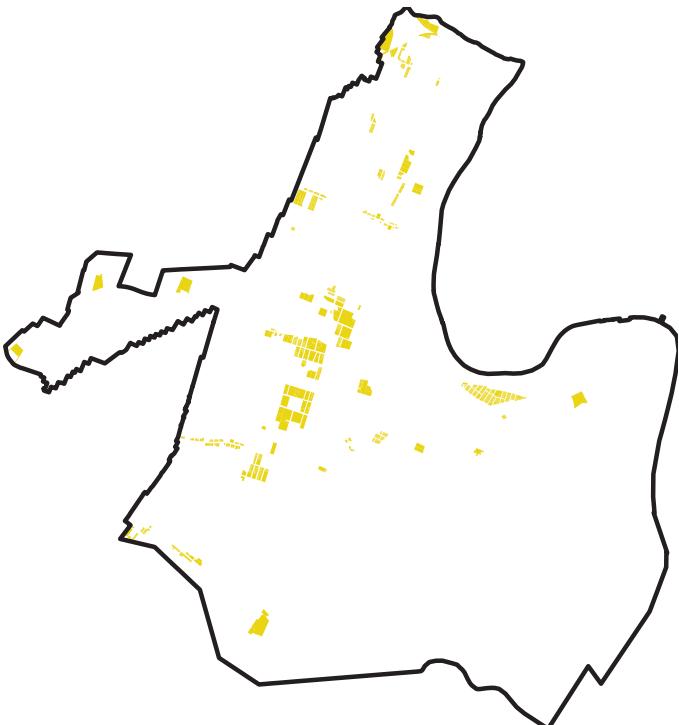


Low-rise Multifamily Residential (R-4) zoning allows for denser, residential development than in One-to-Three-Family and Town House Residential (R-3) zoning, permitting single-, two- and three-family homes and townhomes up to three stories high as well as low-rise multi-family housing up to four stories high. Other permitted uses include parks, community residences, garages, ground floor retail, office or services, and day care. Areas zoned R-4 encourage residential character and do not permit some forms of commercial uses. Neighborhood services such as assisted living facilities, nursing homes, child care centers, community centers, places of worship, and schools are permitted only with conditions.

R-4 zoning is generally applied in areas of neighborhoods with a mix of single-, two-, three-family homes and townhomes, but with a predominance of low-rise, multi-family homes, such as those found in large sections of Belmont, the residential sections of University Heights and portions of most Newark neighborhoods, including Upper and Lower Clinton Hill and the Iron-bound. These areas are generally characterized by more densely packed homes and multifamily buildings that are four stories or less on very little yard space, giving them a more urban, residential feel.

Learn more about the specific uses that are permitted and prohibited in R-4 zones beginning on page 82.

Learn more about the size and design of buildings permitted in R-4 zones beginning on page 98.



Residential Mid-Rise Multifamily

R-5

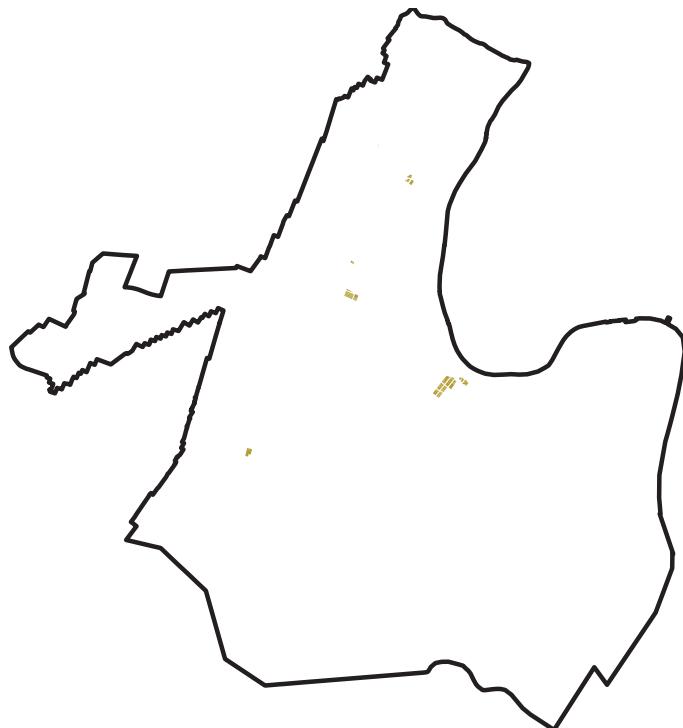


Mid-Rise Multifamily Residential (R-5) zoning allows for dense, residential development, permitting low- and mid-rise multi-family housing up to eight stories high. Other permitted uses include parks, community residences, garages, ground floor retail, offices or services, and day care. Areas zoned R-5 encourage residential character and do not permit some types of commercial or retail uses. Neighborhood services such as assisted living facilities, nursing homes, child care centers, community centers, places of worship, and primary and secondary schools are permitted only with conditions, as are urban farms, home professional offices, portable storage units, private sports courts and solar and wind energy systems.

R-5 zoning is generally applied in areas of neighborhoods with a mix of both low- and mid-rise, multi-family buildings, such as those found in pockets of many Newark neighborhoods including Upper and Lower Roseville and the Ironbound. These areas are generally characterized by dense complexes of residential buildings up to eight stories in height on small, shared grounds, giving them a strong urban, residential feel.

Learn more about the specific uses that are permitted and prohibited in R-5 zones beginning on page 82.

Learn more about the size and design of buildings permitted in R-5 zones beginning on page 98.



Residential High-Rise Multifamily **R-6**



High-Rise Multifamily Residential (R-6) zoning allows for dense, residential development, permitting low-, mid- and high-rise multi-family housing up to 10 stories high in general, or up to 20 stories with greater lot square footage. Other permitted uses include parks, community residences, garages, ground floor retail, office or services, and day care. Areas zoned R-6 encourage residential character and do not permit some types of commercial or retail uses. Uses such as assisted living facilities, nursing homes, child care centers, commercial antennas & microwave dishes, community centers, places of worship and primary and secondary schools are permitted only with conditions, as are urban farms, home professional offices, portable storage units, private sports courts and solar and wind energy systems.

R-6 zoning is generally applied in areas of neighborhoods with a mix of low-, mid-, and high-rise multi-family buildings, such as those found in portions of numerous Newark neighborhoods, including Forest Hill, Lower Broadway, University Heights, Vailsburg, and Weequahic. These areas are generally characterized by dense complexes of residential buildings up to ten stories in height on small, shared grounds, giving them a very strong urban, residential feel.

Learn more about the specific uses that are permitted and prohibited in R-6 zones beginning on page 82.

Learn more about the size and design of buildings permitted in R-6 zones beginning on page 98.



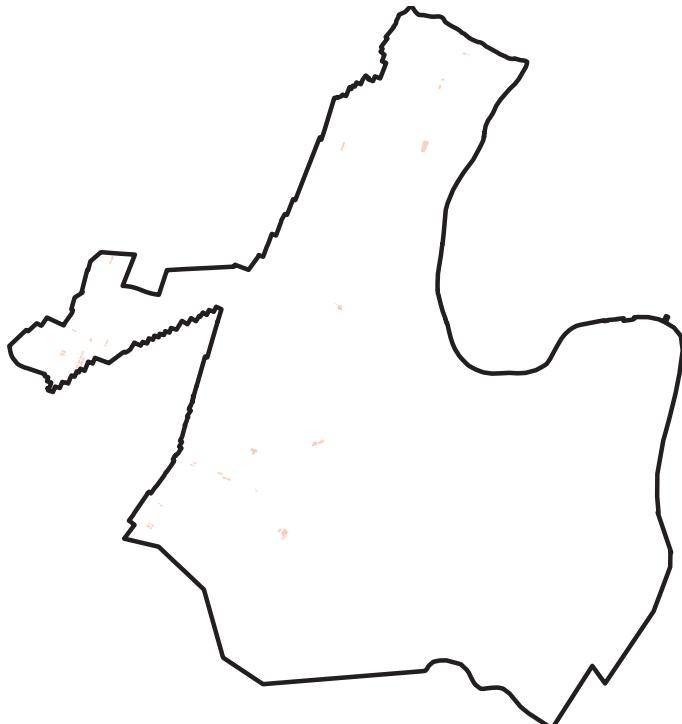
Neighborhood Commercial C-1

Neighborhood Commercial (C-1) zoning allows for small-scale, commercial development that is residential in character and caters to local, everyday retail needs of nearby residents. Permitted development in C-1 zones includes ground-floor commercial with commercial or residential above in buildings up to four stories high. To preserve neighborhood character, some types of commercial or retail are not permitted.

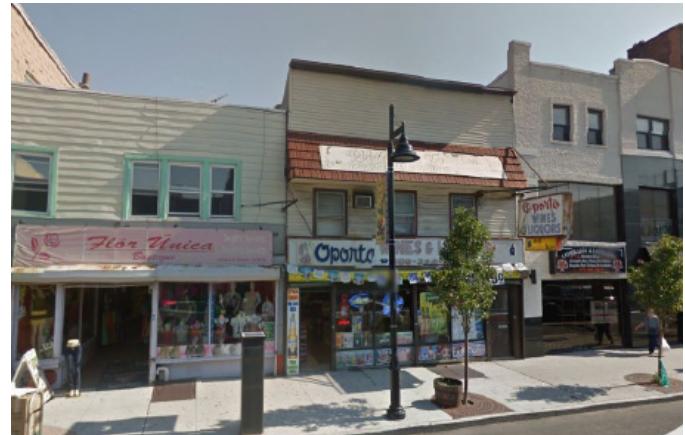
C-1 zoning is generally applied in small neighborhood-serving commercial areas of moderate-density, residential neighborhoods, including Upper Roseville, Forest Hill, North Broadway/Woodside, Vailsburg, University Heights, Upper Clinton Hill, Lower Clinton Hill, and Weequahic. These areas are generally characterized by low- to mid-rise multi-family buildings giving them an urban, residential feel.

Learn more about the specific uses that are permitted and prohibited in C-1 zones beginning on page 84.

Learn more about the size and design of buildings permitted in C-1 zones beginning on page 98.



Community Commercial C-2

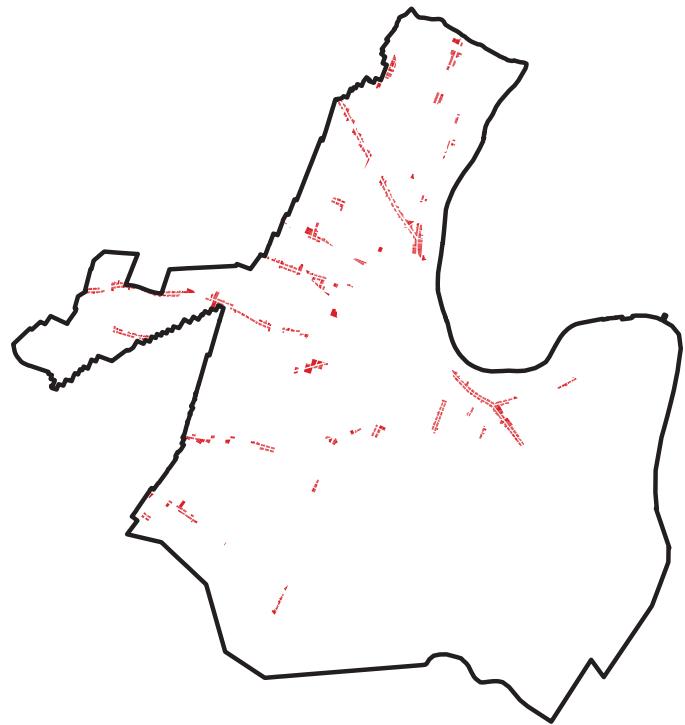


Community Commercial (C-2) zoning allows for slightly more moderate-scale and dense commercial development than in Neighborhood Commercial (C-1) zoning for ground-floor commercial with commercial or residential above in buildings up to five stories high. New development must be at least three stories high. C-2 zones are typically the heart of a neighborhood's central commercial district. There are more permitted uses in C-2 zones than in C-1.

C-2 zoning is generally applied in existing community commercial centers, such as Bloomfield Avenue as it passes through Upper Roseville, Forest Hill and Lower Broadway; Orange Street in Lower Roseville; Central Avenue in Fairmount; South Orange Avenue as it passes through Vailsburg, Fairmount, and West Side; Ferry Street in the Ironbound; and number of smaller sections of nearly all of Newark's neighborhoods. Surrounded by a mix of low- mid-rise residential buildings and often along vibrant streets, these areas are typically a community's center of vibrancy.

Learn more about the specific uses that are permitted and prohibited in C-2 zones beginning on page 84.

Learn more about the size and design of buildings permitted in C-2 zones beginning on page 98.



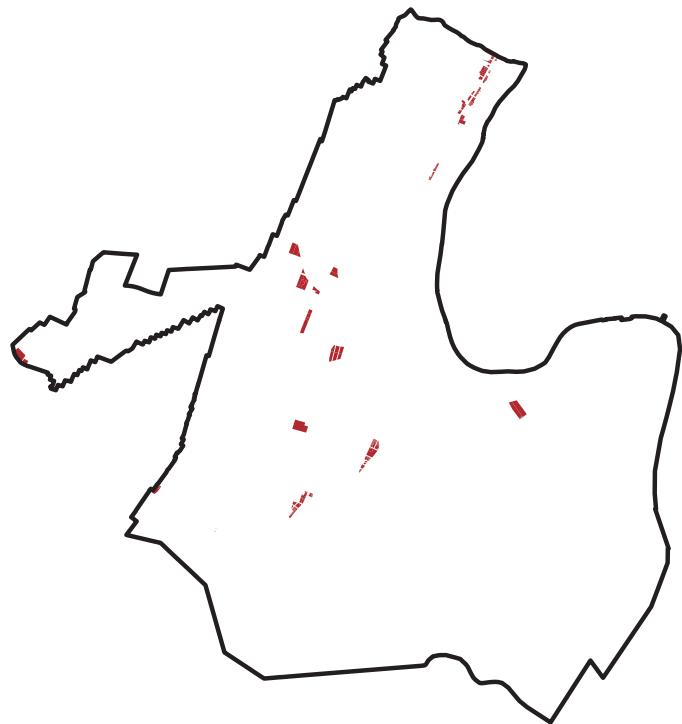
Regional Commercial C-3

Regional Commercial (C-3) zoning allows for larger-scale commercial development with a greater variety of uses than that of Neighborhood Commercial (C-1) or Community Commercial (C-2) and is intended to serve more than the neighborhood or community in which it is found. C-3 zoning allows for ground-floor commercial with commercial or residential above in buildings up to eight stories high as well as large, detached commercial buildings up to eight stories high.

C-3 zoning is generally applied on the edges of neighborhoods, outside of residential areas and along primary transportation corridors, such as sections of Broadway as it passes through North Broadway/Woodside and Mount Pleasant; along Irvington Avenue on the southwestern edge of Vailsburg; in Fairmount along portions of West Market Street and Bergen Street; Springfield Avenue as it passes through University Heights and Belmont; and sections of Lincoln Park, the Ironbound, Upper Clinton Hill, Lower Clinton Hill and Dayton.

Learn more about the specific uses that are permitted and prohibited in C-3 zones beginning on page 84.

Learn more about the size and design of buildings permitted in C-3 zones beginning on page 98.



Light Industrial

I-1

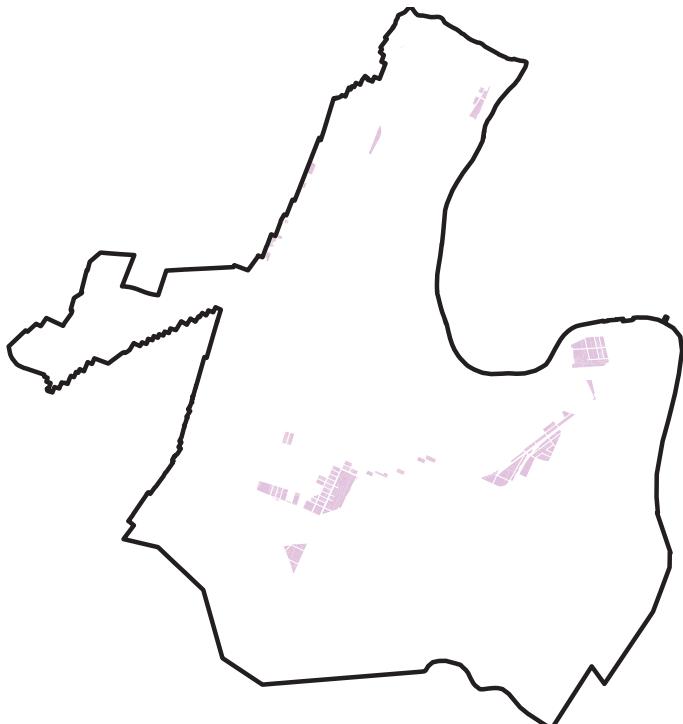


Light Industrial (I-1) zoning allows for industrial development of buildings up to eight stories high or 100 feet and permits a range of uses that are generally more compatible with surrounding neighborhoods than those of heavy industry.

Because it generally allows for uses that are more compatible with surrounding neighborhoods, I-1 zoning is typically applied on the edge of neighborhoods and sometimes as a buffer with more heavy industrial uses. I-1 zoning is applied in such places as along Oraton Street in North Broadway/Woodside; along 3rd Street in Upper Roseville; along N 13th Street in Lower Roseville; along Routes 1 & 9 in the Ironbound; between W Runyon Street and Peddie Street in Lower Clinton Hill; and in the Industrial District along much of the border with Lower Clinton Hill, as well as small pockets of other Newark neighborhoods.

Learn more about the specific uses that are permitted and prohibited in the I-1 zone beginning on page 86.

Learn more about the size and design of buildings permitted in I-1 zones beginning on page 98.



Medium Industrial I-2

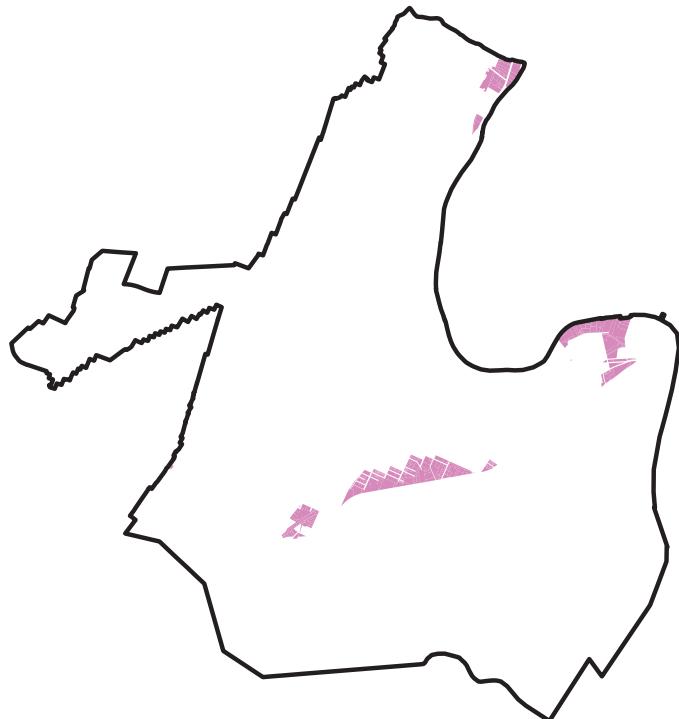


Medium Industrial (I-2) zoning allows for industrial development of buildings up to six stories high or 100 feet and permits a range of uses that are generally less compatible with nearby residential neighborhoods than those of Light Industrial (I-1) zoning.

Because it allows for a range of uses that are less compatible with residential neighborhoods, I-2 zoning is typically applied in industrial districts of residential neighborhoods or adjacent to roads, waterways and lighter industrial areas that can serve as a buffer. I-2 zoning is applied in areas of Newark neighborhoods such as along McCarter Highway and the Passaic River waterfront in North Broadway/Woodside; around S 15th Street in Fairmount; north of Raymond Boulevard in the Ironbound; and in portions of the Newark Industrial District that border Lower Clinton Hill and the Ironbound.

Learn more about the specific uses that are permitted and prohibited in I-2 zones beginning on page 86.

Learn more about the size and design of buildings permitted in I-2 zones beginning on page 98.



Heavy Industrial I-3

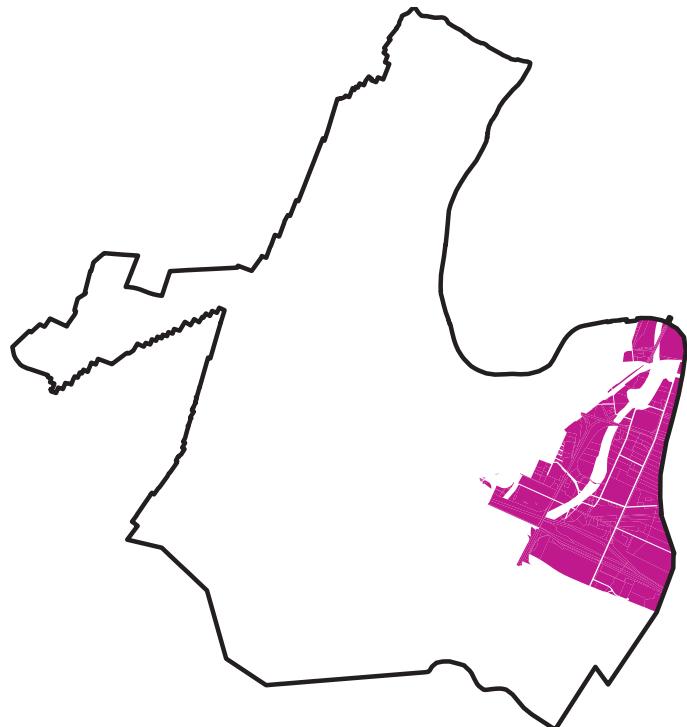


Heavy Industrial (I-3) zoning allows for industrial development of buildings up to ten stories high and permits specific uses that are generally incompatible with residential neighborhoods and thus typically not allowing residential uses.

Because it allows for uses that are incompatible with and even harmful to residents, I-3 zoning is confined to – and comprises much of – the Newark Industrial District and has very low proximity to any residential neighborhood.

Learn more about the specific uses that are permitted and prohibited in I-3 zones beginning on page 86.

Learn more about the size and design of buildings permitted in I-3 zones beginning on page 98.



Mixed-Use 1 Residential & Commercial

MX-1



Mixed Use 1: Residential & Commercial (MX-1) zoning allows for a blend of residential and commercial uses within the same building or district, fostering communities with diverse but integrated uses. These are the kinds of places where residents live over shops that offer everyday services, places to work, shop and play. MX-1 zoning allows for moderately dense residential development, permitting single-, two- and three-family homes and town homes up to three stories high, as well as low-rise, multi-family housing up to four stories high. Commercial development in MX-1 zones allows for ground-floor commercial with commercial or residential above.

MX-1 zoning is applied in areas where there is already a well-integrated mix of residential and commercial uses, such as along Verona Avenue in North Broadway/Woodside; along Broadway in Mount Pleasant; along Morris and Central Avenues in University Heights; along Broad Street in Lincoln Park and throughout large sections of the Ironbound.

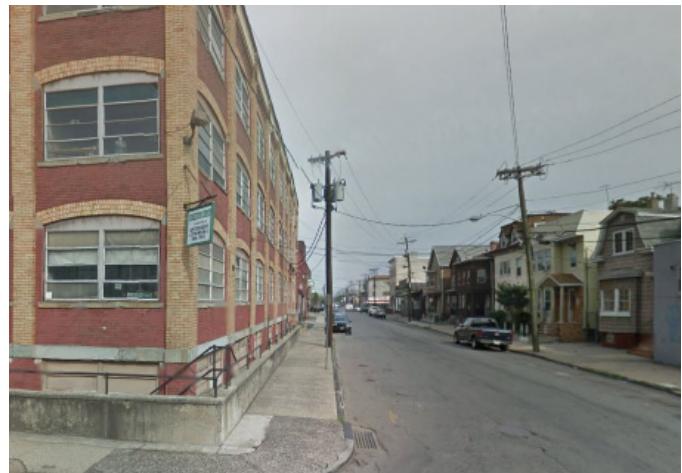
Learn more about the specific uses that are permitted and prohibited in MX-1 zones beginning on page 89.

Learn more about the size and design of buildings permitted in MX-1 zones beginning on page 98.



Mixed-Use 2 Residential, Commercial, Industrial

MX-2

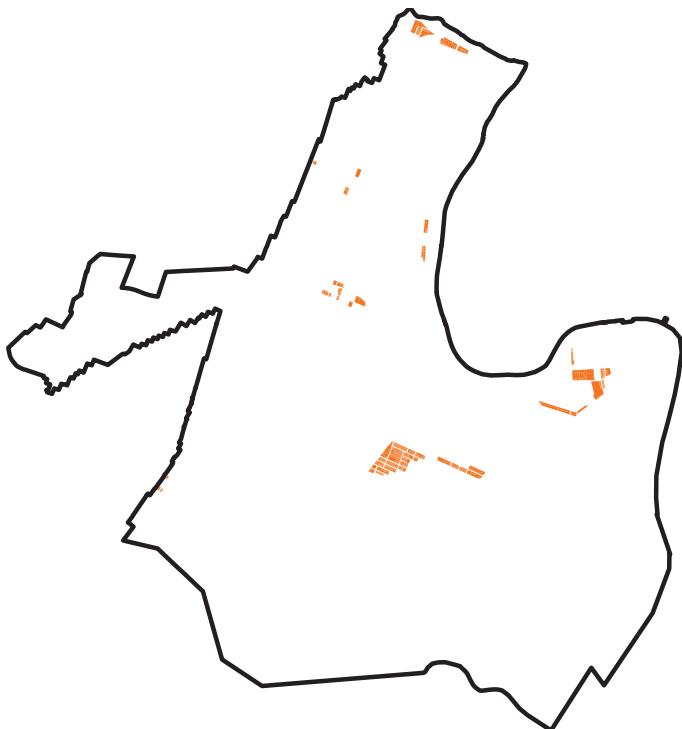


Mixed Use 2: Residential, Commercial, Industrial (MX-2) zoning allows for a blend of residential, commercial, and appropriate industrial uses within the same building or district, fostering flexible, working communities with integrated and innovative uses. These are the kinds of places where homes and businesses mix with industry in creative and productive ways. MX-2 zoning allows for moderately dense residential development, permitting single-, two- and three-family homes and town homes up to three stories high as well as low-rise multi-family housing up to four stories high. Commercial development in MX-2 zones allows for some ground-floor commercial with commercial or residential above. MX-2 also allows for industrial development, encouraging most industrial uses permitted in the I-1 District.

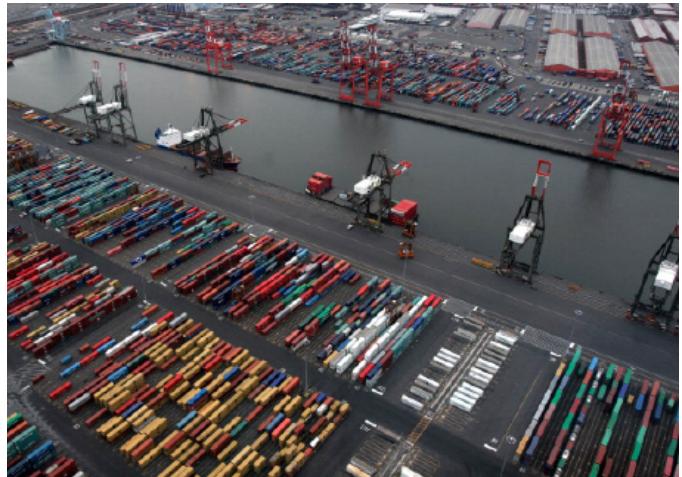
MX-2 zoning is applied in areas where there is already a well-integrated mix of residential, commercial and industrial uses, such as along Verona Avenue in Forest Hill; along Broad Street in Lower Broadway; around Central Avenue in University Heights; in small sections of Upper Clinton Hill; along the many of the edges of the Ironbound; and along Route 27 in Dayton.

Learn more about the specific uses that are permitted and prohibited in MX-2 zones beginning on page 89.

Learn more about the size and design of buildings permitted in MX-2 zones beginning on page 98.



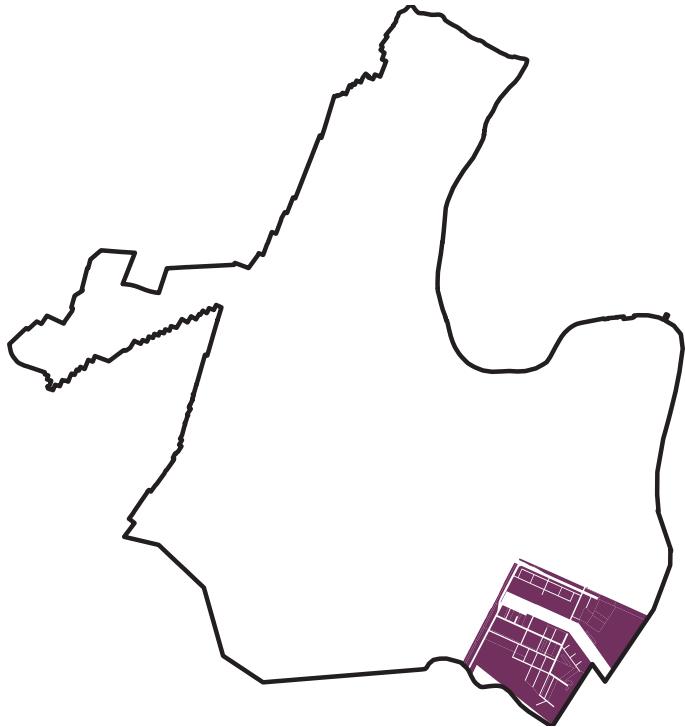
Port PORT



Port (PORT) zoning for port-related activities in and around the Port Newark-Elizabeth Marine Terminal. PORT zoning allows for uses related to the port and services that support it.

Learn more about the specific uses that are permitted and prohibited in the PORT zone beginning on page 86.

Learn more about the size and design of buildings permitted in the PORT zone beginning on page 98.



Airport & Airport Support

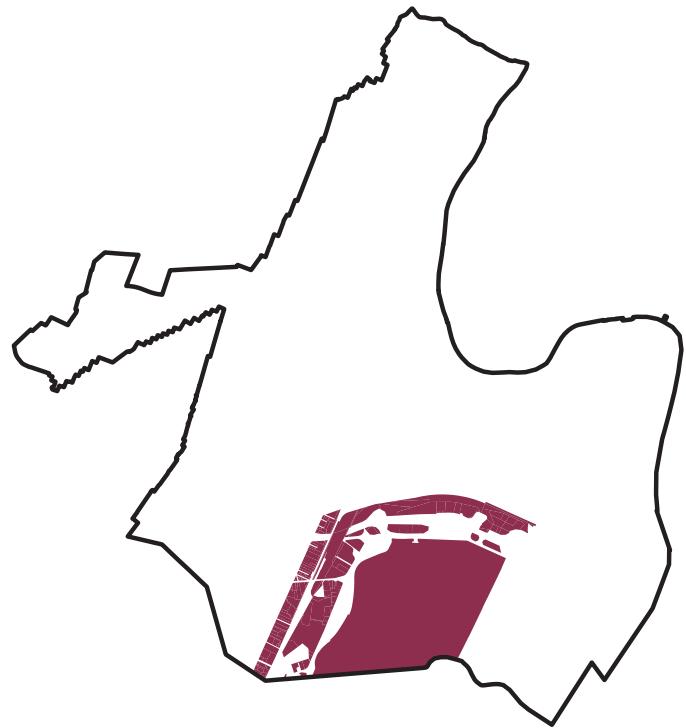
EWR & EWR-S

Airport (EWR) and Airport Support (EWR-S) zoning are for Newark Liberty International Airport and the supporting area around it. EWR/EWR-S zoning allows for industrial development related to the airport and the services that support it. In these areas, industrial buildings can be up to ten stories high and detached commercial buildings up to eight stories high.

Because it allows for specific uses related to Newark Liberty International Airport, EWR/EWR-S zoning is applied only in the Port District and a portion of the Newark Industrial District.

Learn more about the specific uses that are permitted and prohibited in EWR and EWR-S zones beginning on page 86.

Learn more about the size and design of buildings permitted in EWR and EWR-S zones beginning on page 98.



Redevelopment Zones & Special Districts

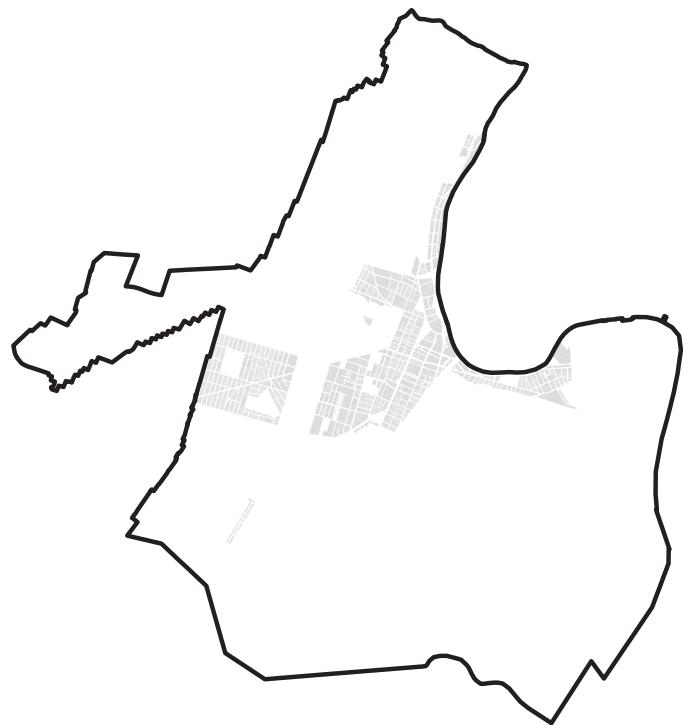
RDV-SD

In Redevelopment Zones & Special Districts (RDV-SD), zoning and land use regulations are set by Redevelopment Plans adopted by the City of Newark under New Jersey Local Housing and Redevelopment Law (P.L. 1992,c.79,s.1.).

On the Newark Zoning Maps, specific redevelopment plans are keyed by numbers in red circles as follows:

- ① Newark's River: Public Access and Redevelopment Plan
- ② Kent/Brenner/Springfield Redevelopment Plan
- ③ Broad Street Station District Plan
- ④ Lincoln Park Redevelopment Plan
- ⑤ Bergen South Redevelopment Plan
- ⑥ Living Downtown Plan
- ⑦ Old Third Ward Urban Renewal Plan
- ⑧ Northern Fairmount Redevelopment Plan
- ⑨ Downtown Core District Redevelopment Plan

To find these Redevelopment Plans and the zoning & land use regulations they contain, visit the Newark Planning Office website at planning.ci.newark.nj.us or call the Newark Municipal Clerk at (973) 733-3669.



Chapter 2. Definitions

40:2-1. General

Whenever the following terms, words or phrases are used in this Title, they shall have the meaning and scope herein given. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular. The word "lot" includes the word "plot;" the word "building" includes the word "structure;" the word "zone" includes the word "district;" the word "occupied" includes the words "designed or intended to be occupied" and the word "used" includes the words "arranged, designed or intended to be used."

40:2-2. Definitions

Accessory Building (See "Structure, Accessory").

Accessory Storage Structure shall mean a shed, accessory structure or building used primarily for storage purposes. Shed is defined herein.

Accessory Structure (See "Structure, Accessory").

Accessory Use (See "Use, Accessory").

Active Recreation Park (See "Park: Recreation Park, Active").

Addition shall mean an extension or increase in floor area or height to an existing building or structure.

Adjoining Lot or Land shall mean a lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Adult Day Care (See "Community Center" or "Adult Family Care home").

Adult Family Care Home shall mean a residence regulated by the New Jersey Department of Health and Senior Services (NJDHSS) and housing no more than three (3) clients which offers 24-hour per day living arrangements for persons who, because of age or physical disability, need assistance with activities of daily living, and for whom personal care and other supportive services designed to meet their individual needs are provided by caregivers licensed

by NJDHSS, pursuant to NJSA 26:2Y-1 et seq., "New Jersey Adult Family Care Act."

Airport shall mean and include the Newark Liberty International Airport, flight training schools, aircraft hangers, airport repair and maintenance facilities, aircraft chartering operations, air freight operations, and accessory maintenance, storage, and commercial uses that directly serve airport users on airport property.

Aisle or Parking Aisle shall mean the traveled way by which cars enter and depart parking spaces.

Alley shall mean a minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alterations shall mean any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Animal shall mean a living organism other than a plant or bacterium, including fish, amphibians, reptiles, birds, and other mammals, excluding humans.

Animal Boarding or Kennel shall mean any establishment wherein or whereupon the business of boarding or selling or breeding of dogs and/or cats for sale is carried on, except a pet shop.

Animal Day Care shall mean any place kept or maintained for the care, grooming, training, exercising, and socializing of live dogs or cats for less than twenty-four (24) hours per day by a person other than the owner of the live animal. Animal day care does not include facilities that provide animal boarding, breeding or selling of animals, or facilities whose primary source of revenue is licensed veterinarian services.

Animal, Domesticated shall mean an animal no larger than the largest breed of dogs. This term includes fish,

birds, and mammals customarily kept as domestic pets within a dwelling unit.

Animal Grooming shall mean any place or establishment whose primary service offered is to be a place where cats or dogs are bathed, clipped or combed for the purpose of enhancing their aesthetic value and/or health. Such use shall not include animal boarding, kennels or animal daycare.

Animal Market, Live shall mean a retail sales food market where, in the regular course of business, non-domesticated animals are stored alive for the purpose of on-site slaughtering, dressing and/or evisceration to be sold to consumers for the purpose of human consumption.

Animal Shelter shall mean any establishment where stray, homeless, abandoned, or unwanted domesticated animals are received, housed and distributed. Such use shall be owned, operated, or maintained by a public body, established humane society, animal welfare society, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Apartment House. See "Dwelling, Multi-Family/Multiple Dwelling").

Applicant shall mean a developer submitting an application for development.

Application for Development shall mean the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L. 1975, c.291 (C.40:55D-34 or C.40:55D-36).

Approved Plan shall mean a plan that has been granted final approval by the appropriate approving agency.

Approving Agency shall mean the planning board of the municipality, unless a different agency is designated by ordinance when acting pursuant to the authority of P.L. 1975, c. 291 (C.40:55D-1 et seq.).

Aquaculture Farms (See "Urban Farm").

Aquaponic Farms (See "Urban Farm").

Array shall mean a linked collection of photovoltaic modules which are in turn made of multiple interconnected solar cells.

Artist Live/Work Studio (Nuisance Producing)

shall mean a place designated to be used as both a dwelling place and a place of work by artists and craftpersons for the production of (a) paintings, drawings, jewelry, pottery or sculpture involving the use of fiberglass, epoxy and other toxic or hazardous materials or one or more of the following processes: welding, woodworking, spray painting, silk screening or fired ceramics, (b) dance or live music involving electronically amplified sound, or (c) moving or still photography (excluding video) involving on-site film processing. Artists engaged in their residence in the production of dance, live music, creative writing, painting, drawings, pottery or sculpture, video, moving or still photography, or any other art form or craft which does not involve amplified sound or one (1) or more of the materials or processes listed above shall not be considered an artist live/work studio for the purpose of this Chapter.

Assisted Living Facility shall mean a facility or portion thereof which is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed, for four (4) or more adult persons unrelated to the proprietor. Apartment units offer, at a minimum, one (1) unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

Attic shall mean that part of a building which is immediately below, and wholly or partly within, the roof framing.

Attic, Habitable shall mean an attic that has a stairway as a means of access and egress and in which the ceiling area at a height of seven (7) feet above the attic floor is not more than one-third (1/3) of the area of the next floor below.

Automobile shall mean a self-propelled, free-moving vehicle with four (4) wheels, usually used to transport not more than eight (8) passengers, and licensed by an appropriate agency as a passenger vehicle.

Automobile Car Wash shall mean an establishment that provides for the washing, cleaning, waxing or detailing of passenger vehicles, either by means of employees or by means of automated or semi-automated methods or cleaning, or by a combination thereof.

Automobile Paint & Body Repair shall mean those establishments which provide wrecker service; collision services including body frame or fender straightening; customizing; vehicle steam cleaning; undercoating and rust proofing; or repair and painting of the exterior or interior of vehicles by spraying, dipping flow-coating or similar means; and other similar uses. Automobile paint and body repair may also include diagnostic services, general repair associated with automobile repair shops.

Automobile Repair & Tire Repair A facility for the servicing or minor mechanical repair of motor vehicles. This use may include the retail sale of lubricating oils, tires, or parts for use in motor vehicles. This use does not include as its primary function the disassembly, rebuilding, and replacement of motor vehicle engines, transmissions, or other major machinery components, nor auto body repair or painting.

Automobile Rental shall mean an establishment used for the purpose of renting automobiles, small trucks or vans, trailers, motorcycles, or recreational vehicles. Automobile Repair shall mean those establishments, excluding automobile paint and body repair shops, that repair, install, or maintain the mechanical components or the bodies of autos, small trucks or vans, motorcycles, or recreational vehicles inclusive of recreational boats.

Automobile Sales shall mean those uses that provide for the sale of new or used automobiles, small trucks or vans, trailers, motorcycles, or recreational vehicles. And including any vehicle preparation, warranty, or repair work conducted as an accessory use.

Automobile Towing Facility (See "Vehicle Towing Facility").

Automotive Lift shall mean equipment designed to

deposit motor vehicles in a parking space or to serve as the mechanism to provide a parking space by moving motor vehicles vertically and/or horizontally above floor level on pallets or platforms equipped with tracks, channels or similar devices to hold the vehicle's wheels, not the vehicle frame or designated support points, in place while the vehicle is being moved vertically or horizontally.

Auto-Sharing Organization shall mean a membership-based entity with a distributed fleet of private motor vehicles that are made available to its members primarily for hourly or other short term use through a self-service fully automated reservation system. An auto-sharing organization does not include any arrangement where a separate written agreement is entered into each time a vehicle is transferred from a rental company to its customer.

Bail Bond Agency shall mean a person or establishment who pledges United States currency, United States postal money orders, or cashier's checks as security for a bail bond in connection with a judicial proceeding and receives or is promised there for money or other things of value.

Bars, Taverns, Lounges shall mean an establishment licensed by the New Jersey Division of Alcoholic Beverage Control to sell alcoholic beverages for consumption by patrons on the premises. Pursuant to NJSA 33:1-12, packaged crackers, chips, nuts and similar snacks may be sold as an accommodation to patrons. For the purposes of this Chapter, a "bar, tavern or lounge" shall be deemed an "eating and drinking establishment" only if food is prepared, served and consumed on the premises.

Basement shall mean a space having more than one-half its floor-to-ceiling height above the average level of the adjoining ground. A basement shall be counted as a story if the distance between the grade elevation to the floor immediately above equals or exceeds seven (7) feet.

Bedroom shall mean a private room intended or used for sleeping separate from other rooms by a door or other physical barrier.

Billboard shall mean an outdoor sign or combination of signs with size greater than sixteen (16) square feet that directs attention to or advertises a business,

commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. This definition does not include advertising placed on a public bus or railroad shelter, inside an athletic or performing arts facility, or other signs erected by the City of Newark, its designee, or a State or municipal public transportation agency. This definition also does not include artistic murals with no commercial purpose nor does it include wayfinding or neighborhood welcome signs erected with the Department of Engineering's approval. This definition shall also not apply to any official sign established pursuant to the provisions of the Manual of Uniform Traffic Control Devices erected on any public highway by the public authority having jurisdiction over that public highway. For the purpose of this ordinance, the terms "billboard" and "billboard facility" shall both mean the sign face, border, support hardware, mounting hardware, and all other physical items constructed for the purpose of facilitating a billboard. Board of Adjustment means the board established pursuant to section 56 of P.L. 1975, c. 291 (C.40:55D-69).

Body Art Studio shall mean any establishment where tattooing, permanent make-up and/or body piercing (other than ear piercing) takes place and that meets the requirements of NJAC 8:27-1 et. seq. This definition does not include practices that are considered medical procedures by the New Jersey State Board of Medical Examiners.

Building shall mean a combination of materials to form a construction adapted to permanent, temporary, or continuous use or occupancy and having a roof.

Building, Accessory (See "Structure, Accessory").

Building, Attached shall mean a building that abuts two (2) side lot lines or is one (1) of a row of abutting buildings.

Building, Detached shall mean a freestanding building that does not abut any other building and where all sides of the building are surrounded by yards or open areas within the zoning lot.

Building, Principal shall mean a building in which is conducted a principal use of the lot on which it is located.

Building, Semi-Detached shall mean a building that abuts or shares a wall, on a side lot line, with another building on an adjoining zoning lot and where the remaining sides of the building are surrounded by open areas or street lines.

Building Coverage shall mean the ratio of the horizontal area, measured from the exterior surface of the exterior walls of the ground floor of all principal building and accessory buildings on a lot to the total lot area.

Building Footprint shall mean the area encompassed by a building's outer wall at ground level.

Building Height (See "Height of Building").

Business, Specialized or Vocational Schools shall mean and include institutions engaged in specialized instructional areas such as but not limited to driving, trade, language school, art, music, and dance schools.

Cabarets (See "Nightclubs, Discotheques & Cabarets").

Cable Television Company means a cable television company as defined pursuant to Section 3 of P.L. 1972, c. 186 (C.48:5A-3).

Capital Improvement means a governmental acquisition of real property or major construction project.

Cellar shall mean that portion of a building below the first floor level having more than one-half (1/2) of its height below the curb level at the center of the street in front of the building. Where the walls of a building do not adjoin a street or building line, then a cellar is a story having more than one-half (1/2) of its height below the average level of the ground on which the building stands.

Cemetery shall mean property used for the interment of the dead.

Central Planning Board shall mean the municipal planning board of the City of Newark established pursuant to NJSA 40:55D-1 et seq.

Certificate of Code Compliance shall mean a certificate issued by the Director of the Department of

Neighborhood & Recreational Services that indicates that a structure intended for human habitation including any dwelling, residence or apartment building has been inspected and appears to be in compliance with the minimum standards for habitation described by the Director in his/her housing and zoning regulations.

Check-Cashing Establishment shall mean a person or business that for compensation engaged, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. Such facility does not include a state or federally chartered bank, savings association, credit union, or industrial loan company.

Child, Children shall mean a person under the age of eighteen (18) years.

Child Care Center shall mean any facility which is maintained for the care, development, supervision of six (6) or more children who attend the facility for less than twenty-four (24) hours a day and that is licensed by the State of New Jersey pursuant to NJSA 30:5B-1 et seq. This term shall include, but shall not be limited to, day care centers, drop-in centers, nighttime centers, recreation centers sponsored and operated by a county or municipal government recreation or park department or agency, day nurseries, nursery and play schools, cooperative child centers, centers for children with special needs, centers serving sick children, infant-toddler programs, school age child care programs, employer supported centers, centers that had been licensed by the New Jersey Department of Human Services prior to the enactment of the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.) and kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth. This term shall not include:

- A program operated by a private school which is run solely for educational purposes. This exclusion shall include kindergartens, prekindergarten programs or child care centers that are an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth;
- Centers or special classes operated primarily for religious instruction or for the temporary care of children while persons responsible for such

children are attending religious services;

- A program of specialized activity or instruction for children that is not designed or intended for child care purposes, including, but not limited to, Boy Scouts, Girl Scouts, 4-H clubs, and Junior Achievement, and single activity programs such as athletics, gymnastics, hobbies, art, music, and dance and crafts instruction, which are supervised by an adult, agency or institution;
- Youth camps required to be licensed under the "New Jersey Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.). To qualify for an exemption from licensing under this provision, a program must have a valid and current license as a youth camp issued by the Department of Health and Senior Services. A youth camp sponsor who also operates a child care center shall secure a license from the Department of Children and Families for the center;
- Day training centers operated by or under contract with the Division of Developmental Disabilities within the Department of Human Services;
- Programs operated by the board of education of the local public school district that is responsible for their implementation and management;
- A program such as that located in a bowling alley, health spa or other facility in which each child attends for a limited time period while the parent is present and using the facility;
- A child care program operating within a geographical area, enclave or facility that is owned or operated by the Federal government;
- A family day care home that is registered pursuant to the "Family Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.); and
- Privately operated infant and preschool programs that are approved by the Department of Education to provide services exclusively to local school districts for handicapped children, pursuant to N.J.S.18A:46-1 et seq.

Cigar Bar/Lounge shall mean any bar, or area within a bar, designated specifically for the smoking of tobacco products, purchased on the premises or elsewhere, except that a cigar bar that is in an area within a bar shall be an area enclosed by solid walls or windows, a ceiling and a solid door and equipped with a ventilation system which is separately exhausted from the nonsmoking areas of the bar so that air from the smoke area is not recirculated to the nonsmoking areas and smoke is not backstreamed into the nonsmoking areas.

Cigar/Tobacco Retail Sales Establishment shall mean a retail sales establishment in which at least 51% of the business is the sale of tobacco products and accessories, and in which the sale of other products is merely incidental.

Circulation shall mean systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or transshipment points.

City shall mean the City of Newark.

City Clerk shall mean the Clerk of the City of Newark.

Coldframe shall mean an unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

College/University shall mean and include private or public colleges, universities or junior colleges, or other institutions of higher learning, which primarily teach classes that would count toward any bachelor degree, and the institutions associated dormitories. "College/university" shall not include "business or vocational schools," as defined herein.

Colocation site shall mean locating two (2) or more transmission antennas, microwave dishes or related equipment on the same cellular antenna tower or building.

Columbarium shall mean a building or structure containing niches for the placement of cremated human remains.

Commercial shall mean a land use category that consists of a place of activity involving the sale of goods or services or the operation of an office.

Commercial, Industrial Truck & Bus Services shall mean those establishments which repair, install or maintain the mechanical components or bodies of; or provide for the sale and rental of large trucks, mass transit vehicles, large construction or agricultural equipment, or commercial boats. Commercial, industrial

truck and bus services include truck stops and fueling facilities. Such uses may have as an accessory use facilities for washing the vehicles.

Commercial, Industrial Truck & Bus Wash shall mean an establishment that provides for the washing of tractor-trailer trucks, busses and other large commercial vehicles by means of automated or semi-automated methods of cleaning, or by a combination thereof.

Commercial Antenna Equipment Housing

Structure shall mean any structure or part of a structure used to store, maintain, or operate equipment involved in the operation of a commercial antenna including electronic equipment.

Commercial Antenna Project shall mean any installation of commercial antennas within the City of Newark. This shall include mounting on existing structures, construction of any type of tower or other structure for commercial antenna purposes, installation of electronic equipment, construction or creation of cabinets, rooms or sheds for electronic equipment.

Commercial Antennas & Microwave Dishes shall mean any combination of antennas and support accessory structures and buildings and antennas designed in whole or in part for the reception and/or transmission of wireless communications including cellular and personal communications systems (PCS) signals or other form of radio frequency energy as part of a licensed radio television microwave, or other wireless communication facility, any system or reception devices including an amateur radio operation that is subject to license by the Federal Communication Commission, shall fall under the definition and regulations of commercial antennas.

Commercial Garage shall mean any building or premises used for the storage of one (1) or more buses, trucks, tractors, trailers, bulldozers and other heavy motor-driven equipment, including storage for manufacture, repair, demonstration, sale, rental, painting, adjustment or inspection of the foregoing.

Commercial Recreation shall mean a building, group of buildings or outdoor facilities used for recreational purposes and operated as a business and open to the public for a fee, including skating and roller rinks, bowling alleys, pool and billiard halls, indoor batting

cages, rock climbing, indoor play areas, sports fields, recreation centers, and indoor swimming pools or tennis courts, arcades, paintball and laser tag.

Common Open Space shall mean an open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

Community Center shall mean a building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or non-profit group or agency. A community center shall include those facilities with regular operating hours and staff that provide a broad spectrum of health, social, nutritional and educational services and recreational activities. This use shall also include a Senior Center. This use shall not include Child Care Centers, Substance Abuse Treatment Centers, or Private Clubs.

Community Farmers' Market shall mean an established area with multiple stalls where three (3) or more farmers/growers gather on a regular, recurring basis to sell food crops and non-food crops directly to the consumer.

Community Garden shall mean an area less than one (1) acre managed and maintained by a group of individuals to grow and harvest food crops or non-food ornamental crops, such as flowers, for personal or group consumption or donation. A community garden area may be divided into separate garden plots or orchard areas for cultivation by more than one (1) individual or may be farmed collectively by members of the group for a minimum of 15 hours a week during the growing season. A community garden may include common areas maintained and used by the group. Community gardens may be principal or accessory uses and may be located on a roof or within a building.

Community Residence for the Developmentally Disabled shall mean any community residential facility licensed pursuant to P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) developmentally disabled or mentally ill persons,

who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.). In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. As used in this act, "developmentally disabled person" means a person who is developmentally disabled as defined in section 2 of P.L.1977, c.448 (C.30:11B-2), and "mentally ill person" means a person who is afflicted with a mental illness as defined in R.S.30:4-23, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

Community Residence for Persons with Head Injuries shall mean a community residential facility licensed pursuant to P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.). "Person with head injury" means a person who has sustained an injury, illness or traumatic changes to the skull, the brain contents or its coverings which results in a temporary or permanent physiobiological decrease of mental, cognitive, behavioral, social or physical functioning which causes partial or total disability.

Community Residence for the Terminally Ill shall mean any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under such supervision as required, to not more than fifteen (15) terminally ill persons.

Community Shelter for Victims of Domestic Violence shall mean any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L.1979, c.337 (C.30:14-1 et seq.), providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than fifteen (15) persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

Community-Supported Farms (See "Urban Farm").

Composting shall mean combining organic waste in proper ratios into rodent-resistant containers, adding moisture and bulking agents to accelerate the breakdown of organic materials to create compost, the organic materials that can be used as soil amendment or as a medium to grow plants.

Conditional Use shall mean a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the zoning ordinance and upon the issuance of an authorization therefor by the Central Planning Board. Where, however, the applicant fails to meet one (1) or more of the conditions set forth in the ordinance, the application must be to the Zoning Board of Adjustment in accordance with the provisions of N.J.S.A. 40:55D-70d(3).

Consignment Store shall mean a retail sales establishment where previously-owned merchandise, such as clothing, jewelry or other apparel and accessories is consigned to a dealer who collects a fee and pays the seller after the merchandise is sold, but shall not include stores selling used furniture, appliances, vehicles, auto parts, scrap or waste. Consignment shops shall not include any provisions for after-hours drop-off of merchandise such as outdoor donation bins. See also "Resale or Thrift Shop."

Consumer Repair Services shall mean and include the provision of repair services directly to the consumer which shall include, but not be limited to, appliance repair; locksmiths; shoe and apparel repair including tailors; jewelry, watch and clock repair;

bicycle repair; musical instrument repair; and other closely-related uses as determined by the Zoning Officer. This use shall not include automobile paint and body repair, automobile repair. Dry cleaning and laundry establishment, laundromats, or a commercial/wholesale laundry facility are defined herein.

Convenience Retail shall mean a retail sales establishment offering prepackaged food products, toiletries, household items, tobacco products, newspapers and magazines, flower arrangements, and freshly prepared foods for off-site consumption. Such use includes bodegas. Such uses do not include take-out restaurants, as defined herein, or any other establishment where the primary use is the retail sale of food. Convenience retail establishments shall not include any commercial cooking appliances for heating or cooking food which produce grease vapors, steam, fumes, smoke or odors that are required to be removed through an independent exhaust system. Such appliances include deep fat fryers; upright broilers; griddles; broilers; steam-jacketed kettles; hot-top ranges; under-fired broilers (charbroilers); ovens; barbeques; rotisseries; and similar appliances.

County shall mean County of Essex, New Jersey.

County Master Plan shall mean a composite of the master plan for the physical development of Essex County with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the county planning board pursuant to R.S. 40:27-2 and R.S. 40:27-4.

County Planning Board shall mean the Essex County Planning Board.

Crematorium, Human shall mean a structure containing cremation chambers used to cremate human remains.

Crematorium, Animal shall mean a stand-alone facility dedicated to the disposition of dead animal remains by means of cremation.

Curb Level shall mean the permanently established grade of the street curb in front of the lot.

Danceclub (See "Nightclubs, Discotheques & Cabarets").

Dance Halls (See "Nightclubs, Discotheques & Cabarets").

Data Center shall mean a centralized repository for the storage, management, and dissemination of data and information. It houses critical computer systems and associated components for companies and organizations. Often data centers are referred to as "collection data centers" which means that several businesses may rent space to house their servers in a common location. A data center generally includes environmental controls (air conditioning, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections and high security.

Day Care Facilities (See "Child Care Center").

Days shall mean calendar days.

Density shall mean the permitted number of dwelling units per gross area of land to be developed.

Department Store shall mean a business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed, and are exhibited and sold directly to the customer for whom the goods and services are furnished. This use shall not include a flea market or bazaar as defined herein.

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

Development shall mean the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining excavation or landfill, and any use or change in the use of any building or structure, or land or extension of use of land, for which permission may be required pursuant to this Title.

Development Regulation shall mean the zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to this Title.

Discotheques (See "Nightclubs, Discotheques & Cabarets").

Donation Bin shall mean any enclosed receptacle or container made of metal, steel, plastic or a similar product and designed or intended for the donation through a slot in the receptacle and the temporary storage of clothing, eyeglasses or other materials.

Dormitory shall mean a building, or portion thereof, containing rooms which are provided as residences or for overnight sleeping for individuals or groups, and includes those residences utilized by fraternities or sororities which are recognized by or owned by a school or institution of higher education, but does not include those residences or multiple dwellings utilized by students which are not recognized by or owned by a school or institution of higher education. A dormitory is not to include a building used primarily to house faculty or a multiple dwelling in which occupancy of each dwelling unit is limited to persons who are members of a single-family group.

Drainage shall mean the removal of surface water or ground water from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainage Right-Of-Way shall mean the land required for the installation of storm water sewers or drainage ditches, or required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Drive-Through Facility shall mean a commercial facility or structure that is designed to allow patrons to order and receive goods and services via a service window or mechanical device, while remaining in their vehicles at all times and the consumption or utilization of which shall be off premises. Such facilities shall include banks, pharmacies, and eating and drinking establishments. Drive-through facilities may be either a principal or accessory use. This use shall not include

an automobile car wash or the selling of fuel at a gasoline service station.

Driveway shall mean a private roadway providing access to a street or highway.

Dry cleaning and laundry establishment shall mean an establishment where on-site drycleaning is performed. A dry cleaning and laundry establishment does not include a laundry or laundromat which provides self-service type washing and drying for use of retail customers.

Drug Store (See "Retail Sales, General Consumer Goods").

Dwelling shall mean any building or portion thereof, which is designed for or occupied exclusively for human habitation.

Dwelling, Above the Ground Floor of Retail, Office or Service Use shall mean and include dwelling units located in multi-story buildings, but only above the ground floor retail, office or service uses.

Dwelling, Four-Family shall mean and include detached or attached buildings containing four (4) dwelling units, attached either vertically or horizontally.

Dwelling, Multi-Family/Multiple shall mean and include buildings containing more than four (4) dwelling units where each unit is joined to other dwelling units above, adjacent and/or below. "Multi-family dwellings" may include apartment buildings and condominiums, as defined herein.

- Low-Rise Multi-Family shall mean up to four (4) stories or forty-eight (48) feet, whichever is less.
- Mid-Rise Multi-Family shall mean up to eight (8) stories or ninety-six (96) feet, whichever is less.
- High-Rise Multi-Family shall mean nine (9) stories or greater or taller than one hundred eight (108) feet.

Dwelling, Row House (See "Dwelling, Town House").

Dwelling, Single-Family shall mean and include detached, semi-detached or attached buildings containing only one (1) dwelling unit per tax lot.

Dwelling, Three-Family shall mean and include detached, semi-detached or attached buildings

containing three (3) dwelling units, attached either vertically or horizontally per tax lot.

Dwelling, Town House shall mean one, two-, or three-family dwelling buildings in a row of at least three (3) such buildings in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls.

Dwelling, Two-Family shall mean and include detached, semi-detached or attached buildings containing two (2) dwelling units, attached either vertically or horizontally per tax lot.

Eating and Drinking Establishment shall mean an establishment whose primary activity is the sale of prepared food or beverages for consumption by the public either on or off its premises. This use shall include sit-down restaurants and take-out restaurants. This use shall not include supermarkets; liquor stores; fresh food markets; fish, meat and poultry markets; or live animal markets; or other food stores with accessory take-out food activity or retail sales uses, including convenience stores, which sell prepackaged or bulk ready-to-eat foods with no on-site food preparation area; nor shall it include cafeterias that are accessory to hospitals, schools or other similar principal uses.

- **Sit-Down Restaurant** shall mean an eating and drinking establishment that does not meet the definition of a take-out restaurant, in which the principal use is the service of preparing food and/or beverages for consumption on the premises. It may have a take-out food use as an incidental use to the primary use. It may provide on-site beer, wine and/or liquor sales for drinking on the premises if the requisite licenses have been obtained from the State of New Jersey Division of Alcohol Beverage Control. Aside from incidental take-out service, service of prepared food and/or beverages for consumption shall require customers to order at a table, booth, or dining counter with service by the waiter or waitress at said table, booth or dining counter. Restaurants may have a combination of seating options, including indoor and sidewalk cafes as defined herein.
- **Take-Out Restaurant** shall mean an eating and drinking establishment with or without seating which provides ready-to-eat food prepared on-

premises in disposable wrappers or containers, to a high volume of customers, who generally carry out the food for immediate consumption off the premises. A take-out restaurant has a service counter where all customers pay for their ordered items before consumption and may have accessory drive-through windows. A take-out restaurant utilizes commercial cooking appliances for heating or cooking food which produce grease vapors, steam, fumes, smoke or odors that are required to be removed through an independent exhaust system. Such appliances include deep fat fryers, up-right broilers, kettles, ranges, char-broilers, ovens, barbecues, rotisseries, and similar appliances.

Electric or Gas Power Distribution shall mean a facility which transfers power from the transmission system to the distribution system of an area; the distribution station reduces voltage to a level suitable for local distribution.

Electrical or Telephone Switching Facility shall mean a system of electrical equipment that interconnects several electrical transmission lines for the purpose of allowing the transmission lines to be serviced and maintained without disruption of power.

Emergency Food Distribution Center shall mean a building or a portion of a building in which an organization or agency provides immediate hunger relief to individuals and families who are in need. This use shall include food pantries and soup kitchens.

Environmental Commission shall mean the Newark Environmental Commission.

Erosion shall mean the detachment and movement of soil or rock fragments by water, wind, ice, and gravity.

Exterminator & Pesticide Application Business shall mean a business or person who either wholly or in part holds himself out to hire to apply pesticides including landscapers, tree services and aerial applicators.

Family shall mean one (1) or more persons who live together as a bona fide single nonprofit housekeeping unit. Unless otherwise required by law, this definition of family shall not apply to persons living in a facility or home devoted to treatment or services designated to

rehabilitate such persons or to assist them in adjusting to the community or society. This definition shall not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations.

Family Day Care Home shall mean the private residence of a family day care provider which is registered as a family day care home pursuant to the "Family Day Care Provider Registration Act," P.L. 1987, c. 27 (C.30:5B-16 et seq.)

Farm Stand shall mean a retail outlet normally owned or operated by a producer or farm unit, located on-farm or off-farm selling mainly products produced by the farm, directly to the consumer. Farm stands shall be a permitted accessory use to market gardens and urban farms only.

Farmers' Market (See "Community, Farmers' Market").

Final Approval shall mean the official action of the Reviewing Board taken on a preliminarily approved major subdivision or site plan, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

Finance, Insurance, Real Estate, and Securities Brokerage Consumer Services shall mean consumer service establishments including a commercial bank, savings bank, savings and loan association, credit union, mortgage office, automated teller machine facility, office of tax preparer, securities broker, insurance broker, or real estate broker. This definition is limited to only those establishments which serve the general public. This definition does not include check-cashing, pawnshops or bail bond establishments.

Fish, Meat and Poultry Market shall mean a retail food store supplying meat, poultry, fish and seafood products intended for home preparation, consumption, and use; and where meat processing is limited to making cuts of meat from preprocessed carcasses. The use shall include butcher shops but shall not include on-site slaughtering. See "Animal Market, Live."

Fitness Center shall mean an enclosed building or structure containing multi-use facilities for conducting

recreational activities such as aerobic exercises, running and jogging, exercise equipment, sports courts, and swimming facilities. This use also includes establishments for group fitness instruction such as yoga, Pilates, karate and dance studios, as well as boxing gyms. This use may include accessory saunas, showers, massage rooms and lockers, snack bars providing non-alcoholic drinks and pre-packaged snacks not prepared on the premises, and sports equipment and clothing shops.

Flea Market/Bazaar shall mean an occasional sale or periodic market held indoors or out of doors, where new or used items are sold from individual vendors each operating independently from the other vendors.

Floor Area, Grade Level shall mean the square footage of the floor of the building at grade level which will determine whether the building is: (a) exempt from the Site Plan Review; (b) a Minor Site Plan; (c) a Major Site Plan.

Floor Area, Gross (GFA) shall mean the sum of the gross horizontal areas of all enclosed floors of a building or buildings, including basements, habitable attics, mezzanines, corridors, and lobbies measured from the exterior faces of exterior walls or from the centerline of a common wall separating two (2) buildings. Gross floor area does not include any areas devoted or used solely for off-street parking and loading. Gross floor area does not include cellars, uninhabitable attics, exterior balconies, uncovered steps, or inner courts.

Floor Area Ratio, Net shall mean the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the ground floor, except when these are used or intended to be used for human habitation or service to the public.

Fresh Food Market shall mean an establishment in which the sale of fresh fruits and vegetables to the general public occupies at least 50% of the gross floor area and is less than ten thousand (10,000) square feet of gross floor area.

Frontage shall mean that side of a lot abutting on a street; the front lot line.

Funeral Home or Mortuary shall mean a building

used for the preparation of deceased human beings for burial or internment and for the display of the deceased and ceremonies connected therewith before burial or cremation.

Furniture and Appliance Stores, Used shall mean a retail sales establishment in which the proprietor primarily sells used household goods (generally furniture and appliances) that have been acquired through donation or purchase, with the proprietor retaining the sales proceeds.

Galleries (See under "Retail Sales, General Consumer Goods").

Gasoline Station shall mean any building, land area or other premises or portion thereof used primarily or intended to be used for the retail dispensing or sales of vehicular fuels and including, as an accessory use, minor repairs and the sale of and installation of lubricants, batteries and similar accessories. A convenience store may be an accessory use to a gasoline station.

General Consumer Goods Retail Sales (See "Retail Sales, General Consumer Goods").

Go-Go Establishment shall mean any establishment which permits persons to perform dancing or other similar entertainment in a lewd, licentious or lascivious manner, with less than completely and opaquely covered human genitals, pubic region, buttocks and/or female breasts below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely or opaquely covered, for the benefit of its patrons.

Governing Body means the Municipal Council which acts as the chief legislative body of the City of Newark.

Governmental Use shall mean the use of land, buildings or structures by any department, commission, independent agency or instrumentality of the United States, of a state, county, authority, district or other governmental unit other than the City of Newark.

Greenhouse shall mean a building made of glass, plastic or fiberglass in which plants are cultivated.

Ground-Mounted Installation shall mean solar installations that are freestanding or attached to

framework that is at grade.

Gun, Ammunition/Weapons Dealers shall mean any retail sales establishment engaged in selling, leasing, purchasing, or lending of guns, firearms, or ammunition.

Hazardous Material shall be defined as follows:

- a. Any material which is listed on the list of Environmental Protection Agency (EPA) pollutants, 40 Code of Federal Regulations, Sections 116.4 and 401.15, as amended; or
- b. Any chemical listed as "acutely toxic" in Appendix A of the EPA Chemical Emergency Preparedness Program, interim guidelines; or
- c. Any material which is classified by the National Fire Protection Association (NFPA) as either a flammable liquid, a Class II combustible liquid or a Class III A combustible liquid; or
- d. Any material which is listed or defined as explosive, flammable, reactive, or corrosive in the Department of Transportation, 49 Code of Federal Regulations, Section 172.101, as amended.

A mixture shall be deemed to be a hazardous material if it contains one (1%) percent by volume or more of any material listed above.

Hearing shall mean a hearing before the Director of the Department of Neighborhood and Recreational Services or his/her designee at which the seller, the Inspector and any other person with relevant knowledge of a notice of violation may appear and give testimony to the Director to determine if a violation of the Housing and Zoning Regulations exists. The determination of the Director shall be final. The Director may approve, set aside or modify the decision of the Inspector and he/she may grant extensions of time to abate any violations of housing regulations.

Heavy Retail and Service shall mean and include retail and/or service activities that have regular exterior service or storage areas, or partially enclosed structures, including, but not limited to, home improvement centers, equipment rental and leasing, lumber and other building materials, garden centers and greenhouses, landscape construction, and lawn maintenance contractor yard, bulk materials sales and storage, and recreational vehicles and playground equipment sales and rentals. Outdoor storage and outdoor storage display areas are permitted as a conditional accessory use.

Height of Building shall mean measured to the highest point of the roof from the mean elevation of the finished grade from all exterior walls.

Heliport shall mean an area used or intended to be used for the landing and take-off of helicopters, and may include any or all areas of the building appropriate to accomplish these functions.

Homeless Shelter shall mean a building or structure in which a public entity or a private, non-profit organization provides shelter, or food and shelter, for a limited period of time to individuals and families having neither a home nor the means to obtain a home or other temporary lodging.

Home Occupation shall mean any lawful occupation not otherwise prohibited by this Title performed in a dwelling and clearly incidental and secondary to the use of the dwelling for dwelling purposes.

Home Professional Office shall mean the office or studio in a home occupied by a resident by any of the following professionals licensed by the State of New Jersey: architect, engineer, planner, land surveyor, psychologist, marriage counselor, chiropractor, physical therapist, or occupational therapist. All other licensed professionals are excluded. Dancing instruction, band instrument or piano or voice instruction, tearooms, tourist homes, beauty parlors, barbershops, hairdressing and manicuring establishments, convalescent homes, mortuary establishments and stores, trades or businesses of any kind not herein excepted shall not be deemed to be "home professional offices."

Hookah Bar/Lounge shall mean a commercial establishment that has water pipes (also known as a hookah, shisha, boory, argileh, nargile, bubble-bubble, goza, meassel, sheesha) for people to share pipefuls of either tobacco or an herb or a dried fruit or a combination of those which is burnt using coal and becomes smoke, then passes through an ornate water vessel and is inhaled through a hose.

Hoophouse shall mean a structure made of PVC piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape. Section 3.14(b)23ii(4) and 3.24(b)23ii(5) of the New Jersey Uniform Construction Code contain regulations regarding exemption from permitting requirements for hoophouses.

Horticulture Nurseries (See "Urban Farm").

Hospital or Medical Institution shall mean an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories, medical offices, medical clinics or emergency care facilities.

Hotel shall mean a facility offering short-term lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

Housing and Zoning Regulations shall mean those regulations promulgated and published by the Director of the Department of Neighborhood & Recreational Services and maintained by the City Clerk of the City of Newark in regard to this zoning ordinance of the City of Newark.

Hydroponic Farms (See "Urban Farm").

Ice Cream Service Window shall mean a window or doorway for dispensing of ice cream or similar confectionary products in accordance with the requirements of Title XXIX, Streets and Sidewalks, Chapter 26 Sidewalk Cafes of the Revised General Ordinances of the City of Newark. See also "Sidewalk Café" and "Outdoor Service Window". This use shall not include outdoor service windows which are part of a drive-through facility.

Impervious Coverage (See "Lot Coverage").

Indoor Growing Operations (See "Urban Farm").

Institutional shall mean a land use category that consists of a facility used by a religious, child care, educational, or public use such as a place of worship, school, library, government building, or university.

Interested Party shall mean in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this act, or

whose rights to use, acquire, or enjoy property under this act, or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under this Title.

Kennel (see "Animal Boarding or Kennel").

Land shall mean and include improvements and fixtures on, above or below the surface.

Large Format Retail and/or Shopping Center shall mean a single stand-alone store, tenant space or collection of retail uses, developed and/or managed within a single building or shopping center which individually or cumulatively include over thirty thousand (30,000) square feet of retail sales floor area.

Laundromat shall mean an establishment only for the washing and drying of clothing and other fabrics in machines operated by the patron. It shall not include on-site dry cleaning. See "Dry Cleaning and Laundry Establishment" or "Laundry Facility-Commercial/Wholesale."

Laundry Facility-Commercial/Wholesale shall mean an establishment only for the washing, drying, and/or dry cleaning of clothing in bulk brought in by a commercial customer and in which such washing and drying is performed with the use of mechanical equipment, and for which a fee is charged or a facility where the retail customer brings the laundry to another facility and it is brought to this facility for laundering. A dry cleaning and laundering plant may perform work on the premises for other dry cleaning and laundry services and serve retail customers, and includes linen, diaper, or uniform laundering services. See "Laundromat" or "Dry Cleaning and Laundry Establishment"

Liquor Store shall mean a retail sales establishment, duly licensed by the New Jersey Division of Alcoholic Beverage Control, which primarily sells beer, wine, or distilled spirits in original containers to a customer for consumption off the premises.

Live Animal Market (See "Animal Market, Live").

Local Utility shall mean any sewerage authority created pursuant to the "sewerage authorities law," P.L. 1946, c. 138 (C.40:14A-1 et seq.); any utilities authority created pursuant to the "municipal and county utilities

authorities law," P.L. 1957, c. 183 (C.40:14B-1 et seq.); or any utility, authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provides gas, electricity, heat, power, water or sewer service to a municipality or the residents thereof.

Lot shall mean a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot, Corner shall mean a parcel of land abutting on two (2) or more streets at their intersection or on two (2) parts of the same street forming an interior angle of less than one hundred thirty five (135) degrees.

Lot Coverage shall mean that part of the lot that is covered by impervious surfaces.

Lot Depth shall mean the mean distance between its front street line and its rear line. For corner lots, the greater frontage is its depth, and its lesser frontage, its width. Lot, Interior shall mean a lot other than a corner lot.

Lot Line shall mean a line of record bounding a lot that divides one (1) lot from another lot or from a public or private street or any other public space.

Lot Line, Front shall mean the lot line separating a lot from a street right-of-way.

Lot Line, Rear shall mean the lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side shall mean any lot line other than a front or rear lot line.

Lot, Nonconforming shall mean a lot the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

Lot, Through shall mean a lot other than a corner lot, with frontage on two (2) streets. On a through lot

improved with buildings the front lot line shall be the street frontage lot line closest to the principal building. On a through lot unimproved with buildings both street lines shall be deemed front lot lines.

Lot, Width shall mean the horizontal distance between the side lines of a lot measured at right angles of its depth along a straight line parallel to the front lot line at the minimum required building setback line
Maintenance Building shall mean an accessory building not to exceed one thousand (1,000) square feet of gross floor area used primarily for the storage of equipment and other supplies used in the maintenance of the principal use.

Maintenance Guarantee shall mean any security which may be accepted by the City for maintenance of any improvements required by this Title, including, but not limited to surety bonds, letters of credit under the circumstances specified in Section 16 of P.L. 1991, c.256 (C.40:55D-53.5) and cash.

Major Subdivision shall mean any subdivision not classified as a minor subdivision.

Manufacturing, Heavy shall mean the manufacture or compounding process of raw materials. These activities or processes may necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. In this situation, the handling of such materials must be in a controlled environment and have certification from NJDEP. Typical heavy manufacturing uses include but are not limited to: concrete batch plants, concrete, tile or brick manufacturing, automobile, truck and tire assembly, ammonia or chlorine manufacturing, metal casting or foundries, gas manufacturing, dye stuffs, grain milling or processing, metal or metal ore production, refining, smelting, or alloying, petroleum or petroleum product refining, boat, pool and spa manufacturing, slaughtering of animals, glass manufacturing, paper manufacturing, and wood or lumber processing. The assembly, fabrication or processing of goods and materials uses processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety. The following processes are not permitted under Heavy Manufacturing: Vitrification, Plasma Gasification, Pyrolysis, Cement Kilns, Automobile

Shredder Residue (ASR), Medical Waste Autoclaving & Shredding, Animal Rendering, Electronic De-Manufacturing, Computer & Circuit Board Recycling, Thermal Depolymerization, Sludge Processing and Incineration, Sewage Disposal, Sediment Treatment Plants (i.e. Thermal/Chemical Processing, Cement Lock Technology, Sediment Washing, Biogenesis, Sediment Dewatering, Tire Derived Fuel Plants, Biomass Incineration, Chrome Plating and Metals Plating Facilities, Hazardous or Medical Waste Processing (autoclaving, crushing, preparing, or treating), Outdoor Scrap Metal Yards (shredding, processing, sorting), Oil and Gas Refineries, and Power Plants over 150 megawatts using coal, natural gas, waste or waste byproducts including tires, sludge, cement, and biofuels.

Manufacturing, Light shall mean the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment of such products, but excluding basic industrial processing and custom manufacturing. Typical light manufacturing uses include but are not limited to: electronic goods, food and bakery products, nonalcoholic beverages, paper imprinting, publishing, household appliances assembly, and clothing apparel. The assembly, fabrication, or processing of goods and materials uses processes that ordinarily do not create noise, fumes, smoke, odors, glare or health and safety hazards outside of the building or lot where such assembly, fabrication or processing takes place, where such processes are housed entirely within a building.

Manufacturing, Medium shall mean the processing and manufacturing of materials or products predominantly from extracted or raw materials. These activities may include outdoor assembly and storage products. Outdoor manufacturing of raw materials into compost, primarily for commercial resale is a medium manufacturing activity. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Typical medium manufacturing uses include but are not limited to: alcoholic beverages, glue, leather products, carpet, porcelain products for bathroom and kitchen fixtures, solar panel manufacture, bio-fuel manufacture, bleaching products, vegetable gelatin, welding, furniture, and sporting goods.

Market Garden shall mean an area less than one (1) acre managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, that is not incidental in nature and to be sold for profit at the lot where the products are grown.

Massage Facility shall mean an establishment for which the principal use is the provision of massage therapy by a licensed professional in the State of New Jersey pursuant to NJAC 13:37A. The following professions and services shall not be classified as a massage establishment: any duly licensed medical physician, doctor, surgeon, osteopath, chiropractor, acupuncturist, registered nurse, or to other person licensed by the state while engaging in practices as part his or her license.

Master Plan shall mean a composite of one (1) or more written or graphic proposals for the development of the City as set forth in and adopted pursuant to the Municipal Land Use Law, Chapter 291, Laws of New Jersey, 1975 (NJSA 40:55D-28 et seq.).

Materials Salvage or Junk Facility shall mean an enclosed building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A materials salvage or junk facility includes an auto wrecking facility. A materials salvage or junk facility does not include waste-related uses or recycling facilities. Such use shall not be open to the public.

Mausoleum shall mean a building or structure for the interment of the dead having a minimum of twenty (20) interments.

Mausoleum, Family shall mean a building or structure for the interment of the dead having less than twenty (20) interments.

Mayor shall mean the Mayor of the City of Newark.

Medical Clinic or Emergency Care Facility shall mean any private or public health clinic, or other similar community health facility providing diagnostic, therapeutic, or preventive medical care, surgical or invasive procedures not requiring inpatient admission, and/or emergency or urgent care to ambulatory

patients on an outpatients basis only, including customary laboratories and pharmacies incidental or necessary to its operation or the service of its patients, but without facilities for inpatient care or surgical procedures that require inpatient admission. A clinic or emergency care facility may also be accessory to a hospital or medical institution.

Medical Office shall mean a building or portion thereof providing diagnostic, therapeutic, or preventive medical, osteopathic, chiropractic, dental, psychological and similar or related treatment by a practitioner or group of practitioners licensed to perform such services to ambulatory patients on an outpatient basis only, and without facilities for inpatient care, major surgical procedures, or emergency and urgent care. A medical office may also contain associated in-house ancillary services such as in-house diagnostic testing facilities, physical therapy, medical counseling services, and similar services.

Methadone Maintenance Clinic shall mean a private business which provides outpatient methadone maintenance services to eligible persons, which are licensed by the New Jersey State Department Health and Senior Services as an ambulatory care facility/ outpatient drug program. Said clinic(s) must also meet all applicable Federal and State requirements.

Minor Site Plan shall mean a development plan of one (1) or more lots which: (a) proposes new development within the scope of development specifically permitted by ordinance as a minor site plan; (b) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to NJSA 40:55D-42; and (c) contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met.

Minor Subdivision shall mean any subdivision of land creating two (2) lots or fewer provided that such subdivision does not involve: (a) a planned development; (b) any new street; or (3) the extension of any off-tract improvement the cost of which is to be prorated pursuant to Section 30 of P.L. 1975, c.291 (C.40:55D-42).

Motorcycle Club (See "Private Club").

Monopole Tower shall mean a tower constructed

of a single, self-supporting metal tube, anchored to a foundation.

Mortuary (See "Funeral Home").

Municipal Agency shall mean the Municipal Council, Central Planning Board, the Zoning Board of Adjustment of the City of Newark, or any other agency which is created by or responsible to the City of Newark when such agency is acting pursuant to this Title.

Municipal Council shall mean the Governing Body which acts as the chief legislative body of the City of Newark.

Municipality shall mean the City of Newark.

Municipal Uses shall mean those facilities necessary for the operation of the City of Newark government or for the provision of City of Newark services not including the following: permanent outdoor storage of materials, manufacturing, gas or fuel supply stations, vehicle repair, vehicle storage, and the storage, treatment or production of hazardous or toxic chemicals.

Museum shall mean an establishment with least twenty thousand (20,000) square feet of gross floor area, that has public significance by reason of its architecture or former use or occupancy; or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts for their own use. For "Galleries," look under "Retail Sales, General Consumer Goods."

Nightclubs, Discotheques & Cabarets shall mean any room, place, space, or premises, other than sexually-oriented businesses, operated as a commercial establishment in which eating and/or drinking may take place and in which there is also provided entertainment and dance areas. Such entertainment may include music by a live musician or musicians, or any mechanical, electronic or other means, or other audio or audiovisual media including disc jockeys. Such establishments shall not include the operation of a motion picture, but shall include any act,

play, revue, pantomime, scene, dance act, or song-and-dance act participated in by one (1) or more employees, guests, customers, or any other person or persons. For the purposes of this definition, background piped-in music shall not be considered a form of entertainment. Nightclubs, discotheques and cabarets shall be duly licensed by the New Jersey Division of Alcoholic Beverage Control for the sale and on-premises consumption of alcoholic beverages.

Nonconforming Lot (See "Lot, Nonconforming").

Nonconforming Structure (See "Structure, Nonconforming").

Nonconforming Use (See "Use, Nonconforming").

Nursing Home shall mean a facility or portion thereof which is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available means a facility that is licensed by the Department to provide health care under medical supervision and continuous nursing care for twenty-four (24) or more consecutive hours to two or more patients who do not require the degree of care and treatment which a hospital provides and who, because of their physical or mental condition, require continuous nursing care and services above the level of room and board.

Office shall mean a room or group of rooms used for conducting the affairs of a business, profession, service, industry or government, and generally furnished with desks, tables, files and communication equipment, including offices of general, business, executive, legal, accounting, architect, planning, engineer, real estate, contractor and employment agencies but excluding medical offices. See also "Medical Office".

Official County Map shall mean the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the board of chosen freeholders of the county pursuant to R.S. 40:27-5.

Official Map shall mean a map adopted pursuant to the Municipal Land Use Law, NJSA 40:55D-32 et seq.

Off-Site shall mean located outside the lot lines of

the lot in question but within the property, of which the lot is a part, which is the subject of a development application or the closest half of the street or right-of-way abutting the property of which the lot is part.

On-Site shall mean located on the lot in question and excluding any abutting street or right-of-way.

On-Tract shall mean located on the property which is the subject of a development application or on the closest half of the abutting street or right-of-way.

Open Space shall mean any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

Operations Facility, Bus/Taxicab/Ambulance shall mean and include an area and/or building where four (4) or more emergency medical ambulances, buses, taxicabs or other livery vehicles are stored, dispatched and/or loading and unloading is carried on regularly, and where minor maintenance of these vehicles is performed.

Outdoor Dining (See "Sidewalk Café").

Outdoor Growing Operations (See "Urban Farm").

Outdoor Service Window (See "Ice Cream Service Window").

Outdoor Display Area shall mean the displaying of goods, merchandise or products outdoors such that the items are readily available for sale at retail on the same lot and in conjunction with a principal use which is otherwise operated entirely within a permanent fully enclosed building.

Outdoor Storage shall mean the storing or maintaining, exterior to any permanent, fully enclosed building or structure of goods, merchandise, inventory, equipment or other tangibles for any purpose other than outdoor display. The term outdoor storage shall not include operation facilities for bus/taxicab/

ambulance/limousines or truck terminals as defined herein. Goods, merchandise or products stacked on pallets and/or wrapped in packaging materials such that the items are not readily available to the public for immediate retail sale shall be considered outdoor storage and not outdoor display.

Outdoor Storage, Chemical shall mean the outdoor storage of chemical or chemicals in a container or containers larger than those intended for normal homeowner or retailer purposes. Proper, non-commercial, homeowner use of chemicals is not included.

Outdoor Storage, Portable Storage Unit shall mean any portable container, storage unit, shed-like container or other similar structure that can be or is used for the temporary storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements. For the purposes of this ordinance, portable on-demand storage (PODS), the trailer portion of a tractor trailer, boxcars and shipping containers shall also be considered portable storage structures when expressly used for the purposes of on-site storage.

A portable storage unit shall not encroach in any required front or side yards. There shall be only one unit permitted for every two contiguous acres of property held in common ownership.

Outdoor portable storage units shall only be used for storage and shall be removed within one hundred and eighty (180) days.

Owner shall mean an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

Parking Area shall mean any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, parking garages, structured parking, driveways, and legally designated areas of public streets.

Park: Recreation Park, Active shall mean a park or open space which may include one (1) or more of the following: athletic fields, building or structures for recreational activities, swimming pools, golf or rope courses, or sports courts and other intensive recreational uses. **Recreation Park, Passive** shall

mean a park or open space areas consisting primarily of lawns, meadows and other unprogrammed open space. The predominant features of which are landscaped areas, natural areas, ornamental gardens, non-landscaped green space, provided that a private passive park may include certain features such as concession stands, playgrounds, art installations, fountains, walking paths, picnic areas, fields, docks, dog runs and other non-structured recreation facilities.

Parking Area, Private shall mean any land area, being part of the same lot or tract on which it is accessory to an erected building or structure, or being adjacent and contiguous to the lot or tract, designated by the owner, operator or occupant of the building or structure for the parking, without charge, of motor vehicles of occupants, customers or employees in the building or structure and where no customer parking shall be permitted after 11:00 p.m. on any portion of the lot.

Parking Garage, Private Residential shall mean a structure that is accessory to a single-, two- or three-family dwelling, is used for the parking and storage of vehicles owned and operated by the residents thereof, and is not a separate commercial enterprise available to the general public. The private parking garage may be a detached accessory building, or a portion of the principal structure.

Parking Garage, Commercial Vehicle shall mean any building or premises used for the storage of one (1) or more buses, trucks, tractors, trailers, bulldozers and other heavy motor-driven equipment, including storage for manufacture, repair, demonstration, sale, rental, painting, adjustment or inspection of the foregoing.

Parking Lot shall mean an off-street, ground-level open area that provides temporary storage for motor vehicles.

Parking, Shared shall mean the joint utilization of a parking area for more than one (1) use.

Parking, Surface shall mean an off-street, ground-level open area that provides temporary storage for motor vehicles.

Parking, Structured shall mean a building or structure which may be located above or below ground, with stalls accessed via interior aisles, and used for temporary storage of motor vehicles. Structured

parking can be a stand-alone use or a part of a building containing other uses. This use does not include private residential parking garages.

Passive Recreation Park (See "Park: Recreation Park, Passive").

Pawn Shop shall mean an establishment wherein the business of a pawn broker is conducted. A pawn broker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawn shop shall not be deemed a retail sales establishment.

Performance Guarantee shall mean any security, which may be accepted by the City, including but not limited to surety bonds, letters of credit under the circumstances specified in Section 16 of P.L. 1991, c. 256 (C.40:55D-53.5).

Permanent Make-Up shall mean the application of pigment to or under the skin of a person for the purpose of permanently or semi-permanently changing the color or appearance of the skin.

Personal Service Establishment shall mean and include the provision of personal services directly to the consumer which shall include, but not be limited to, barber shops, beauty parlors, nail salons, tanning salons, or day spas. Personal service establishments shall not include body art studios or massage facilities.

Pet Shop shall mean any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

Pharmacy (See "Drug Store").

Photographic Simulation shall mean a photograph of a site as it appears to members of the general public with accurate, detailed depictions of proposed additional features, equipment, hardware or other site

improvements drawn onto this photograph.

Photovoltaic (PV) shall mean capable of producing a voltage, usually through photoemission, when exposed to radiant energy, especially light. Collectively used to refer to "solar panels."

Place of Worship shall mean a church, synagogue, temple, mosque or other building or group of buildings which by design and construction are intended for the conducting of organized religious services and accessory uses associated therewith including parish houses, convents, classrooms for religious instruction, rectories, and other such customary accessory uses and buildings, but not including parochial schools, day care centers, homeless shelters, or soup kitchens.

Planned Commercial Development shall mean an area of minimum contiguous size as specified by ordinance to be developed according to plan as a single entity containing one (1) or more structures with appurtenant common areas to accommodate commercial or office uses, or both, and any residential and other uses incidental to the predominant use as may be permitted by ordinance.

Planned Development shall mean planned unit development, planned unit residential development, residential cluster, planned commercial development, or planned industrial development.

Planned Industrial Development shall mean an area of minimum contiguous or noncontiguous size as specified by ordinance to be developed according to a plan as a single entity containing one (1) or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use as may be permitted by ordinance.

Planned Unit Development shall mean an area with a specified minimum contiguous or noncontiguous acreage of ten (10) acres or more to be developed as a single entity according to a plan, containing one (1) or more residential clusters or planned unit residential developments and one (1) or more public, quasi-public, commercial or industrial areas in such ranges or ratios of nonresidential uses as shall be specified in the Zoning Ordinance.

Planned Unit Residential Development shall mean an area with a specified minimum contiguous or noncontiguous acreage of five (5) acres or more to be developed as a single entity according to a plan containing one (1) or more residential clusters, which may include appropriate commercial or public or quasi-public uses all primarily for the benefit of the residential development.

Plat shall mean a map or maps of a subdivision or site plan.

Porch shall mean a roofed, open area not more than one (1) story in height which may be screened, attached to or part of a building, and with direct access to or from it. Such use includes piazzas, portico or porte-cocheres.

Power Generation Facilities shall mean a public utility facility which converts fossil fuels into electrical energy or steam. Solar energy system and wind energy system are defined herein.

Prevailing Setback shall mean the shorter front setback of the two closest principle buildings on each site of a site on the same block as the site.

Private Club shall mean a building and/or related facilities owned or operated by a corporation, association or organization that caters exclusively to members and their guests primarily for social, recreational, cultural, educational, political, patriotic, benevolent, or religious purpose; and not primarily for profit, and whose members pay dues and meet certain prescribed qualifications for membership. A private club may include dining facilities for members and their guests but shall not include overnight sleeping facilities. A private club does not include fraternity houses affiliated with an institution of higher learning.

Private Sports Court shall mean an outdoor facility on private property for participant sports, including tennis, basketball, roller hockey, and handball courts. Such courts may be single-purpose accommodating one (1) sport or multi-purpose accommodating a variety of sports.

Public Areas shall mean: (a) public parks, playgrounds, trails, paths and other recreational areas; (b) other public open spaces; (c) scenic and

historic sites; and (d) sites for schools and other public buildings and structures.

Public Drainage Way shall mean the land reserved or dedicated for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, and to lessen nonpoint pollution.

Public Utility shall mean any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to R.S. 48:2-13.

Quorum shall mean the majority of the full authorized membership of a municipal agency.

Recycling Center shall mean a facility in which recyclable or recoverable materials are collected, sorted, and prepared for transfer to another facility for processing. A transfer recycling center may not process by briquetting, compacting, chipping, flattening, grinding, crushing, shredding, cleaning or altering the materials.

Resale or Thrift Shop shall mean a retail sales establishment in which the proprietor primarily sells used items (generally clothing, household goods and children's items) that have been acquired through donation or purchase, with the proprietor retaining the sales proceeds. Some resale/thrift shops are managed by non-profit organizations that use the proceeds to support their charitable operations. See also "Consignment Store."

Research and Development shall mean an establishment engaged in industrial or scientific research or product design that involves laboratory testing or limited manufacturing, fabricating, processing, assembling, or similar related activities for the production of prototypes. A research and development establishment shall be considered an office use if the work primarily involves the use of computers and other related office equipment in an office setting and no laboratory testing or manufacturing takes place on premises.

Residential shall mean a land use category that

consists of at least one (1) home, abode, or place of residence where an individual would live at a specific point in time.

Residential Cluster shall mean a contiguous or noncontiguous area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

Residential Density shall mean the number of dwelling units per gross acre of residential land including streets, easements and open space portions of a development.

Restaurant, see **Eating and Drinking Establishment**.

Resubdivision shall mean (a) the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or (b) the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

Retail, Freestanding shall mean a detached building in which the principal use is retail sales and which does not abut any other building and where all sides of the building are surrounded by yards or open areas within the zoning lot.

Retail Sales shall mean establishments engaged in the selling or rental of goods or merchandise usually to the general public for personal use or household consumption, although they may also serve business and institutional clients and in rendering services incidental to the sale of such goods.

Retail Sales, General Consumer Goods shall mean retail sales establishments involved in the sale, lease, rent, or display of new products or merchandise to the general public for personal use or household consumption, including, but not limited to stores selling apparel, furniture, books, jewelry, shoes, hardware, pet supplies, appliances, arts, crafts, antiques, art and accessories; flower shops; drug stores; gift shops; and other sundries. Retail sales includes art and craft production facilities available for public use that do

not produce noxious emissions or high noise levels, as well as dry cleaning and laundry pick-up station where cleaning of garments is not done on-site. Such establishments shall not include the sale of any food products.

Reviewing Board shall mean the Newark Central Planning Board or Zoning Board of Adjustment, whichever Board has jurisdiction over the particular application pursuant to NJSA 40:55D-60 et seq.

Rooftop Growing Operations (See "Urban Farm").

Rooftop Mechanical Equipment shall mean elevator penthouses and roof structures for the housing of stairways, tanks, ventilating fans, air-conditioning equipment, dust collectors, solar panels, or similar equipment required to operate and maintain a building.

Rooming House and Boarding House shall mean, pursuant to P.L. 1979, c.496 (NJSA 55:13B-1, et seq.), any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two (2) or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by any owner or operator including any residential hotel or congregate living arrangement. A boarding house shall include establishments wherein personal or financial services are provided to the residents, and a rooming house shall include establishments wherein no personal or financial services are provided to the residents. Pursuant to P.L. 1979, c.496 (NJSA 55:13B-1, et seq.), a boarding or room house excludes any hotel, motel or established guest house wherein a minimum of 85% of the units of dwelling space are offered for limited tenure only, any foster home as defined in Section 1 of P.L. 1962, c. 137 (NJSA 30:4C-26.1), any community residence for the developmentally disabled as defined in Section 2 of P.L. 1977, c. 448 (NJSA 30:11B-2), any dormitory owned or operated on behalf of any nonprofit institution of primary, secondary or higher education for the use of its students, any building arranged for single-room occupancy wherein the units of dwelling space are occupied exclusively by students enrolled in a full-time course of study at an institution of higher education approved by the Department of Higher Education, and any facility or living arrangement operated by, or under contract with, any state department or agency, upon the written authorization of the Commissioner.

Row House (See "Dwelling, Row House").

Rotor Radius shall mean the distance between the center point of the rotor or the outermost point on the rotor or blade.

Satellite Dish Antennae shall mean a bowl-shaped device used to receive and/or transmit signals relayed by satellite.

School, Secondary shall mean a public, private or parochial school, recognized or approved by the State, providing intermediate formal education between primary school and college, inclusive of high schools.

School, Primary shall mean a public, private or parochial school, recognized or approved by the State, providing the first four (4) to eight (8) years of formal education, which may include kindergarten and pre-kindergarten. This use may include accessory day care centers for children over the age of three (3).

Sedimentation shall mean the deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as product of erosion and, in wastewater treatment, the settling out of solids by gravity.

Self Storage shall mean a facility consisting of a building or group of buildings in a controlled-access compound that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the dead storage of customers' goods and wares.

Setback shall mean the distance between the building and any lot line.

Sexually Oriented Businesses shall mean business types including, but not limited to, establishments commonly referred to as "Go-Go establishments," "adult video stores," or "adult newsstands or bookstores," which means a commercial establishment which as one of its principal business purposes offers for sale, rental, or display for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, compact discs, slides or simulated display or other visual representations which are characterized by their emphasis upon the

display of specified sexual activities or specified anatomical areas; or any other type of establishment that can meet the definition of a "sexually oriented business" as defined or described in Federal, State, or local statutes including but not limited to NJSA 2C:33-12.2 et seq. For the purpose of this definition, "principal purpose" means the commercial establishment:

- Has a substantial portion of its displayed merchandise which consists of said items, or
- Has a substantial portion of the wholesale value of its displayed merchandise which consists of said items, or
- Has a substantial portion of the retail value of its displayed merchandise which consists of said items, or
- Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of said items, or
- Maintains a substantial section of its interior business space for the sale or rental of said items; or
- Regularly features said items, and prohibits access by minors, because of age, to the premises, and advertises itself as offering "adult" or "xxx" or "x-rated" or "erotic" or "sexual" or "sensual" or "pornographic" material on signage visible from a public right-of-way; or
- Maintains an adult arcade, which means any place to which the public is permitted or invited wherein coin-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

Shall shall indicate a mandatory requirement; the term "may" shall indicate a permissive action.

Shed (See "Accessory Storage Structure").

Sidewalk Café shall mean a designated outdoor area that is located on the public sidewalk or right-of-way immediately adjacent to the property of an existing retail food establishment and where food and beverages that are normally offered to the public inside the retail food establishment and serviced to the public in the designated outdoor area.

Sign shall mean any fabricated or outdoor display structure including its structure, consisting of any letter, figure, character, mark, point, plane, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner out of doors exclusively for advertising purposes.

Single-Family House (See "Dwelling, Single-Family")

Sit-Down Restaurant (See "Eating & Drinking Establishment").

Site shall mean any contiguous plot, parcel or parcels of land.

Site Plan shall mean the development plan of one (1) or more lots on which is shown: (a) the existing and proposed conditions of the lot(s) including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes, and waterways; (b) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; and (c) any other information that may be reasonably required in order to make an informed determination pursuant to this Chapter requiring review and approval of site plans by the Central Planning Board or Zoning Board of Adjustment.

Solar Energy System (Ground/Roof Mounted, Over Parking Lots and Structured Parking) shall mean any solar collector panel(s), film(s), shingle(s), or other solar energy device(s) or solar structural component(s), mounted on a building or on the ground and including other appurtenant structures and facilities, whose primary purpose is to provide for the collection, storage, and distribution of solar energy received from the sun and provides power for the principal use of the property whereon said system is located.

Spacing of Buildings shall mean the required minimum horizontal distance between any wall of two (2) or more buildings facing or overlapping each other

in any manner either parallel or oblique. Such distance is measured at any given point and any given level by projecting or prolonging vertically and horizontally the perimeter lines of each wall from the lowest habitable floor to the ceiling of the highest habitable floor. Story shall mean the space between any finished floor of a building and the next finished floor above, excepting that a cellar or basement shall not be considered as a story. A half-story is a portion of a building between a finished floor and the roof construction above, where the space thus enclosed has an average clear height of not more than five (5) feet.

Street shall mean the full width of the area dedicated to public use, extending from the property line on one side to the property line on the other side, including the roadway and sidewalk, of any public street, avenue, road alley, lane, highway, boulevard, concourse, driveway, culvert or bridge. For the purpose of this Title, streets shall be classified as follows:

- Principal arterial system shall mean streets and highways serving major metropolitan activity centers, the highest traffic volume corridors, the longest trip desires, and a high proportion of total urban area travel on a minimum of mileage. Service to abutting land should be subordinate to the provision of travel service to major traffic movements. This system carries the major portion of trips entering and leaving an urban area, as well as the majority of through movements desiring to bypass the central City, and normally will carry important intraurban as well as intercity bus routes.
- Minor arterial streets system shall mean streets and highways interconnecting with and augmenting the City's principal arterial system and providing service to trips of moderate length at a somewhat lower level of travel mobility. The system places more emphasis on land access and distributes travel to geographic areas smaller than those identified with the higher system. It includes all arterials not classified as principal.
- Collector streets system shall mean streets penetrating neighborhoods, collecting traffic from local streets in the neighborhoods, and channeling it into the arterial systems. A minor amount of through traffic may be carried on collector streets, but the system primarily provides land access service and carries local traffic movements within residential neighborhoods, commercial, and industrial areas. It may also serve local bus routes.

- Local streets system shall mean streets not classified in a higher system, primarily providing direct access to abutting land and access to the higher systems. They offer the lowest level of mobility and usually carry no bus routes. Service to through traffic is deliberately discouraged.

Street Line shall mean the dividing line between the street and the lot.

Street Wall of a Building at any Level shall mean the wall or part of the building (other than a one-story open porch), nearest to the street line.

Street Width shall mean the mean of the distance between the street line within a block, where a street borders a public park, or a navigable body of water, the width of such street may be taken as the width of such street, plus the width of such public park or body of water, provided that the maximum width of such street shall not be considered more than one hundred (100) feet, measured at right angles to street line.

Structural Alteration shall mean any change or rearrangement in the exterior or interior structural parts of any building.

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

Structure, Accessory shall mean a building of not more than one and one-half (1 1/2) stories in height which is subordinate to the main building on a lot and used for the purposes customarily incidental to those of the main building.

Structure, Nonconforming shall mean a structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment. Subcode Official shall mean Buildings Code Official, Chief Plumbing Inspector, Chief Electrical Inspector and Deputy Chief in charge of Fire Prevention, or their assistants.

Subdivision shall mean the division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels

or other divisions of land for sale or development. The following shall not be considered subdivision within the meaning of this Chapter, if no new streets are created: (a) divisions of land found by the Central Planning Board or Subdivision Committee thereof appointed by the Chairperson to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size; (b) divisions of property by testamentary or intestate provisions; (c) divisions of property upon court order, including but not limited to judgments of foreclosure; (d) consolidation of one (1) or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the Screening Officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the City of Newark. The term "subdivision" shall also include the term "resubdivision." Substance Abuse Treatment Center shall mean any licensed institution, facility, place, building or agency which supplies care, treatment, services, maintenance, accommodation or board, or any of these services in a group setting primarily or exclusively for individuals having any type of habitation, dependency or addiction to the use of any kind of controlled substance, alcohol, narcotic drug or other type of drug; and which provides guidance, supervision and personal services which enable the drug user, dependent or addict to move into independent living in normal surroundings, but does not provide those services that can be rendered only by a physician or within the confines of a hospital, and does not provide a permanent residence but only a temporary one.

Substance Abuse Treatment Center shall mean outpatient substance abuse treatment facilities that are required to obtain licenses pursuant to NJAC 10:161B-1.1 et seq. Standards for Licensure of Outpatient Substance Abuse Treatment Facilities. This definition shall not include substance counseling or support groups that do not require a license and are ancillary or accessory to a community center or place of worship. This definition shall not include inpatient care or treatment.

Supermarket shall mean a self-service retail sales establishment specializing in food and household merchandise, with at least ten thousand (10,000) square feet of gross floor area.

Swimming Pool, Private shall mean an accessory

use on the same lot as the principal use it serves, consisting of a water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, designed, used, and maintained for swimming and bathing by the residents of the lot on which the swimming pool is located or their nonpaying guests.

Take-Out Restaurant (see "Eating & Drinking Establishment").

Tax Lot shall mean a parcel of land identified with a unique block and lot number for property tax purposes.

Theater shall mean an indoor facility for public assembly and group entertainment, other than for sporting events, which is used primarily for and designed for the purpose of exhibiting films, live theater, concerts, or similar performances. A theater shall not include a sexually oriented business of any kind.

Tombstone/Monument shall mean a tablet, statue, or other market of stone, metal or another durable substance set up over or adjacent to a grave to commemorate the person interred therein. Transcript shall mean a typed or printed verbatim record of the proceedings or reproduction thereof.

Tree shall mean any deciduous or coniferous species which has a diameter at breast height (4.5 feet) of 4 inches or greater.

- **Ornamental Tree** shall mean and include trees which are grown for display or ornamental purposes, rather than functional ones. It generally tends to remain smaller at maturity than a shade tree.
- **Shade Tree** shall mean and include a woody plant, usually deciduous, that normally grows with one main trunk and has a canopy that screens and filters the sun in the summer and winter, respectively.
- **Evergreen Tree** shall mean and include a plant species with foliage that persists and remains green year round and may be functionally used as a visual separator.

Truck Terminal shall mean and include premises for the fueling, loading and unloading of trucks, where

storage of cargo is incidental to the primary function of motor freight shipment, and where minor maintenance and repair of these types of vehicles are performed. Such facilities shall be designed to accommodate five (5) or more trucks.

Turbine Height shall mean the distance between the base of the tower or other supporting structure, whether mounted on the ground or on a rooftop, and the outermost point of the rotor or blade at its maximum vertical extension.

Urban Agriculture shall mean agricultural production that occurs within Newark on large parcels of land, on community gardens, in greenhouses, on rooftops and indoor spaces and that increases the City's local food system. Urban agriculture as defined by the zoning code include the following:

- **Urban Farm** (See "Urban Farm" below);
- **Community Garden** (See "Community Garden");
- **Market Garden** (See "Market Garden")

Urban Farm shall mean an establishment one (1) acre or larger where legal plants are grown for the legal sale of the plants or their products, and where the plants or their products are sold at the lot where they are grown or off site, or both, and in which no other items are sold. Examples of plants may include flowers, vegetables, and orchards. Urban farms may include, but are not limited to:

- **Aquaculture Farms** in which food fish, shellfish or other marine foods, aquatic plants, or aquatic animals are cultured or grown in fresh or salt waters in order to sell them or the products they produce;
- **Aquaponic Farms** in which the symbiotic propagation of plants and fish in an indoor, constructed and re-circulating environment takes place;
- **Community-Supported Farms** in which an area of land managed and maintained by a group of individuals to grow and harvest food crops or non-food crops such as flowers, for shareholder consumption or donation. Shareholders arrange to work on the farm in exchange for a share of the food and/or horticulture products grown on the property and or pay for a portion of the food and/or horticultural products in advance.
- **Horticulture Nurseries** in which plants are propagated and grown in containers or in the ground for wholesale or retail sales and

- distribution; and
- **Hydroponic Farms** in which plants are propagated using a mechanical system designed to circulate a solution of minerals in water with limited use of growing media;
- **Indoor Growing Operations** in which all allowed activities must be conducted within completely enclosed buildings. Typical operations include greenhouses, vertical farming, hydroponic systems and aquaponic systems.
- **Outdoor Growing Operations** in which all allowed activities are conducted in unenclosed areas or partially enclosed structures. Typical operations include growing beds, growing fields, hoophouses and orchards.
- **Rooftop Growing Operations** in which all allowed activities occur on the roof of a principal building as a principal use or accessory use. Typical operations include growing beds and growing trays.
- **Vertical Farms** in which plants or animals are cultivated on vertically inclined surfaces;

Use, Accessory shall mean a use of land or of a building or structure or portion thereof customarily incidental and subordinate to the principal use of the land, building or structure and located on the same lot as the principal use.

Use, Nonconforming shall mean a use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

Use, Principal shall mean the primary or predominant use of any lot or parcel.

Utility Substation shall mean a structure or facility which collects, processes and/or distributes a public utility commodity, as defined in NJSA 48:2-13 and regulated by the New Jersey Board of Public Utilities, but not including wireless telecommunications services.

Variance shall mean permission to depart from the literal requirements of a zoning ordinance pursuant to NJSA Sections 40:55D-40b, 40:55D-60 and 40:55D-70c and d of the Municipal Land Use Law.

Vehicle Towing Facility shall mean a building, property or activity, the principal use of which is the retrieval of towed motor vehicles. The vehicle towing facility shall have the proper and valid markers and license plates for Tow Trucks issued by the State (N.J.S.A 39:3-84.7) in order to operate.

Vehicle-Related Services (See "Automobile" for more services and businesses related to vehicles).

Vertical Farms (See "Urban Farm").

Veterinary Clinic or Office shall mean a commercial facility where animals are brought in for medical treatment but are not kept overnight.

Veterinary Hospital shall mean a commercial facility where animals are brought in for medical treatment and may remain overnight for observation, further medical treatment or recuperation.

Waiver shall mean permission from the approving agency to depart from the design standards set forth in Chapter 16 Site Plan Zoning & Design Standards.

Warehousing, Wholesaling and Distribution shall mean and include structures, or a major portion thereof, used principally for the storage, sales or distribution of nonhazardous goods and merchandise to retailers, non-residential users, or to wholesalers. This use shall also include uses devoted to archives and records. This use shall not include truck terminals, truck repair or "manufacturing, heavy, medium, or light" as defined herein.

Waste Transfer Station shall mean and include waste transfer facilities where wastes are handled for transshipment to a disposal facility. This use includes trash compaction and transfer stations, but shall not include "materials salvage yard" as defined herein.

Wholesale Bakery shall mean establishments or places of businesses primarily engaged in the production, preparation, processing, manufacture, packing, storage or handling of bakery products for sale or distribution to any other person other than the ultimate consumer including other retailers, industrial, commercial, institutional, or professional business users, other than wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wind Energy System, Large shall mean a wind energy system of one or more wind towers and turbines that has a nameplate capacity of more than twenty-five (25) kilowatts and is used to generate energy for commercial sale.

Wind Energy System, Small shall mean a wind energy system of one or more wind towers and turbines that has a nameplate capacity twenty-five (25) kilowatts or less and is primarily used to generate energy for use by the landowner. Solar energy system and power generation facilities are defined herein.

Wind Turbine shall mean a wind energy conversion system that converts wind energy into electricity through use of a wind turbine generator and includes such elements as a wind turbine generator hub, blade or rotor, tower and transformer.

Wind Turbine Hub shall mean an electric power generator to which the blade or rotor of a wind turbine is attached.

Yard shall mean an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as provided in Section 40:4-1 et seq. of this Title. In measuring a yard for purposes of determining the required width of a side yard, the required depth of a front yard or the required depth of a rear yard, the minimum horizontal distance between the lot line and the principal structure shall be used.

Yard, Front shall mean a yard extending across the street side of a lot measured between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches, except as otherwise provided in this Title. A through lot unimproved with buildings shall have a front yard on each of the opposing streets. A through lot improved with buildings shall consider the street frontage lot line closest to the principal building the front yard. On corner lots, each lot line abutting a street shall be considered a front yard.

Yard, Rear shall mean a yard extending across the full width of a rear lot line measured between the rear lot line and the rear of the main building, or any projection thereof, other than steps, unenclosed balconies or

unenclosed porches except as otherwise provided in this Title. The rear yard shall be at the opposite ends of the lot from the front yard and on corner lots it may extend across the narrowest part of the lot. A through lot or corner lot is not required to have a rear yard.

Yard, Side shall mean a yard that extends along a side lot line from the required front yard, or from the front lot line if no front yard is required, to the required rear yard, or to the rear lot line if no rear yard is required. In the case of a corner lot, any yard that is not a front yard is considered a side yard.

Zoning Board of Adjustment shall mean the administrative board of the City of Newark established pursuant to NJSA 40:55D-1 et seq.

Zoning Officer shall mean the administrative officer designated to administer the zoning ordinance and issue zoning permits.

Chapter 3. Zoning Districts

40:3-1. Establishment of zoning districts

For the purpose of limiting and restricting to specified districts, and regulating therein buildings and structures according to their construction and the nature and extent of their use, and the nature and extent of the use of land, and to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use and extent of use of buildings and structures and land, for trade, industry, residence or other purposes excluding municipally owned and operated or municipally operated buildings and related premises used for governmental purposes, the City of Newark is hereby divided into districts, of which there shall be twenty (20) in number, known as:

R-1	Detached Single-Family Residential
R-2	Single- and Two-Family Residential
R-3	One- to Three-Family and Town House Residential
R-4	Low-Rise Multifamily Residential
R-5	Mid-Rise Multifamily Residential
R-6	High-Rise Multifamily Residential
C-1	Neighborhood Commercial
C-2	Community Commercial
C-3	Regional Commercial
I-1	Light Industrial
I-2	Medium Industrial
I-3	Heavy Industrial
MX-1	Mixed Use, Residential/Commercial
MX-2	Mixed Use, Residential/Commercial/Industrial
EWR	Airport
EWR-S	Airport Support
PORT	Port
INST	Institutional
PARK	Park
CEM	Cemetery

40:3-2. Zoning map

The boundaries of the districts set forth above shall be as shown and delineated on the "Newark Zoning Maps" found on pages 7-31 of this booklet and declared to be part of this Chapter.

40:3-3. Interpretation of zoning district boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Title, the following rules shall apply:

40:3-3-1. Where the district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Title are bounded approximately by streets or alley lines, the center line of the street or alley shall be construed to be the boundary of such district.

40:3-3-2. The district boundaries are, unless otherwise indicated, either street lines or lines drawn parallel to and one hundred (100) feet back from one (1) or more of the street lines bounding a block. Where two (2) or more district designations are shown within a block two hundred (200) feet or less in width, the boundaries of the less restricted district shall be deemed one hundred (100) feet back from its street line. Where two (2) or more district designations are shown within a block more than two hundred (200) feet in width, the boundaries of the more restricted district shall be deemed one hundred (100) feet back from its street line.

40:3-4. General compliance conditions

Except as otherwise provided in this Title:

40:3-4-1. No building, structure or land shall be used for, nor shall any building or structure be erected, converted, enlarged, reconstructed, or structurally altered for any use which does not comply with all district regulations established by this Title for the district in which the building, structure, or land is located.

40:3-4-2. The yard regulations and the lot area per unit provisions required by this Title shall be considered minimum regulations for each and every building or structure existing on the effective date of the zoning ordinance and for any building or structure thereafter erected or structurally altered. No land required for yards, or lot area per unit provisions for any building or structure hereafter erected or structurally altered, shall be considered as a yard or for a lot area for any other building or structure.

40:3-4-3. Extraneous Living Spaces

Any indoor living space that could be converted to an additional dwelling unit shall be considered as an additional dwelling unit for all zoning, building, or land development regulation purposes. Such an indoor space shall be defined as having two hundred and fifty (250) or more square feet and having direct access to the structure's common stairwell, hallway, or lot. Such spaces are typically labeled as recreation rooms, storage rooms, home offices, dens, or a combination of such rooms. If, however, this space contains the dwelling unit's only entranceway, or consists of a dwelling unit's only living room, dining room, or kitchen, it shall not be considered an additional dwelling unit. If this space consists of a commercial or live/work area required because it fronts on a commercial row or is proposed as permitted commercial space, it shall not be considered an additional dwelling unit.

40:3-5. New territory

Whenever lands or territory shall hereafter be acquired by annexation, the lands or territory shall be deemed to be zoned as it was prior to annexation in the municipality from which it was acquired.

Chapter 4: Permitted Uses by District

40:4. Use Categories

These two pages group all Principal Uses listed in the Use Charts that follow into Use Categories in order to ease identification of which Principal Use applies to a specific proposed development. Each Use Category (**highlighted in yellow and listed in bold type**) contains a variety of similar and related Principal uses (listed in non-bold type). Each Principal Use listed has a specific definition found in Chapter 2.

Animals (Pets)

Animal Boarding or Kennel, Pet Shop, Animal Shelter, Pound
Animal Grooming & Animal Daycare
Veterinary Clinic, Office & Veterinary Hospital

Antennas

Commercial Antenna & Microwave Dishes

Automotive Services, Sales and Repair

Automobile Repair & Tire Repair
Automobile Paint & Body Repair
Automobile Sales and Rentals
Automobile Car Wash
Commercial, Industrial Truck & Bus Services
Gasoline Station
Operation Facilities for
 Bus/Taxicab/Ambulance/Limousine
Truck Terminal
Vehicle Towing Facility

Aviation

Airport
Heliport

Community Facilities

Community Center
Places of Worship

Day Care Facilities

Child Care Centers

Education & Cultural

Business, Specialized or Vocational Schools
Colleges & Universities
(Galleries included under Retail Sales, General)
Museum
Primary & Secondary Schools

Entertainment & Nightlife

Bars, Cigar/Hookah
Bars, Taverns & Lounges
Nightclubs, Discotheques & Cabarets
Private Clubs (including Motorcycle Clubs)
Sexually Oriented Businesses

Food & Drink

Convenience Retail
Emergency Food Distribution Center, Food Pantry,
 Soup Kitchen
Fish, Meat and Poultry Market
Fresh Food Market
Liquor Store
Live Animal Market
Supermarket
Take-Out Restaurant
Sit-Down Restaurant
Wholesale Bakeries

Funeral

Cemeteries
Crematorium, Animal
Funeral Home/Mortuaries

Government Uses

Governmental (Non-Municipal Uses)
Municipal Uses

Manufacturing

Artist Live/Work Studio (Nuisance Producing)
Laundry Facility, Commercial/Wholesale
Manufacturing, Light
Manufacturing, Heavy
Manufacturing, Medium
Research & Development

Medical & Social Service

Emergency Food Distribution Center, Food Pantry,
 Soup Kitchen Medical Offices
Homeless Shelter
Hospital/Medical Institution
Medical Clinic or Emergency Care Facility
Methadone Maintenance Clinic
Substance Abuse Treatment Centers (does not include
 Methadone Maintenance clinics)

Office	Retail (no food)
Office	Check-Cashing Establishments & Bail Bond Agencies Consumer Repair Consignment Stores Department Store Dry Cleaning and Laundry Establishment Financial, Insurance, Real Estate, or Securities Brokerage Consumer Services Exterminator / Pesticide Application Business Furniture and Appliance Stores, Used Gun, Ammunition/Weapons Dealers Heavy Retail and Service Laundromat Large Format Retail and/or Shopping Center Pawn Shops Pet Shop Resale or Thrift Shops Retail Sales, General Consumer Goods
Outdoor Storage	
Materials Salvage or Junk Facility Outdoor Storage Outdoor Storage, Chemical	
Parking	
Parking Garage, Commercial Vehicle	
Personal Services	
Body Art Studio Personal Service Establishment Massage Facility	
Recreational	
Commercial Recreation Fitness Centers Passive Recreation Park Active Recreation Park Theater	
Residences & Lodging	
Single-Family Dwelling Two-Family Dwellings Three-Family Dwelling Town Houses Low-Rise Multi-Family Dwellings Mid-rise Multi-Family Dwellings High-rise Multi-Family Dwellings Dwelling above certain ground floor retail, offices and personal services Adult Family Care Home Artist Live/Work Space (Nuisance Producing) Assisted Living Facilities Community Residences for Developmentally Disabled, Persons with Head Injuries and Terminally Ill Persons, and Community Shelters for Victims of Domestic Violence Dormitories Hotels Nursing Homes Rooming and Boarding House	
Signage	
Billboards	
Utilities	
	Electrical or Gas Switching Facility, Power Distribution, or Substation Power Generation Facilities Solar Energy System (ground mounted, roof mounted, over parking lots and structured parking) Telephone Switching Facility Wind Energy System, Large
Urban Agriculture	
	Community Garden Market Garden Urban Farm
Warehousing & Distribution	
	Data Center Self Storage Warehousing, Wholesaling & Distribution
Waste & Recycling	
	Materials Salvage or Junk Facility Recycling Center Waste Transfer Station

40:4-1. Permitted uses in Residential Districts

Table 4-1: Residential Districts						
P = Permitted -- = Not Permitted C = Conditional Use Only Any use not listed below is also prohibited.						
	R-1	R-2	R-3	R-4	R-5	R-6
Principal Uses						
Single-Family Dwelling	P	P	P	P	--	--
Two-Family Dwelling	--	P	P	P	--	--
Three-Family Dwelling	--	--	P	P	--	--
Town House, Dwelling	--	--	P	P	--	--
Low-Rise Multi-Family Dwellings	--	--	--	P	P	P
Mid-Rise Multi-Family Dwellings	--	--	--	--	P	P
High-Rise Multi-Family Dwellings	--	--	--	--	--	P
Active Recreation Park	P	P	P	P	P	P
Assisted Living Facilities & Nursing Homes	--	--	--	C	C	C
Child Care Center	--	C	C	C	C	C
Community Centers	--	--	C	C	C	C
Community Gardens	--	P	P	P	P	P
Community Residences for the Developmentally Disabled, Persons with Head Injuries and Terminally Ill Persons and Community Shelters for Victims of Domestic Violence, Adult Family Care Home	P	P	P	P	P	P
Ground Floor Use for Child Care Center, Community Center, Consignment Store, Convenience Retail, Finance, Insurance Real Estate, or Securities Brokerage Consumer Services, Fresh Food Market, Governmental (Non-Municipal) Use, Municipal Use, Offices, Personal Services Establishment, or General Consumer Goods Retail Sales.	--	--	--	P	P	P
Municipal Uses	P	P	P	P	P	P
Passive Recreation Park	P	P	P	P	P	P
Places of Worship	--	C	C	C	C	C
Primary and Secondary Schools	C	C	C	C	C	C
Urban Farm (See Section 40:4-6. Additional Standards)	--	--	P	P	P	P

Table 4-1: Residential Districts

	R-1	R-2	R-3	R-4	R-5	R-6
Accessory Uses						
Automotive Lifts (see Section 40:4-6. Additional Standards)	-	-	-	-	P	P
Coldframe	-	P	P	P	P	P
Commercial Antennas & Microwave Dishes	-	-	-	-	-	C
Composting (See Section 40:4-6. Additional Standards)	P	P	P	P	P	P
Family Day Care Homes (see Section 40:4-6. Additional Standards)	P	P	P	P	P	P
Greenhouse	-	P	P	P	P	P
Home Occupation (See Section 40:1-6. Additional Standards)	P	P	P	P	P	P
Home Professional Offices	-	-	-	C	C	C
Hoophouse	-	P	P	P	P	P
Outdoor Storage, Portable Storage Units	P	P	P	P	P	P
Parking, Structured	-	-	-	P	P	P
Parking Garage, Private Residential	P	P	P	P	P	P
Private Sports Courts	C	C	C	C	C	C
Sheds and Other Accessory Storage Structures (See Section 40:4-6. Additional Standards)	P	P	P	P	P	P
Solar Energy Systems	C	C	C	C	C	C
Swimming Pools, Private	P	P	P	P	P	P
Wind Energy Systems, Small	C	C	C	C	C	C

40:4-2. Permitted uses in Commercial Districts

Table 4-2: Commercial Districts			
	C-1	C-2	C-3
Principal Uses			
Dwelling, Above the Ground Floor of Retail, Office or Service Use	P	P	P
Animal Daycare, Animal Grooming	—	—	C
Automobile Rentals	—	—	C
Automobile Repair and Tire Repair	—	—	C
Automobile Sales	—	—	C
Bail Bond Agency	—	P	P
Bar/Lounge, Cigar or Hookah (See Section 40:4-6. Additional Standards)	—	—	—
Bars, Taverns, Lounges	—	C	C
Billboards	—	—	—
Body Art Studio	—	C	C
Business, Specialized or Vocational Schools	—	P	P
Check-Cashing Establishments	—	—	P
Child Care Center	P	P	P
Cigar/Tobacco Retail Sales Establishment (See Section 40:4-6. Additional Standards)	—	P	P
Commercial Antennas & Microwave Dishes	C	C	C
Commercial Recreation	—	—	P
Community Centers	P	P	P
Community Gardens	P	P	P
Consignment Store	P	P	P
Consumer Repair Services	P	P	P
Convenience Retail (permitted on ground floor only)	P	P	P
Department Store	—	—	P
Dry Cleaning and Laundry Establishment	—	C	C
Emergency Food Distribution Center, Food Pantry, Soup Kitchen	—	C	C

Table 4-2: Commercial Districts			
	C-1	C-2	C-3
Finance, Insurance, Real Estate, or Securities Brokerage Consumer Services	P	P	P
Fish, Meat and Poultry Markets	—	P	P
Fitness Center	—	P	P
Fresh Food Market	P	P	P
Funeral Home or Mortuary	C	C	C
Furniture and Appliance Stores, Used	C	C	C
Gasoline Station	—	—	C
Governmental (Non-Municipal) Uses	P	P	P
Gun, Ammunition/Weapons Dealers	—	—	—
Hotels (See Section 40:4-6. Additional Standards)	—	—	P
Large Format Retail and/or Shopping Centers	—	—	C
Laundromat	P	P	P
Liquor Stores	—	—	C
Market Gardens	P	P	P
Massage Facility	—	C	C
Medical Clinic or Emergency Care Facility	—	P	P
Medical Offices	—	P	P
Methadone Maintenance Clinic	—	—	C
Municipal Uses	P	P	P
Nightclubs, Discotheques & Cabarets	—	C	C
Offices (only permitted on second floor or above in C-2)	P	P	P
Pawn Shops	—	—	C
Personal Service Establishment	P	P	P
Pet Shop (See Section 40:4-6. Additional Standards)	—	—	P
Place of Worship	C	C	C
Primary & Secondary Schools	C	C	C

Table 4-2: Commercial Districts

P = Permitted – = Not Permitted

C = Conditional Use Only

Any use not listed below is also prohibited.

	C-1	C-2	C-3
Private Clubs (See Section 40:4-6. Additional Standards)	–	C	C
Resale or Thrift Shop	–	–	C
Retail Sales, General Consumer Goods	P	P	P
Rooming House or Boarding House	–	C	C
Sit-Down Restaurant	P	P	P
Substance Abuse Treatment Center	–	–	C
Supermarket	–	P	P
Take-Out Restaurant	P	P	P
Theaters	–	P	P
Urban Farm (See Section 40:4-6. Additional Standards)	P	P	P
Veterinary Clinic, Office, or Hospital	–	–	C
Wholesale Bakeries	–	C	C
Accessory Uses			

Table 4-2: Commercial Districts

P = Permitted – = Not Permitted

C = Conditional Use Only

Any use not listed below is also prohibited.

	C-1	C-2	C-3
Automotive Lifts (see Section 40:4-6. Additional Standards)	P	P	P
Child Care Center	P	P	P
Coldframe	P	P	P
Composting (See Section 40:4-6. Additional Standards)	P	P	P
Donation Bin (See Section 40:4-6. Additional Standards)	P	P	P
Drive-Through Facilities	–	–	C
Emergency Food Distribution Center, Food Pantry, Soup Kitchen	C	C	C
Greenhouse	P	P	P
Home Occupation (See Section 40:4-6. Additional Standards)	P	P	P
Hoophouse	P	P	P
Farm Stand	P	P	P
Massage Facilities	C	C	C
Ice Cream Service Window	C	C	C
Outdoor Storage, Portable Storage Units	C	C	C
Parking, Structured	P	–	P
Sidewalk Café (accessory to permitted restaurant only, see Section 40:4-6. Additional Standards)	P	P	P
Solar Energy Systems	C	C	C
Wind Energy Systems, Small	C	C	C

40:4-3. Permitted uses in Industrial, Airport, and Port Area Districts

Table 4-3: Industrial, Airport, and Port Area Districts						
	I-1	I-2	I-3	EWR	EWR-S	PORT
Principal Uses						
Airport	—	—	—	P	—	—
Animal Boarding or Kennel, Animal Shelter, Pound	C	C	—	—	—	—
Animal Daycare, Animal Grooming	—	—	—	—	—	—
Artist Live/Work Studio (Nuisance Producing)	C	—	—	—	—	—
Automobile Paint and Body Repair	—	C	C	—	C	—
Automobile Rentals	C	C	—	—	C	—
Automobile Repair and Tire Repair	C	C	C	—	C	—
Automobile Sales	C	C	—	—	C	—
Automobile Car Wash	C	C	—	—	C	—
Bail Bond Agency	P	P	—	—	—	—
Billboards	—	—	C	—	C	C
Check-Cashing Establishment	P	P	—	—	—	—
Child Care Center	—	—	—	—	P	—
Commercial, Industrial Truck and Bus Services	—	C	C	—	C	—
Commercial Antennas & Microwave Dishes	C	C	C	C	C	C
Commercial Recreation	P	P	—	—	—	—
Convenience Retail	P	P	P	—	P	—
Crematorium, Animal	—	C	C	—	—	—
Data Center	P	P	P	—	P	—
Dry Cleaning & Laundry Establishment	—	C	C	—	C	—
Electrical or Gas Switching Facility, Power Distribution or Substation	—	—	P	—	—	—
Emergency Food Distribution Center, Food Pantry & Soup Kitchen	—	P	P	—	—	—
Exterminator / Pesticide Application Business	C	C	C	—	—	—
Finance, Insurance, Real Estate, or Securities Brokerage Consumer Services	—	—	—	—	P	—
Fish, Meat and Poultry Markets	P	—	—	—	—	—
Fitness Center	P	P	—	—	—	—
Gasoline Station	C	C	C	—	P	—
Governmental (Non-Municipal) Uses	P	P	P	P	P	P
Heavy Retail and Service	P	P	—	—	—	—
Heliport	—	—	—	P	P	—
Homeless Shelter	C	—	—	—	—	—
Hotels (See Section 40:4-6. Additional Standards)	—	—	—	—	P	—

Table 4-3: Industrial, Airport, and Port Area Districts

P = Permitted - = Not Permitted C = Conditional Use Only
 Any use not listed below is also prohibited.

	I-1	I-2	I-3	EWR	EWR-S	PORT
Laundry Facility-Commercial/Wholesale	P	P	P	-	-	-
Live Animal Market	C	C	C	-	-	-
Manufacturing, Heavy	-	-	P	-	-	P
Manufacturing, Light	P	P	P	-	P	P
Manufacturing, Medium	-	P	P	-	-	P
Materials Salvage or Junk Facility	-	C	C	-	-	-
Methadone Maintenance Clinic	C	-	-	-	-	-
Municipal Uses	P	P	P	P	P	P
Nightclubs, Discotheques & Cabarets	P	-	-	-	-	-
Operation Facilities for Bus/Taxicab/Ambulance/Limousine	P	P	-	-	P	-
Outdoor Storage	-	-	C	-	-	-
Outdoor Storage, Chemical	-	-	C	-	-	-
Parking Garage, Commercial Vehicle	-	P	P	-	-	-
Places of Worship	C	-	-	-	-	-
Power Generation Facilities	-	-	P	-	-	-
Recycling Center	C	C	C	-	-	-
Research and Development	P	P	P	-	P	-
Self Storage	P	-	-	-	-	-
Sexually Oriented Businesses	-	C	-	-	-	-
Sit-Down Restaurant	P	-	-	-	-	-
Solar Energy System	P	P	P	-	-	-
Substance Abuse Treatment Centers	C	-	-	-	-	-
Take-Out Restaurant	P	-	-	-	-	-
Telephone Switching Facility	P	P	P	-	-	-
Truck Terminal	-	P	P	-	-	-
Vehicle Towing Facility	P	P	-	-	-	-
Veterinary Clinic, Office or Hospital	C	-	-	-	-	-
Warehousing, Wholesaling and Distribution	P	P	P	P	P	P
Waste Transfer Station	-	-	P	-	-	-
Wholesale Bakeries	P	P	P	-	P	-
Wind Energy Systems, Large	P	P	P	-	-	-

Table 4-3: Industrial, Airport, and Port Area Districts

P = Permitted - = Not Permitted C = Conditional Use Only

Any use not listed below is also prohibited.

	I-1	I-2	I-3	EWR	EWR-S	PORT
Accessory Uses						
Automotive Lifts (see Section 40:4-6. Additional Standards)	P	P	P	P	P	P
Childcare Center	P	-	-	-	P	-
Commercial, Industrial Truck and Bus Wash	-	C	C	-	C	-
Composting (see Section 40:4-6. Additional Standards)	P	P	P	P	P	P
Parking Area, Private	P	P	P	-	P	P
Donation Bin (See Section 40:4-6. Additional Standards)	P	P	P	-	-	-
Drive-Through Facilities	C	-	-	-	C	C
Emergency Food Distribution Center, Food Pantry, Soup Kitchen	C	-	-	-	-	-
Offices	P	P	P	-	-	-
Outdoor Display Area	C	C	C	C	C	C
Outdoor Storage	C	C	C	C	C	C
Outdoor Storage, Chemical	C	C	C	C	C	C
Outdoor Storage, Portable Storage Units	C	C	C	C	C	C
Parking, Structured	P	P	P	P	P	P
Power Plant	-	-	C	-	-	-
Solar Energy Systems	C	C	C	C	C	C
Wind Energy Systems, Small	C	C	C	C	C	C

40:4-4. Permitted Uses in Mixed-Use & Other Districts

	MX-1	MX-2	INST	PARK	CEM
Primary Uses					
P = Permitted - = Not Permitted C = Conditional Use Only Any use not listed below is also prohibited.					
Single-Family Dwelling	P	P	-	-	-
Two-Family Dwelling	P	P	-	-	-
Three-Family Dwelling	P	P	-	-	-
Town House, Dwelling	P	P	P	-	-
Low-Rise Multi-Family Dwellings	P	P	P	-	-
Mid-Rise Multi-Family Dwellings	-	-	P	-	-
Artist Live/Work Studio (Nuisance Producing)	-	C	-	-	-
Active Recreation Park	P	P	P	P	-
Animal Boarding or Kennel, Animal Shelter, Pound	-	C	-	-	-
Animal Daycare, Animal Grooming	C	C	-	-	-
Automobile Repair and Tire Repair	-	P	-	-	-
Bar/Lounge, Cigar or Hookah (See Section 40:4-6. Additional Standards)	-	-	-	-	-
Bars, Taverns, Lounges	C	C	-	-	-
Body Art Studio	-	C	-	-	-
Business, Specialized or Vocational Schools	-	P	-	-	-
Cemeteries (See Section 40:4-6. Additional Standards)	-	-	-	-	P
Child Care Center	P	P	P	-	-
Colleges and Universities	-	-	P	-	-
Commercial Recreation	-	P	-	-	-
Community Centers	P	P	P	-	-
Community Gardens	P	P	P	P	-
Consignment Store	P	P	-	-	-
Consumer Repair Services	P	P	-	-	-
Convenience Retail	P	P	P	-	-
Data Center	-	P	-	-	-
Dormitory	-	-	P	-	-
Dry Cleaning and Laundry Establishment	C	C	C	-	-
Emergency Food Distribution Center, Food Pantry & Soup Kitchen	C	C	-	-	-
Finance, Insurance, Real Estate, or Securities Brokerage Consumer Services	P	P	-	-	-
Fish, Meat and Poultry Markets	P	P	-	-	-
Fitness Center	P	P	P	-	-
Fresh Food Market	P	P	P	-	-
Funeral Home or Mortuary	C	C	-	-	-

Table 4-4: Mixed-Use & Other Districts

P = Permitted – = Not Permitted C = Conditional Use Only

Any use not listed below is also prohibited.

	MX-1	MX-2	INST	PARK	CEM
Governmental (Non-Municipal) Uses	–	P	P	–	–
Homeless Shelter	C	C	C	–	–
Hospital or Medical Institution	–	–	P	–	–
Hotels (See Section 40:4-6. Additional Standards)	–	–	–	–	–
Laundromat	P	P	–	–	–
Manufacturing, Light	–	P	–	–	–
Massage Facilities	C	C	–	–	–
Medical Clinic or Emergency Care Facility	–	P	–	–	–
Medical Offices	P	P	–	–	–
Methadone Maintenance Clinic	–	C	–	–	–
Municipal Uses	P	P	P	–	–
Museums	–	–	P	–	–
Offices	P	P	P	–	–
Passive Recreation Park	P	P	P	P	–
Personal Service Establishment	P	P	–	–	–
Places of Worship	C	C	C	–	–
Primary and Secondary Schools	C	C	C	–	–
Private Clubs (See Section 40:4-6. Additional Standards)	C	–	–	–	–
Recycling Center	–	C	–	–	–
Resale or Thrift Shop	C	C	–	–	–
Research and Development	–	P	P	–	–
Retail Sales, General Consumer Goods	P	P	P	–	–
Sit-Down Restaurant	P	P	–	–	–
Substance Abuse Treatment Center	–	C	–	–	–
Supermarket	P	P	–	–	–
Take-Out Restaurant	P	P	–	–	–
Theater	–	–	P	–	–
Urban Farms (See Section 40:4-6. Additional Standards)	P	P	P	–	–
Veterinary Clinic, Office or Hospital	–	C	–	–	–
Warehousing, Wholesaling and Distribution	–	P	–	–	–
Wholesale Bakeries	–	P	–	–	–

Table 4-4: Mixed-Use & Other Districts

P = Permitted - = Not Permitted C = Conditional Use Only
 Any use not listed below is also prohibited.

	MX-1	MX-2	INST	PARK	CEM
Accessory Uses					
Automotive Lifts (see Section 40:4-6. Additional Standards)	-	P	P	-	-
Child Care Center	P	P	P	-	-
Coldframe	P	P	P	P	-
Columbarium	-	-	-	-	P
Composting (See Section 40:4-6. Additional Standards)	P	P	P	P	P
Crematorium, Animal	-	-	-	-	C
Crematorium, Human	-	-	-	-	C
Donation Bin (See Section 40:4-6. Additional Standards)	P	P	P	-	-
Emergency Food Distribution Center, Food Pantry & Soup Kitchen	C	C	-	-	-
Farm Stand	P	P	P	-	-
Greenhouse	P	P	P	P	-
Home Occupation (See Section 40:1-6-5. Additional Standards)	P	-	-	-	-
Home Professional Offices	C	C	-	-	-
Hoophouse	P	P	P	P	-
Maintenance Buildings	-	-	P	P	P
Massage Facilities	C	C	-	-	-
Mausoleum	-	-	-	-	P
Mausoleum, Family	-	-	-	-	P
Offices	P	P	P	-	P
Outdoor Storage, Portable Storage Units	-	C	C	-	C
Parking, Structured	P	P	-	-	-
Parking Garage, Private Residential	P	P	-	-	-
Place of Worship	-	-	-	-	P
Sidewalk Café (accessory to permitted restaurant only, see Section 40:4-6. Additional Standards)	P	P	P	-	-
Solar Energy Systems	C	C	C	-	C
Tombstones and Monuments	-	-	-	-	P
Wind Energy Systems, Small	C	C	C	C	C

40:4-5. Nonconforming Uses

40:1-5-1. Any lawful nonconforming use or structure existing on the effective date of the zoning ordinance, or at the time of the effective date of any amendment or supplement thereto making it a nonconforming use or structure, may be continued upon the lot or in the building so occupied, and any such structure may be restored or repaired in the event of partial destruction thereof, in accordance with this Title, except that any lawful nonconforming use subject to condition or conditions or limitation as to term of duration, shall continue subject to any condition or conditions, and only for and to the end of the term or duration for which such nonconforming use was granted.

40:1-5-2. No existing building or premises devoted to a nonconforming use as permitted by this Title, shall be enlarged, extended, reconstructed or structurally altered, unless a variance for such expansion has been granted by the Zoning Board of Adjustment pursuant to NJSA 40:55D-70d(2).

40:1-5-3. No nonconforming use which shall have been discontinued for a period exceeding twelve (12) months shall be resumed, nor shall it be replaced by any other nonconforming use.

40:1-5-4. In the event of a partial destruction of a structure devoted to a nonconforming use, the owner shall, within ninety (90) days after such event, give notice in writing to the Uniform Construction Code Official of his/her intention to restore or repair the structure, and within ninety (90) days after date of notice, commence and diligently proceed to the completion of the work.

40:1-5-5. In the construction of any definition in this Title, in its application to a nonconforming use, the definition shall be deemed a clarification of the applicable definition heretofore contained in any pre-existing ordinance.

40:4-6. Additional Standards

40:4-6-1. Automotive Lifts

1. General Automotive Lift Standards.

a. Automotive lifts shall be used only as expressly provided in this Section and as part of an approved site plan.

b. Automotive lifts shall comply with the applicable automotive lift requirements of the New Jersey Uniform Construction Code (NJAC 5:23).

d. The applicant shall certify that any permitted automotive lift shall comply with the most current ANSI/ ALI ALOIM "Safety Requirements for the Operation, Inspection, and Maintenance of Automotive Lifts" and provide a plan for ongoing operation, inspection and maintenance.

e. Automotive lifts shall comply with noise limitations set forth in Title 20, Chapter 3 of the Municipal Code of the City of Newark, known as the "Noise Control Ordinance of the City of Newark."

f. Automotive lifts shall be exempt from the parking dimensions requirements of Chapter 7. Off Street Parking and Loading Requirements.

2. Usage Standards.

a. Automotive Lift Usage in Residential Buildings or Residential Use in Mixed-Use Buildings.

i. Automotive lifts shall not be permitted in the R-1, R-2, R-3, R-4, R-5, R-6, C-1, C-2 and C-3 Districts, or in conjunction with any exclusively residential building with six (6) or fewer residential dwelling units.

ii. Where permitted, automotive lifts proposed to serve any use in a historic district shall only be located within a fully enclosed building.

iii. Where permitted, automotive lifts proposed to serve any use outside of or any residential use within the Fourth Business District shall only be located within a fully enclosed building.

iv. Where permitted, automotive lifts may be used to satisfy minimum off-street parking requirements set forth in Chapter 7.

v. Where automotive lifts are utilized in enclosed garages for the purpose of satisfying minimum parking requirements, at least one (1) parking space for each residential dwelling unit in the building in which it is located shall be provided in a manner that would not require the moving of another vehicle. Otherwise, a 24-hour, 7-day a week valet attendant is required. Automotive

lifts may be used to satisfy the remaining parking requirements, or parking in excess of the minimum required standards.

vi. Permitted automotive lifts within residential buildings shall be operated only by a valet or an attendant employed by the owner or operator of the building or by an owner or resident of a dwelling unit within the building whose parking space is specifically assigned to use that automotive lift.

b. Automotive Lift Usage in Non-Residential Buildings or Nonresidential Use in Mixed-Use Buildings.

i. Only in the R-5, R-6, C-2, C-3, I-1, I-2, I-3, EWR, EWR-S, PORT, MX-2 and INST Districts automotive lifts may be used in conjunction with permitted non-residential or mixed use buildings for any parking required or permitted in the building or at the site.

ii. Allowed automotive lifts within nonresidential buildings or serving the non-residential uses of a mixed use building shall be operated only by a valet or an attendant employed by the owner or tenant of the building. Automotive lifts serving residential portions of a mixed use building shall be subject to the restrictions in Section 40:5-8b.1 of this Chapter.

3. Height Standards

a. Any automotive lift system used for a parking area shall be limited by the height standards of the zoning district in which the parking lot is located. But no automotive lift shall exceed thirty-five (35) feet in height from the floor of the enclosed space in which it is located or from at grade if the unit is not enclosed.

40:4-6-2. Cemeteries

1. Within a cemetery, the following activities, structures, and buildings shall be permitted:

a. Internment of the dead and related activities associated therewith.

b. Places of worship as an accessory use.

c. An office strictly related to activities of the cemetery or a residence to be used exclusively for an employee involved in caretaking, security or other activities of the cemetery.

d. Erection of tombstones and monuments.

e. Accessory maintenance buildings related to the operation of the cemetery not to exceed a height of twenty (20) feet.

f. Mausoleums and columbaria subject to the following requirements:

i. There shall be only one (1) mausoleum and one (1) columbarium per cemetery;

ii. Family mausoleums shall not be limited in number.

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

iv. No mausoleum or columbarium shall be constructed without written approval from the New Jersey Department of Community Affairs of plans and specifications and without a building permit from the City Construction Official.

g. Crematories are subject to the following requirements:

i. Pursuant to NJSA 45:27-40, a crematory shall be located only on dedicated cemetery property not exclusively devoted to: 1) the operation of a crematory; or 2) the operation of a crematory and the disposition of cremated remains. Crematoriums operated in conjunction with a funeral home prior to December 1, 1971 are excepted from the provisions of this paragraph.

ii. The crematorium shall receive all necessary approvals from applicable State and Federal agencies.

iii. The crematorium shall emit no visible emissions.

iv. All activity relating to the deceased shall be screened from public view, including delivery and storage of the corpse.

v. All exterior walls of any crematory shall set back at least two hundred (200) feet from the nearest property line of the cemetery or from the nearest street line, whichever is applicable.

2. All permanent structures in a cemetery shall adhere to the following area and bulk restrictions:
 - a. Maximum height: Twenty (20) feet.
 - b. Minimum front yard setback: Thirty (30) feet.
 - c. Minimum side yard setback: Fifteen (15) feet.
 - d. Minimum rear yard setback: Thirty (30) feet.

40:4-6-3. Cigar Bars/Lounge & Cigar/Tobacco Retail Establishments

1. Cigar bars and cigar lounges are regulated pursuant to NJSA 26:3D-55 et seq., "New Jersey Smoke-Free Air Act" and NJAC 8:6 et seq. which states that smoking is prohibited in an indoor public place or workplace including cigar bars and cigar lounges.

2. A cigar bar or cigar lounge is exempt from the provisions of the New Jersey Smoke Free Air Act if the following conditions are met:

- a. The cigar bar or cigar lounge in the calendar year ending December 31, 2004, generated fifteen (15) percent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines; and
- b. The cigar bar or cigar lounge is registered with the local board of health in the municipality in which the bar or lounge is located. The registration shall remain in effect for one year and shall be renewable only if:
 - i. In the preceding calendar year, the cigar bar or lounge generated fifteen (15) or more if its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, and
 - ii. The cigar bar or cigar lounge has not expanded its size or changed its location since December 31, 2004.

40:4-6-4 Composting (accessory use)

1. No compost area may exceed 5 cubic yards in size. Any compost area must be placed at least 3 feet from any property line.

2. Organic waste must be generated on site.

3. All compost must be used on site.

4. Compost and raw materials shall not produce odor or attract mosquitos.
5. A rat, insect, rodent, bird and/or pest control such as screening or netting must be provided.
6. Surface water control to prevent composting materials from sitting in ponded surface water must be provided.
7. Compost must be turned at regular intervals to aid in physical breakdown until composting is complete.
8. Compost material shall not contain sewage.

40:4-6-4 Donation Bin (accessory use)

The placement and/or use of a clothing bin shall be regulated, and the use and location of bins shall be subject to the following requirements:

1. Donation bins shall only be located in nonresidential zoning districts. Exempt from this requirement shall be fire departments, first aid rescue squads, houses of worship, many of which are located in residential zones, provided that no clothing bin located on any fire, first aid squad facility, place of worship or school property shall be closer than 250 feet from an adjacent residential dwelling.
2. Donation bins shall not be in the public Right-of-Way.
3. The location of donation bins on real property shall be consistent with any existing site plan approval for the premises. If it is not, the applicant shall be required to obtain a waiver of site plan approval. If a site plan waiver is not obtained then the applicant shall apply for a revised site plan to the appropriate Land Use Board.
4. No more than two receptacles shall be located within any complex.
5. Each donation bin shall not exceed six feet in depth, eight feet in width and six feet in height.
6. The clothing bin shall be located in such a manner that it will not interfere with pedestrian and/or traffic circulation or otherwise cause a traffic hazard by virtue of any obstruction that it may create by its placement.
7. The receptacles shall be located in a clearly visible

and well-lighted area to permit inspection and enforcement.

8. The donation bin may be placed in parking stalls only if the site exceeds its minimum parking requirement.

9. No donation bin shall be placed in a required buffer area or within three feet of a property line, or in a sight triangle or fire zone.

10. No donation bin shall be placed in a parking space designated as handicapped parking.

11. No clothes shall be stored outside the donation bin.

12. The person placing, using or employing a donation bin shall maintain the bin and the area surrounding the bin such that there shall be no accumulation of clothing or other donations outside the bin.

13. The bin shall be emptied no less than once a week and the area immediately surrounding shall be maintained in a clean and sanitary condition, and the clothing bin should remain in good working order and painted.

40:4-6-5. Family Day Care Home

1. The use shall be registered with the New Jersey Department of Children and Families as a family day care home and for which a certificate of registration has been issued pursuant to the "Family Day Care Provider Registration Act" P.L. 1987, c. 27 (C.30:5B- 16 et seq.). The facility shall be in compliance with all State and City regulations including Chapter 126 Manual of Requirements for Family Child Care Registration (NJAC 10:126-1 et seq.) issued by the State of New Jersey Department of Children and Families.

2. The family day care provider shall be a resident of the home in which the service is to be provided.

3. There shall be no change in the appearance of the dwelling or premises, or any visible evidence of the conduct of a family day care home.

4. There shall be no storage of equipment, vehicles or supplies associated with the family day care home outside the dwelling.

40:4-6-6. Home Occupations

1. No persons outside of the residents who occupy the dwelling shall be permitted to work on the premises.

2. There shall be kept no stock in trade nor commodity sold upon the premises.

3. There shall be no change in the appearance of the dwelling or premises, or any visible evidence of the conduct of a home occupation including any artificial light.

4. There shall be no storage of equipment, vehicles or supplies associated with the home occupation outside the dwelling.

5. There shall be no display of products visible in any manner from outside the dwelling, nor shall any advertising display or identification signs be permitted; other than a name plate exceeding one (1) square foot in area.

6. The home occupation shall not involve the use of commercial vehicles or delivery service for delivery of materials to or from the premises or create more traffic than is customary for a residence of the type permitted in the zone.

7. No customer, clients, colleagues or members of the public shall visit the home in connection with the home occupation carried on within the dwelling.

8. Commercial newspaper, radio or television services or other forms of advertising including through the Internet, shall not be used to advertise the location of the home occupation to the public.

9. No equipment or process shall be used in a home occupation other than is customarily used for domestic and household purposes and no equipment shall be used or process conducted which creates noise, vibration, glare, fumes or odors detectable to the normal sense at the property boundary lines of the premise or within other dwelling units in the same building.

10. Any occupation or activity carried out for gain by a resident shall be conducted entirely within the dwelling unit and shall be clearly incidental to the use of the structure as a dwelling. No accessory structures or areas outside the principal structure shall be used for or in connection with the home occupation.

40:4-6-7. Hotels

1. A hotel shall not be a permanent or primary residence for its users.
2. A hotel shall not contain a self-service guest laundry.
3. Minimum rental period for each non-meeting room shall be twenty-four (24) hours, maximum period shall be eleven (11) months.
4. All rooms shall only have access by way of a common lobby and hallway. There can be no direct access to a room from a parking space by way of an outside doorway at the room or direct access to a garage. "Motels" or "motor hotels" shall not be permitted.
5. Outdoor recreational facilities such as swimming pools and tennis courts may be permitted but shall be no closer than twenty-five (25) feet to the property boundary of a residential use or residential zone boundary, and shall comply with Section 40:4-12 Buffers of this Chapter.
6. No outdoor public address or music system shall be used.

40:4-6-8. Pet Shops

1. Applicants wishing to operate a pet store shall obtain a license from the City of Newark pursuant to Title VI Animals and Fowl, Chapter 2, Other Animals, Fowl, Article 2, Bird Stores or Pet Shops of the Revised General Ordinances of the City of Newark.
2. Applicants shall comply with the applicable requirements of NJAC 8:23A-1.1 et seq. Sanitary Operation of Kennels, Pet Shops, Shelters and Pounds.

40:4-6-9. Sheds & Other Accessory Storage Units

1. Such structures shall be located closer to any street frontage than the principal building.
2. Such structure shall not exceed one (1) story or ten (10) feet in height.
3. Such structure shall be set back at least one and one half (1.5) feet from the rear or side lot lines.
4. The building footprint (ground level building coverage) of such structure may not exceed 200 square feet.

5. Such structure shall be set back at least ten (10) feet from all other accessory and principal buildings on the same tax lot.

6. There shall only be one such structure per tax lot.

40:4-6-10. Sidewalk Cafes

1. Eating and drinking establishments wishing to operate an accessory sidewalk café shall obtain a license from the City of Newark and operate and maintain the sidewalk café in accordance with the regulations of Title XXIX, Streets and Sidewalks, Chapter 26 Sidewalk Cafes of the Revised General Ordinances of the City of Newark.

2. No outdoor public address or outdoor music system shall be used.

40:4-6-11. Urban Farms

1. Urban farms must provide a water source from on-site or off-site source.
2. Green houses and hoop houses shall not exceed 15 feet in height and shall be located at least three feet from side and rear property lines.
3. Equipment used for farming and selling shall be kept in enclosed structures.
4. The only animals permitted to live on-site is fowl and rabbits, except for roosters and any animals that make sounds. No fowl or rabbits shall be allowed, under any circumstances, to run at large. They shall be kept confined in a suitable house or coop with an enclosed runway. (R.O. 1966 § 6:2-25).
5. Compost may be collected on site and may be sold or given away to the public on-site.
6. A 10 square foot sign is permitted to be attached to a building, wall or a fence.

Chapter 5. Building Bulk & Design Requirements

The Newark Zoning & Land Use Ordinance provides the rules for the bulk and design of buildings organized by *building types* such as single-family house, apartment building, and houses of worship. Once you understand the zone for a particular lot in the city and the uses that are permitted for that lot, this chapter provides the rules for which building types are permitted to contain those uses, and the rules for the physical layout and shape of the building.

40:5-1. Permitted Building Types by Zoning District

Table 5.1 below indicates which building types are permitted in which zones.

On the following pages, Tables 40:5-2 and 40:5-3 provide the specific bulk and design standards for each buliding type. Following that, graphic illustrations depict the rules for building type. In case of conflict or ambiguity, bulk and design standards provided in tables shall prevail.

Table 5.1 Building types permitted by zone																
BUILDING TYPE	R1	R2	R3	R4	R5	R6	C1	C2	C3	I1	I2	I3	MX1	MX2	INST	EWR-S
RESIDENTIAL																
One-family	P	P	P	P									P	P		
Two-family		P	P	P									P	P		
Three-family			P	P									P	P		
Townhouse		P	P	P									P	P	P	
Low-rise multifamily & Four-Family				P	P	P	P						P	P	P	
Mid-rise multifamily					P	P									P	
High-rise multifamily						P										
COMMERCIAL																
Ground-floor commercial with commercial or residential above				P	P	P	P	P	P				P	P	P	
Detached commercial								P	P				P			P
INDUSTRIAL																
CIVIC/INSTITUTIONAL																
University																P
Hospital or Medical Institution																P
Schools (Elementary, Middle, High Schools)		P	P	P	P	P	P	P	P				P			P
Place of Worship		P	P	P	P	P	P	P	P	P			P	P	P	
Community Center, Stand-Alone Daycare or Preschool in a Non-residential Area, and other Civic Buildings				P	P	P	P	P	P				P	P	P	

40:5-2. Bulk & Design Standards for 1-family houses in R-1

Table 5.2 Bulk & Design Standards for 1-family houses in R-1

	Min Lot Size for Subdivision	Min Lot Width for Subdivision	Max Building Height	Front Yard	Side Yard
1-family house in R-1 For accessory buildings in residential districts see Note 7 on page 114. For fire escapes, see Note 9 on page 115.	5000 SF	50 feet	3 stories and 35 feet For towers, cupolas, and other elements of architectural character, see Note 1 on page 114.	Front setback shall match the shorter front setback of the two closest principle buildings on each side of the project site on the same block as the site up to 50 feet. If no prevailing setback, 15 feet max and min. For through lots, a front yard shall be provided at each street. For corner lots, there shall be a front yard on each street-facing frontage, provided that the width of such lot for building purposes shall not be reduced to less than 25 feet and no accessory building shall project into the front yard on either street. No front yard on the longer side of a corner need exceed 12½ feet.	One side yard must be 10 feet minimum and other must be 5 feet minimum. For ornamental features, window sills, bay windows, and balconies, see Note 10 on page 115. For chimneys, see Note 12 on page 115.

Table 5.2 Bulk & Design Standards for 1-family houses in R-1 (continued)

Min Rear Yard	Min Lot Area per Dwelling	Max Lot Coverage	Max Impervious (Paved) Yard Area	Min Building Transparency	Orientation of primary entrance
30 feet For ornamental features, window sills, bay windows, and balconies, see Note 10 on page 115. For chimneys, see Note 12 on page 115. When a rear yard opens onto a public alley, see Note 13 on page 115.	n/a	40%	Front Yard: 30% Rear Yard: 50% Only one driveway no wider than 10 feet permitted in the front yard area. A paved walkway is permitted along one side of a dwelling at the side yard.	Primary Front Façade: 30% Street-Facing Side & Rear Façades: 20% Non-Street-Facing Façades: 10% or the maximum allowed by construction code, whichever is greater. All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.	Primary street facing façade must include primary entrance. Corner lots must include two entrances, one on each street-facing façade.

40:5-3. General Bulk & Design Standards

Table 5.3 General Bulk & Design Standards

	Min Lot Size for Subdivision	Min Lot Width for Subdivision	Max Building Height	Front Yard	Side Yard	Min Rear Yard	Min Lot Area per Dwelling	Max Lot Coverage
1-family For accessory buildings in residential districts see Note 7 on page 114. For fire escapes, see Note 9 on page 115.	2500 square feet	25 feet	3 stories and 36 feet For towers, cupolas, and other elements of architectural character, see Note 1 on page 114.	Front setback shall match the shorter front setback of the two closest principle buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback. Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 on page 114. For through lots, see Note 3 on page 114. For corner lots, see Note 4 on page 114.	3 feet minimum	30 feet	n/a	50%
2-family For accessory buildings in residential districts see Note 7.	2500 square feet	25 feet	3 stories and 36 feet For towers, cupolas, and other elements of architectural character, see Note 1.	Front setback shall match the shorter front setback of the two closest principle buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback. Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 on page 114. For through lots, see Note 3 on page 114. For corner lots, see Note 4 on page 114. For stoops, see Note 8 on page 115. For porches, see Note 11 on page 115.	3 feet minimum For party walls and other exceptions, see Note 5 on page 114.	30 feet For ornamental features, window sills, bay windows, and balconies, see Note 10 on page 115.	1250 SF/du For ornamental features, window sills, bay windows, and balconies, see Note 10 on page 115. For chimneys, see Note 12 on page 115.	50%

Max Impervious (Paved) Yard Area	Min Building Transparency	Orientation of primary entrance	Active Ground floor Reqs
<p>Front Yard: 65% Rear Yard: 30%</p> <p>Only one driveway no wider than 10 feet permitted in the front yard.</p> <p>A paved walkway is permitted along one side of a dwelling.</p>	<p>Primary Front Façade: 30% Street-Facing Side & Rear Façades: 20%</p> <p>Non-Street-Facing Façades: 10% or the maximum allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>Corner lots must include two entrances, one on each street-facing façade.</p>	n/a
<p>Front Yard: 60% Rear Yard: 30%</p> <p>Only one driveway no wider than 10 feet permitted in the front yard area.</p> <p>A paved walkway is permitted along one side of a dwelling at the side yard.</p>	<p>Primary Front Façade: 30% Street-Facing Side & Rear Façades: 20%</p> <p>Non-Street-Facing Façades: 10% or the maximum allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>All units must be accessible from front or side façade. Rear primary entrances are prohibited.</p>	n/a

Table 5.3 General Bulk & Design Standards

	Min Lot Size for Subdivision	Min Lot Width for Subdivision	Max Building Height	Front Yard	Side Yard	Min Rear Yard	Min Lot Area per Dwelling	Max Lot Coverage
3-family For accessory buildings in residential districts see Note 7 on page 114.	3500 square feet	35 feet	3 stories and 36 feet For towers, cupolas, and other elements of architectural character, see Note 1 on page 114.	Front setback shall match the shorter front setback of the two closest principle buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback. Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 on page 114. For through lots, see Note 3 on page 114. For corner lots, see Note 4 on page 114.	3 feet minimum For party walls and other exceptions, see Note 5 on page 114. For ornamental features, window sills, bay windows, and balconies, see Note 10 on page 115. When a rear yard opens onto a public alley, see Note 13 on page 115.	30 feet For ornamental features, window sills, bay windows, and balconies, see Note 10 on page 115.	1165 SF/du	55%
Townhouse (At least 3 adjacent town houses with 1-3 families in each with shared side driveway) For accessory buildings in residential districts see Note 7 on page 114.	7000 square feet	70 feet	3 stories and 36 feet For towers, cupolas, and other elements of architectural character, see Note 1 on page 114.	Front setback shall match the shorter front setback of the two closest principle buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback. Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 on page 114. For through lots, see Note 3 on page 114. For corner lots, see Note 4 on page 114.	3 feet minimum For party walls and other exceptions, see Note 5 on page 114. 10-foot-wide driveway may be placed at side property line.	30 feet	770 SF/du	60%

Max Impervious (Paved) Yard Area	Min Building Transparency	Orientation of primary entrance	Active Ground floor Reqs
<p>Front Yard: 55% Rear Yard: 75%</p> <p>Only one driveway no wider than 10 feet permitted in the front yard area.</p> <p>A paved walkway is permitted along one side of a dwelling at the side yard.</p>	<p>Primary Front Façade: 30%</p> <p>Street-Facing Side & Rear Façades: 20%</p> <p>Non-Street-Facing Façades: 10% or the maximum allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>All units must be accessible from front or side façade. Rear primary entrances are prohibited.</p>	n/a
<p>Front Yard: 55% Rear Yard: 15%</p> <p>Only one driveway no wider than 10 feet permitted in the front yard area.</p> <p>A paved walkway is permitted along one side of a dwelling at the side yard.</p>	<p>Primary Front Façade: 30%</p> <p>Street-Facing Side & Rear Façades: 20%</p> <p>Non-Street-Facing Façades: 10% or the maximum allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p>	<p>Primary street-facing façade must include primary entrance for each town house.</p> <p>All units must be accessible from front or side façade. Rear primary entrances are prohibited.</p>	n/a

Table 5.3 General Bulk & Design Standards

	Min Lot Size for Subdivision	Min Lot Width for Subdivision	Max Building Height	Front Yard	Side Yard	Min Rear Yard	Min Lot Area per Dwelling	Max Lot Coverage
Low-rise multifamily For accessory buildings in residential districts see Note 7 on page 114.	10,000 square feet	100 feet	4 stories and 48 feet For towers, cupolas, and other elements of architectural character, see Note 1 on page 114.	Front setback shall match the shorter front setback of the two closest principle buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback. Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 on page 114. For through lots, see Note 3 on page 114. For corner lots, see Note 4 on page 114.	5 feet minimum For party walls and other exceptions, see Note 6 on page 114.	30 feet	625 SF/du	66%
Mid-rise multifamily For accessory buildings in residential districts see Note 7 on page 114.	10,000 square feet	100 feet	8 stories and 96 feet For towers, cupolas, and other elements of architectural character, see Note 1 on page 114.	Front setback shall match the shorter front setback of the two closest principle buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback. Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 on page 114. For through lots, see Note 3 on page 114. For corner lots, see Note 4 on page 114.	5 feet minimum For party walls and other exceptions, see Note 6 on page 114.	30 feet	350 SF/du	60%

Max Impervious (Paved) Yard Area	Min Building Transparency	Orientation of primary entrance	Active Ground floor Reqs
Front Yard: 55% Rear Yard: 30%	<p>Primary Front Façade: 50%</p> <p>Street-Facing Side & Rear Façades: 35%</p> <p>Non-Street-Facing Façades: 20% or the maximum allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>If there is retail, office or personal services on the ground floor between zero (0) and 14 feet, the front façade must have 65% transparency.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>All units must be accessible from front or side façade. Rear primary entrances are prohibited.</p> <p>If there is one or more units of retail, office, or personal services on the ground floor between zero (0) and 14 feet, each unit must have its own primary entrance on the street-facing façade.</p>	If there is one or more units of retail, office or personal services on the ground floor, the ground floor shall have a 14 feet max floor-to-floor height.
Front Yard: 55% Rear Yard: 30%	<p>Primary Front Façade: 50%</p> <p>Street-Facing Side and Rear Façades: 35%</p> <p>Non-Street Facing Walls: 20% or the maximum amount allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>If there is retail, office or personal services on the ground floor between zero (0) and 14 feet, the front façade must have 65% transparency.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>All units must be accessible from front or side façade. Rear primary entrances are prohibited.</p> <p>If there is one or more units of retail, office, or personal services on the ground floor between zero (0) and 14 feet, each unit must have its own primary entrance on the street-facing façade.</p>	If there is one or more units of retail, office or personal services on the ground floor, the ground floor shall have a 14 feet max floor-to-floor height.

Table 5.3 General Bulk & Design Standards

	Min Lot Size for Subdivision	Min Lot Width for Subdivision	Max Building Height	Front Yard	Side Yard	Min Rear Yard	Min Lot Area per Dwelling	Max Lot Coverage
High-rise multifamily	10,000 square feet	100 feet	<p>10 stories and 120 feet</p> <p>An additional 1 story per 12 feet of height shall be permitted for each additional 1,000 SF of lot area up to 20,000 SF, for a maximum height of 20 stories and 243 feet.</p>	<p>Front setback shall match the shorter front setback of the two closest principle buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback.</p> <p>Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 on page 114.</p> <p>For through lots, see Note 3 on page 114.</p> <p>For corner lots, see Note 4 on page 114.</p>	10 feet minimum	30 feet	300 SF/du	60%
Ground-floor commercial with commercial or residential above	3,500 square feet	35 feet	<p>In C1 zone: 4 stories and 48 feet</p> <p>In C2 zone: 5 stories and 60 feet</p> <p>In C3 zone: 8 stories and 96 feet</p> <p>In MX-1 & MX-2 zones: 4 stories and 48 feet</p>	<p>Minimum: 0 feet Maximum: 5 feet</p> <p>Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 on page 114.</p>	0 feet min and max	<p>Abutting a residential district or residential use: 25 feet</p> <p>Abutting a non-residential district: 20 feet</p>	<p>In C1 zone: 580 SF/du</p> <p>In C2 zone: 340 SF/du</p> <p>In C3 zone: 310 SF/du</p>	80%

Max Impervious (Paved) Yard Area	Min Building Transparency	Orientation of primary entrance	Active Ground floor Reqs
Front Yard: 55% Rear Yard: 30%	<p>Primary Front Façade: 50%</p> <p>Street-Facing Side & Rear Façades: 35%</p> <p>Non-Street Facing Walls: 20% or the maximum amount allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>If there is retail, office or personal services on the ground floor between zero (0) and 14 feet, the front façade must have 65% transparency.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>All units must be accessible from front or side façade. Rear primary entrances are prohibited.</p> <p>If there is one or more units of retail, office, or personal services on the ground floor between zero (0) and 14 feet, each unit must have its own primary entrance on the street-facing façade.</p>	If there is one or more units of retail, office or personal services on the ground floor, the ground floor shall have a 14 feet max floor-to-floor height.
Front Yard: n/a Rear Yard: 50%	<p>Ground-level street-facing façade below 14 feet in height: 65%</p> <p>Ground-level windows must allow views of indoor nonresidential space or product display areas.</p> <p>Corner uses having frontage on two streets shall meet this requirement for each of the street frontages.</p> <p>Primary Front Façade (excluding ground-level façade): 50%</p> <p>Street-Facing Side and Rear Façades: 35%</p> <p>Non-Street Facing Walls: 20% or the maximum amount allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>Reflective, mirrored, smoked and dark tinted glass are prohibited on façades facing a public street.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>Buildings may have more than one principal façade and/or entry.</p> <p>Entries to non-residential uses shall have their own individual entrance from a sidewalk or walkway; mall-style interior retail entrances are prohibited.</p>	Ground floor shall have a 14 feet min floor-to-floor height.

Table 5.3 General Bulk & Design Standards

	Min Lot Size for Subdivision	Min Lot Width for Subdivision	Max Building Height	Front Yard	Side Yard	Min Rear Yard	Min Lot Area per Dwelling	Max Lot Coverage
Detached commercial	5000 square feet	50 feet	In MX-1 zone: 4 stories and 48 feet In C-3, I-1, & EWR-S zones: 8 stories and 96 feet	Minimum 0 feet Maximum 5 feet	0 feet or 5 feet	Abutting a residential district: 25 feet Abutting a non-residential district: 20 feet	n/a	85%
Industrial	5000 square feet	50 feet	In MX-2 zone: 4 stories and 48 feet In I-1, I-2, I-3 & EWR-S zones: 8 stories and 96 feet	Front setback shall match the shorter front setback of the two closest principle buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback.	3 feet minimum	50 feet abutting a residential district; 20 feet abutting a non-residential district	n/a	85%

Max Impervious (Paved) Yard Area	Min Building Transparency	Orientation of primary entrance	Active Ground floor Reqs
Front Yard: 55% Rear Yard: 60%	<p>Ground-level street-facing façade below 14 feet in height: 65%</p> <p>Ground-level windows must allow views of indoor nonresidential space or product display areas.</p> <p>Corner uses having frontage on two streets shall meet this requirement for each of the street frontages.</p> <p>Primary Front Façade (excluding ground-level façade): 50%</p> <p>Street-Facing Side and Rear Façades: 35%</p> <p>Non-Street Facing Walls: 20% or the maximum amount allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>Reflective, mirrored, smoked and dark tinted glass is prohibited on façades facing a public street.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>Buildings may have more than one principal façade and/or entry. (§40:7-2-2).</p> <p>Entries to non-residential uses shall have their own individual entrance from a sidewalk or walkway; mall-style interior retail entrances are prohibited (§40:8-2-19).</p>	<p>Ground floor shall have a 14 feet min floor-to-floor height.</p> <p>Maximum 30% of primary lot frontage may be used for parking.</p> <p>Minimum 50% of primary lot frontage must be occupied by building at front setback.</p>
Front Yard: 55% Rear Yard: 30%	Primary Front Façade: 25%	Primary street-facing façade must include primary entrance.	n/a

Table 5.3 General Bulk & Design Standards

	Min Lot Size for Subdivision	Min Lot Width for Subdivision	Max Building Height	Front Yard	Side Yard	Min Rear Yard	Min Lot Area per Dwelling	Max Lot Coverage
University	10,000 square feet	100 feet	20 stories, 210 feet	Minimum 5 feet Maximum 10 feet	5 feet	30 feet	n/a	80%
Hospital or Medical Institution	10,000 square feet	100 feet	20 stories, 210 feet	Minimum 5 feet Maximum 10 feet	5 feet	30 feet	n/a	n/a
Schools (elementary, middle and high school)	10,000 square feet	100 feet	Schools: 5 stories, 55 feet	Minimum 5 feet Maximum 10 feet	5 feet	30 feet	n/a	65%

Max Impervious (Paved) Yard Area	Min Building Transparency	Orientation of primary entrance	Active Ground floor Reqs
Front Yard: 55% Rear Yard: 30%	<p>Primary Front Façade: 50%</p> <p>Street-Facing Side and Rear Façades: 50%</p> <p>Non-Street Facing Walls: 35% or the maximum amount allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>Reflective, mirrored, smoked and dark tinted glass is prohibited on façades facing a public street.</p>	<p>Primary street-facing façade must include primary entrance.</p> <ul style="list-style-type: none"> • Rear primary entrances are prohibited. 	n/a
Front Yard: 55% Rear Yard: 30%	<p>Primary Front Façade: 50%</p> <p>Street-Facing Side and Rear Façades: 50%</p> <p>Non-Street Facing Walls: 35% or the maximum amount allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>Reflective, mirrored, smoked and dark tinted glass is prohibited on façades facing a public street.</p>	<p>Primary street-facing façade must include primary entrance.</p> <ul style="list-style-type: none"> • Rear primary entrances are prohibited. 	n/a
Front Yard: 55% Rear Yard: 30%	<p>Primary Front Façade: 50%</p> <p>Street-Facing Side and Rear Façades: 50%</p> <p>Non-Street Facing Walls: 35% or the maximum amount allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>Reflective, mirrored, smoked and dark tinted glass is prohibited on façades facing a public street.</p>	<p>Primary street-facing façade must include primary entrance.</p> <ul style="list-style-type: none"> • Rear primary entrances are prohibited. 	n/a

Table 5.3 General Bulk & Design Standards

	Min Lot Size for Subdivision	Min Lot Width for Subdivision	Max Building Height	Front Yard	Side Yard	Min Rear Yard	Min Lot Area per Dwelling	Max Lot Coverage
Place of Worship	10,000 square feet	100 feet	2 stories and 30 feet, excluding steeple, tower or cupola element, which can be 30 feet above permitted height	Minimum 5 feet Maximum 10 feet	5 feet	20 feet	n/a	65%
Community Center, Stand-Alone Daycare or Preschool in a Non-residential Area, and other Civic Buildings	5,000 square feet	50 feet	Community Center, Stand-Alone Daycare or Preschool in a non-residential area: 3 stories, 35 feet	Minimum 5 feet Maximum 10 feet	5 feet	30 feet	n/a	65%

Max Impervious (Paved) Yard Area	Min Building Transparency	Orientation of primary entrance	Active Ground floor Reqs
Front Yard: 55% Rear Yard: 20%	Primary Front Façade: 50% Street-Facing Façades and Side: 35% Rear Façade: 20% Non-Street Facing Façades: 20% or the maximum allowed by construction code, whichever is greater. All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement	Primary street-facing façade must include primary entrance. Rear primary entrances are prohibited.	n/a
Front Yard: 55% Rear Yard: 30%	Primary Front Façade: 50% Street-Facing Side and Rear Façades: 50% Non-Street Facing Façades: 35% or the maximum allowed by construction code, whichever is greater. All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.	Primary street-facing façade must include primary entrance. Rear primary entrances are prohibited.	n/a

Note 1 Architectural elements such as towers and cupolas may break this limit but not by greater than 6 feet.

Note 2 Bay windows (with no wall section greater than 6 feet), balconies, stoops, and porches are permitted to encroach into the front setback area.

Note 3 For through lots, the street frontage where the closest principal buildings on each end of the lot that have the lesser setback shall be considered the front yard.

Note 4 For corner lots, the following special setback requirements apply to the street frontages of the two intersecting streets in R-2, R-3, R-4, MX-1, and MX-2: 1) one of the setbacks of a new structure shall match the lesser front setback of the closest principal building on that block and on that street frontage; 2) the other frontage's setback shall be 6 feet or less.

Note 5 1) Side yard setback is allowed to be zero instead of 3 feet if the closest building on the adjacent lot has 3 feet of setback from the common lot line; 2) The side yard setback is also allowed to be zero instead of the minimum if the closest building on the adjacent lot has a zero setback from the common lot line and the new structure's wall can be built flush with the adjacent building's wall; 3) No new construction shall encroach within 3 feet of another building's windows or other fenestrations nor block emergency access to those fenestrations. In cases where the side yard setback is to be zero, the setback area from that adjacent building's fenestrations shall only extend from the location of the fenestration to the rear of the new structure; 4) No side yard shall be of a distance between zero and 3 feet.

Note 6 1) The side yard setback is allowed to be zero instead of 5 feet if the closest building on the adjacent lot has 5 feet of setback from the common lot line; 2) The side yard setback is also allowed to be zero instead of the minimum if the closest building on the adjacent lot has a zero setback from the common lot line and the new structure's wall can be built flush with the adjacent building's wall; 3) No new construction shall encroach within 5 feet of another building's windows or other fenestrations nor block emergency access to those fenestrations. In cases where the side yard setback is to be zero, the setback area from that adjacent building's fenestrations shall only extend from the location of the fenestration to the rear of the new structure; 4) No side yard shall be of a distance between zero and 5 feet.

Note 7 1) Accessory buildings may occupy forty (40%) percent of the required area of a rear yard up to a height of eighteen (18) feet above the curb level; 2) No accessory building shall be erected or altered in any interior lot fronting upon only one (1) street so as to encroach upon that half of the lot depth nearest the street; 3) No accessory building shall be erected or altered on an interior lot fronting upon two (2) streets so as to encroach upon that fourth of the lot depth nearest either street; 4) On corner lots, no accessory buildings shall be located within three (3) feet of its rear lot line or side lot line when such line forms part of the front half of the side line of an adjacent interior lot, or nearer any street line than the setback line to be observed by adjacent buildings, and in no case, less than four (4) feet from the street line; 5) The foregoing regulations shall not prohibit any accessory building fifty (50) feet or more from any street line. A private garage may be attached to an existing

building provided the front of the garage does not extend beyond the front of the main building, and the garage shall conform to the architectural design and construction of the main building.

Note 8 Stoops may encroach into a front yard with the following dimensions: 1) Minimum depth: four feet; 2) Minimum length: ten (10) percent of building frontage; 3) Maximum length: twenty-five (25) percent of building frontage; 4) Maximum height: ninety-six inches.

Note 9 An open or lattice enclosed iron fire-escape, fireproof outside stairway, or solid-floored balcony to a fire tower may project not more than four (4) feet into a rear yard, except that: 1) An open or lattice-enclosed iron fire-escape may project not more than eight (8) feet into a rear yard, when it does not occupy more than twenty (20%) percent of the area of such yard; 2) The construction of fire escapes on single-family dwellings shall be prohibited at any street exposure. In every district, the construction of fire escapes on single-family dwellings shall be prohibited at any street exposure.

Note 10 The area required in a yard at any given level shall be open from such level to the sky unobstructed, except for the following: 1) Parapets, cornices and other ornamental features may extend into a yard no greater than eighteen (18) inches; 2) Window sills and belt courses may extend into a yard no greater than four (4) inches; 3) Bay windows with no wall section wider than six feet may extend into a front yard no greater than four (4) feet; 4) Upper-story balconies may extend into a yard no greater than five (5) feet.

Note 11 A one-story open porch may project into a required front yard for a distance not greater than eight (8) feet.

Note 12 Chimneys or flues may be erected within a side or rear yard, provided they do not project more than two (2) feet and they shall not obstruct ventilation.

Note 13 In computing the depth of a rear yard when the rear yard opens onto a public alley, one-half (1/2) of the width of the alley may be considered to be a portion of the rear yard.

40:5-4 Illustrated Bulk & Design Requirements

Single-Family House in R-1 Zone

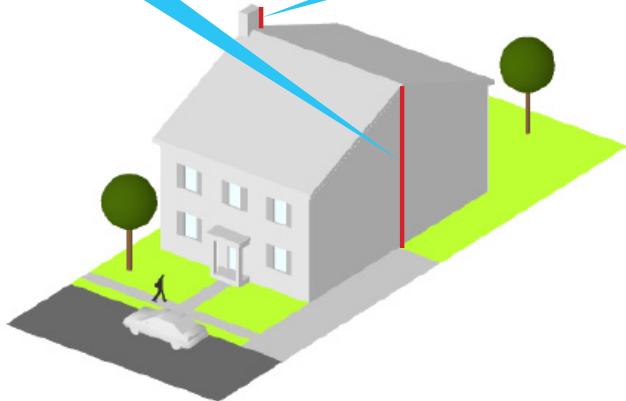
**Minimum lot size
for subdivision is
5000
square feet**

**Minimum lot
width for
subdivision is
50
feet**

Height

Maximum building height
is 3 stories and 35 feet.

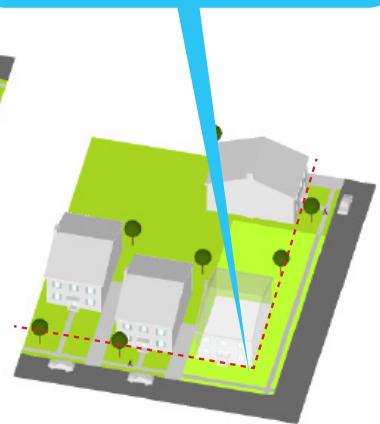
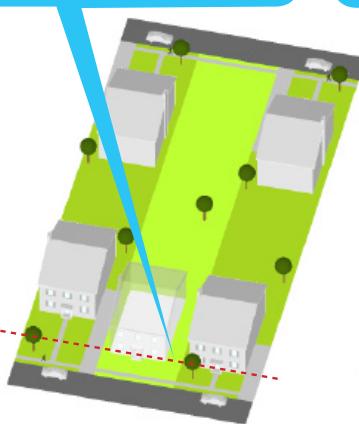
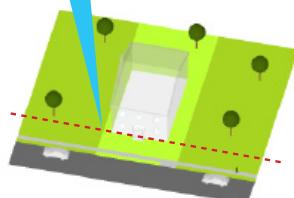
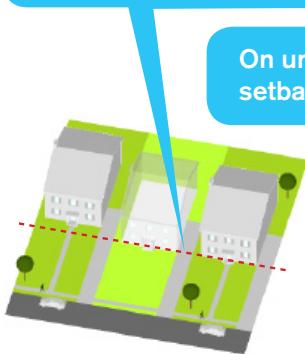
Architectural elements such
as towers & cupolas may
break this limit but not by
greater than 6 feet.

Front Setback

Front setback must match the
smaller setback of its neighbors.

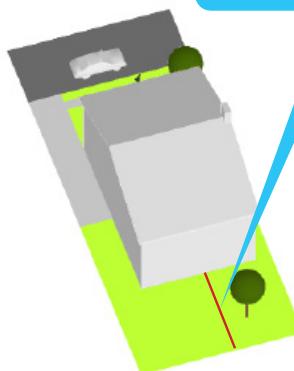
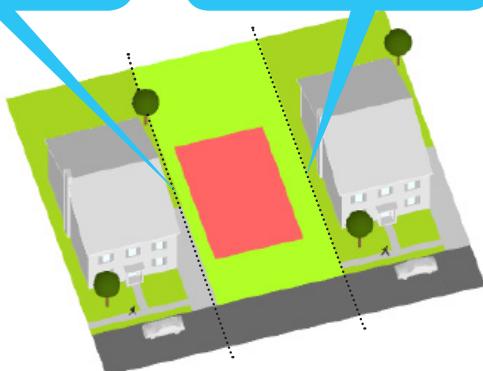
For houses on through lots, the
setback must match the smaller
setback of its neighbors and a front
yard be provided at each street.

On corner lots, one setback
must match the smaller of its
neighbors and a front yard be
provided at each street.

Side & Rear Setback

One side yard must
be 5 feet minimum...

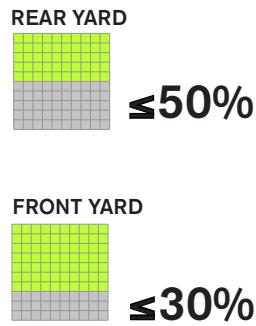
...and other must be
10 feet minimum.



Rear yard setback must
be 30 feet minimum.

Maximum lot coverage by building is 40%

Maximum Impervious Yard Area



A paved walkway is permitted along one side.

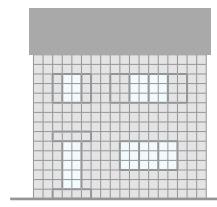
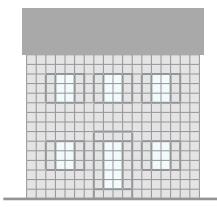
One driveway no wider than 10 feet permitted in front yard.

Minimum Building Transparency

FRONT



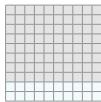
≥ 30%



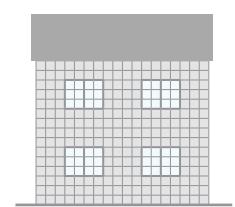
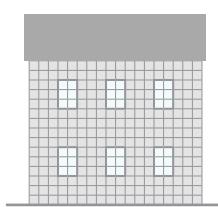
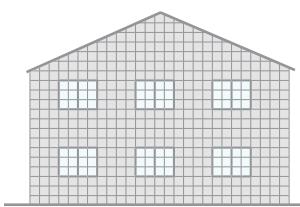
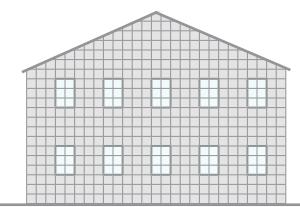
Example Front 1

Example Front 2

STREET-FACING SIDE & REAR



≥ 20%



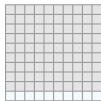
Example Street-Facing Side 1

Example Street Facing Side 2

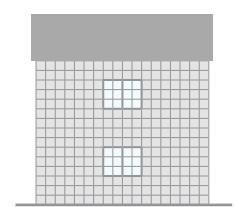
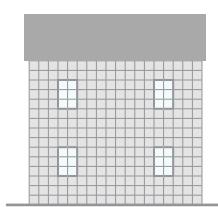
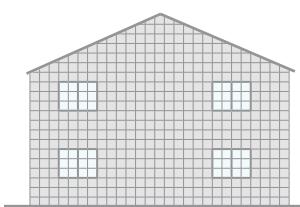
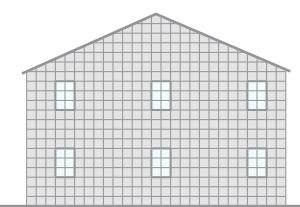
Example Street Facing Rear 1

Example Street Facing Rear 2

NON-STREET-FACING SIDE & REAR



≥ 10%



Example Non-Street-Facing Side 1

Example Non-Street-Facing Side 2

Example Non-Street Facing Rear 1

Example Non-Street Facing Rear 2

Primary street-facing façade must include primary entrance at front setback.



Corner lots must include two entrances, one on each street-facing facade.

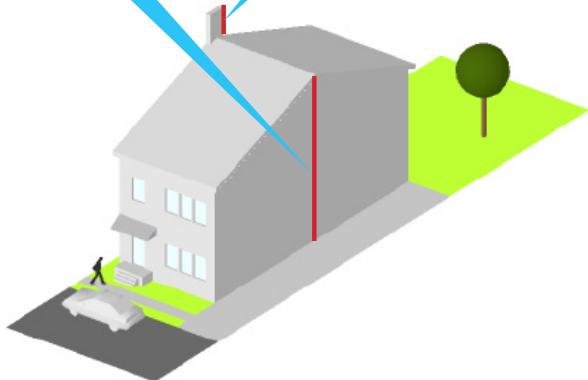
Single-family house



Height

Maximum building height is 3 stories and 36 feet.

Architectural elements such as towers & cupolas may break this limit but not by greater than 6 feet.

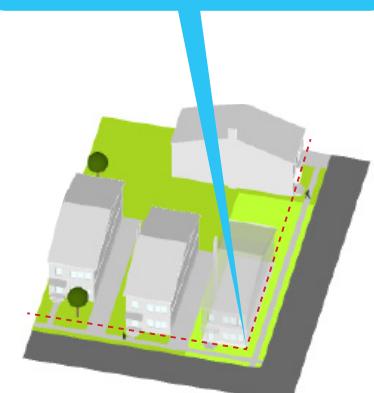
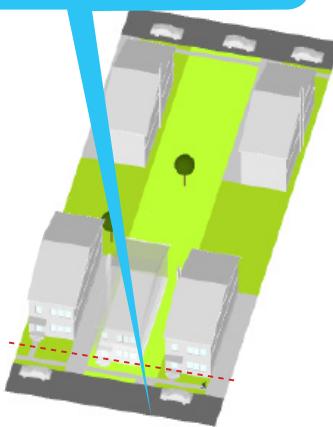
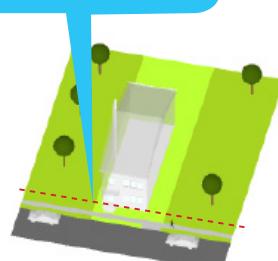
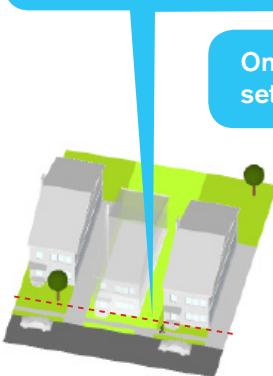


Front Setback

Front setback must match the smaller setback of its neighbors.

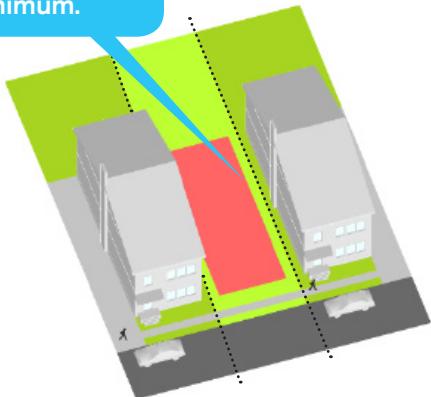
For houses on through lots, the setback must match the smaller setback of its neighbors and a front yard be provided at each street.

On corner lots, one setback must match the smaller of its neighbors and a front yard be provided at each street.

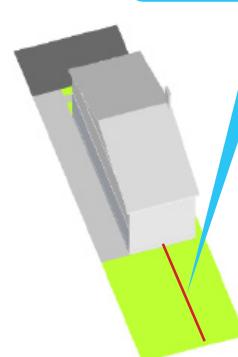


Side & Rear Setback

Side setback is 3 feet minimum.



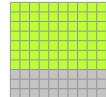
Rear yard setback must be 30 feet minimum.



Maximum lot coverage by building is **50%**

Maximum Impervious Yard Area

REAR YARD

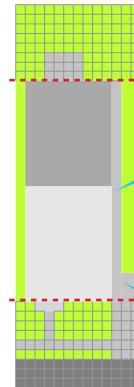


$\leq 30\%$

FRONT YARD



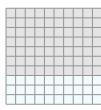
$\leq 65\%$



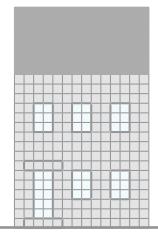
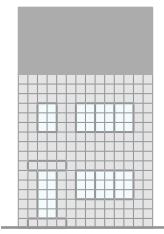
A paved walkway is permitted along one side.

Minimum Building Transparency

FRONT



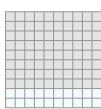
$\geq 30\%$



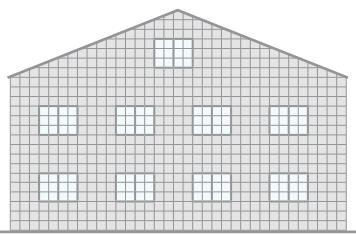
Example Front 1

Example Front 2

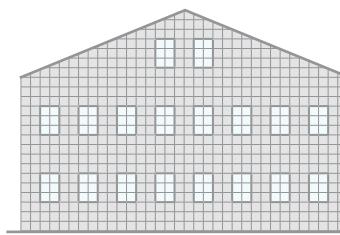
STREET-FACING SIDE & REAR



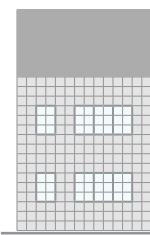
$\geq 20\%$



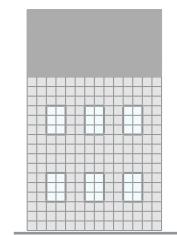
Example Street-Facing Side 1



Example Street-Facing Side 2

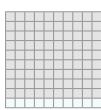


Example Street-Facing Rear 1

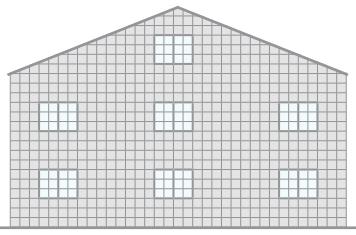


Example Street-Facing Rear 2

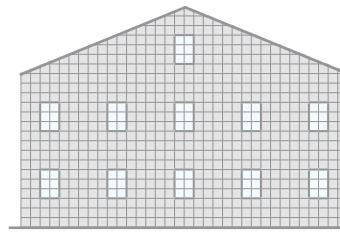
NON-STREET-FACING SIDE & REAR



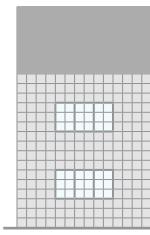
$\geq 10\%$



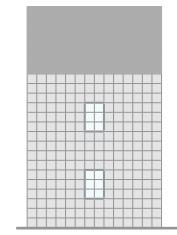
Example Non-Street-Facing Side 1



Example Non-Street-Facing Side 2



Example Non-Street-Facing Rear 1



Example Non-Street-Facing Rear 2

Primary street-facing façade must include primary entrance at front setback.



Corner lots must include two entrances, one on each street-facing facade.

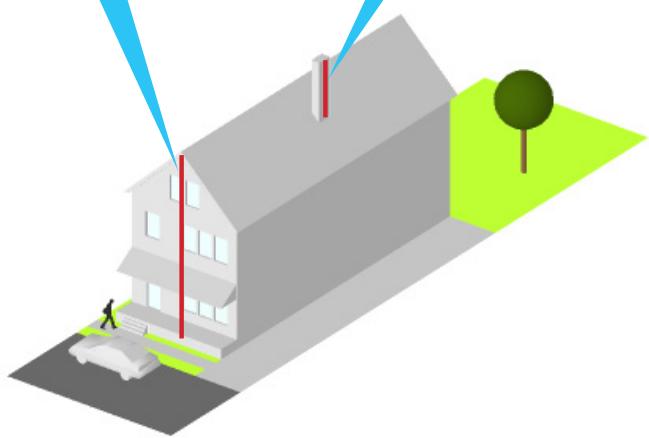
2-family house



Height

Maximum building height
is 3 stories and 36 feet.

Architectural elements such
as towers & cupolas may
break this limit but not by
greater than 6 feet.

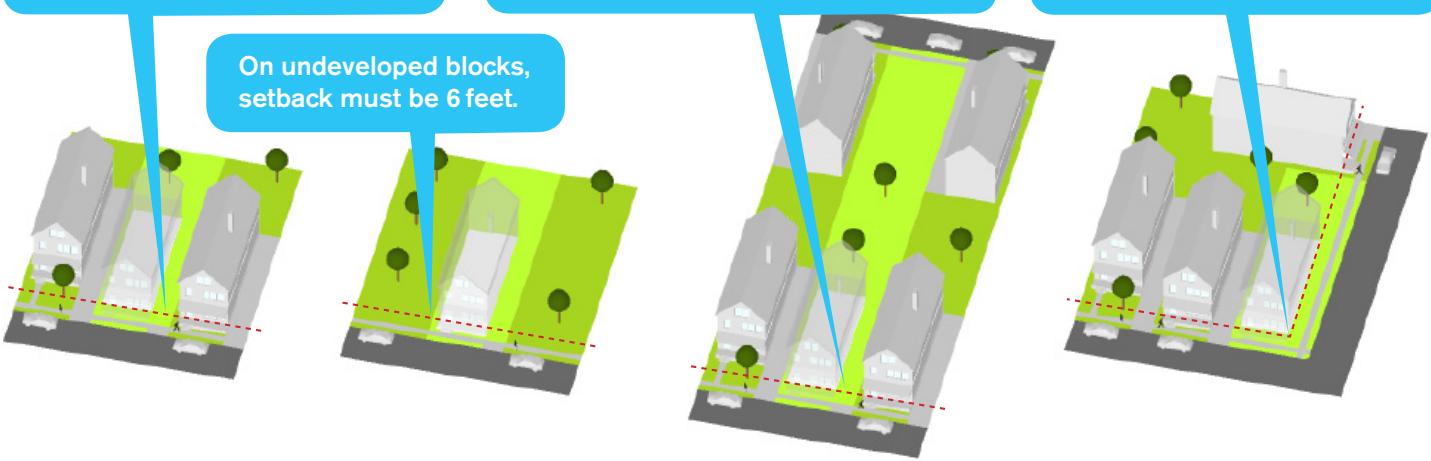


Front Setback

Front setback must match the
smaller setback of its neighbors.

For houses on through lots, the
setback must match the smaller
setback of its neighbors and a front
yard be provided at each street.

On corner lots, one setback
must match the smaller of its
neighbors and a front yard be
provided at each street.



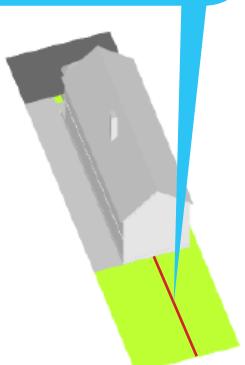
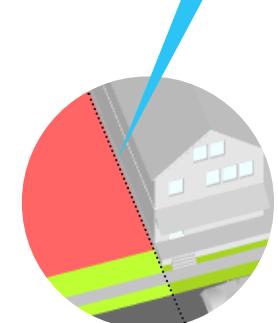
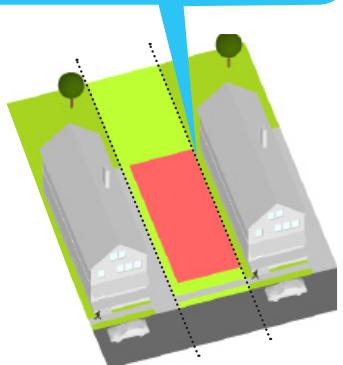
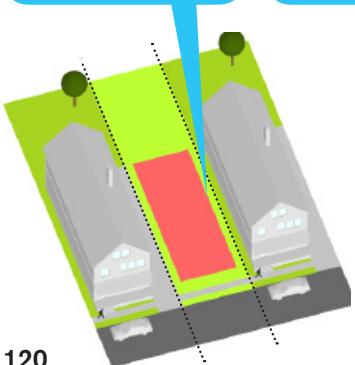
Side & Rear Setback

Side setback is
3 feet minimum.

...or can be 0 feet if neighbor has
a side setback of 3 feet or more...

...or can be 0 feet if the
neighbor has a side
setback of 0 feet.

Rear yard setback must
be 30 feet minimum.



Maximum lot coverage by building is **50%**

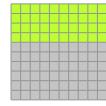
Maximum Impervious Yard Area

REAR YARD



$\leq 30\%$

FRONT YARD



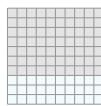
$\leq 60\%$

A paved walkway is permitted along one side.

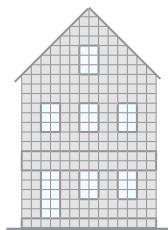
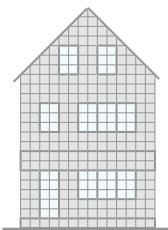
One driveway no wider than 10 feet permitted in front yard.

Minimum Building Transparency

FRONT



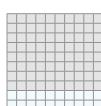
$\geq 30\%$



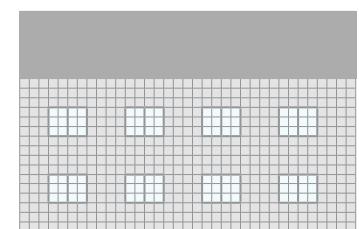
Example Front 1

Example Front 2

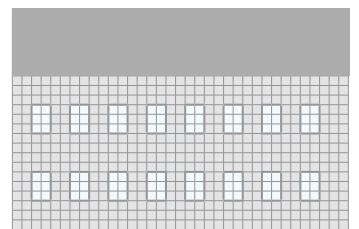
STREET-FACING SIDE & REAR



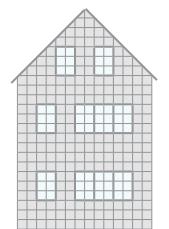
$\geq 20\%$



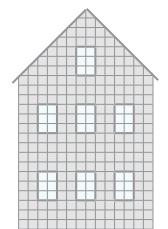
Example Street-Facing Side 1



Example Street-Facing Side 2

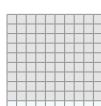


Example Street-Facing Rear 1

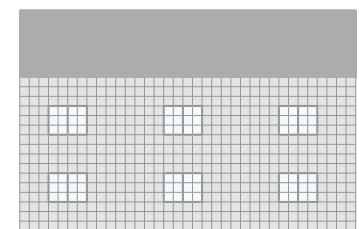


Example Street-Facing Rear 2

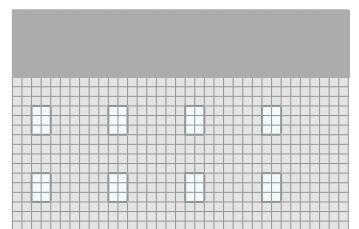
NON-STREET-FACING SIDE & REAR



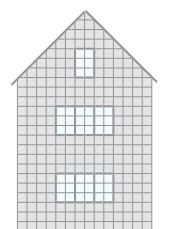
$\geq 10\%$



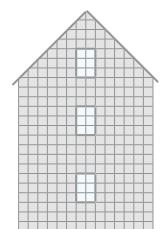
Example Non-Street-Facing Side 1



Example Non-Street-Facing Side 2



Example Non-Street-Facing Rear 1



Example Non-Street-Facing Rear 2

Primary street-facing façade must include primary entrance at front setback.



All units must be accessible from front or side façade

Rear primary entrances are prohibited

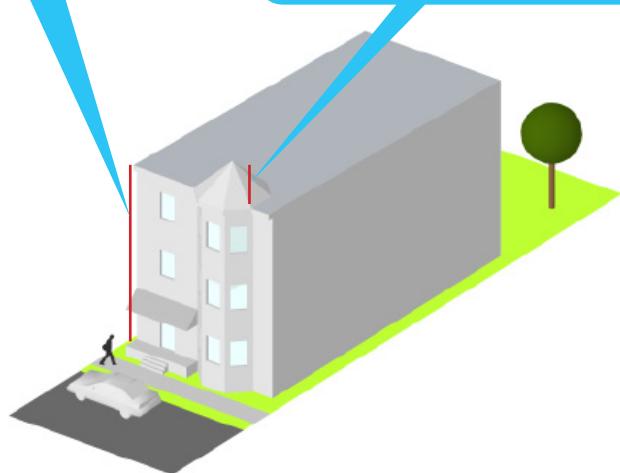
3-family house



Height

Maximum building height
is 3 stories and 36 feet.

Architectural elements such
as towers & cupolas may
break this limit but not by
greater than 6 feet.

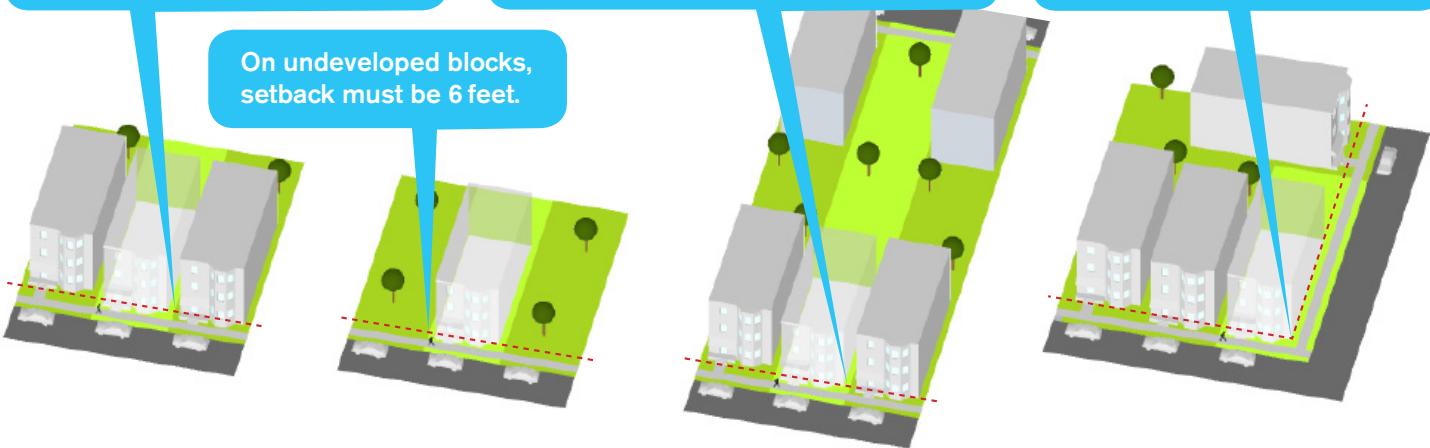


Front Setback

Front setback must match the
smaller setback of its neighbors.

On through lots, the setback must
match the smallest front setback of
any neighbor, and adjacent street
frontage must be the front yard.

On corner lots, one setback
must match the smaller of
its neighbors and the other
must be 6 feet or less.



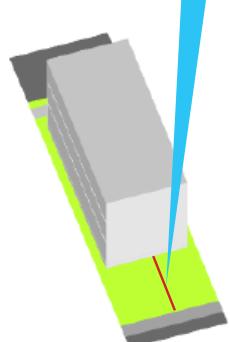
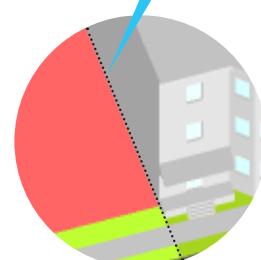
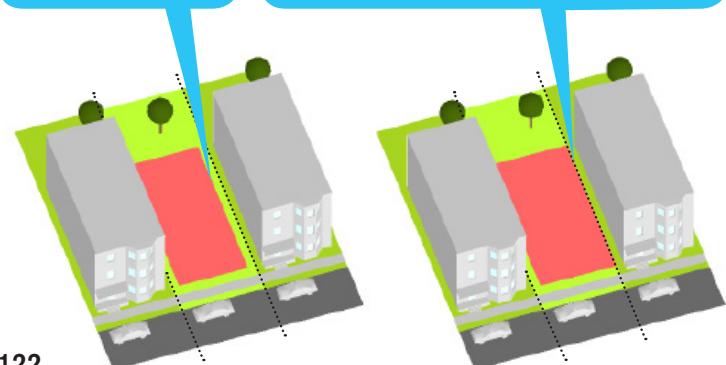
Side & Rear Setback

Side setback is
3 feet minimum.

...or can be 0 feet if neighbor has
a side setback of 3 feet or more...

...or can be 0 feet if the
neighbor has a side
setback of 0 feet.

Rear yard setback must
be 30 feet minimum.



Maximum lot coverage by building is **55%**

Maximum Impervious Yard Area

REAR YARD



≤75%

FRONT YARD



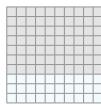
≤55%

A paved walkway is permitted along one side.

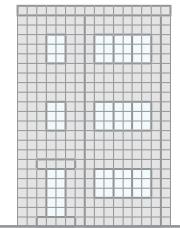
One driveway no wider than 10 feet permitted in front yard.

Minimum Building Transparency

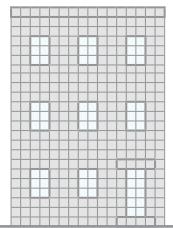
FRONT



≥30%

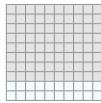


Example Front 1

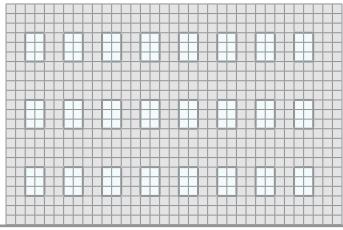


Example Front 2

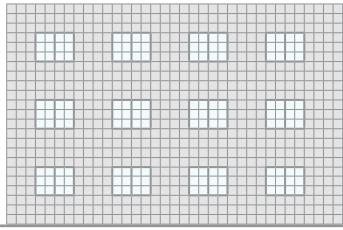
STREET-FACING SIDE & REAR



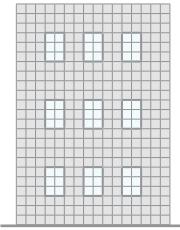
≥20%



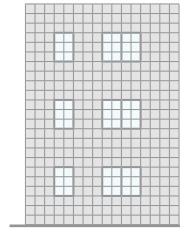
Example Street-Facing Side 1



Example Street Facing-Side 2

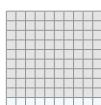


Example Street-Facing Rear 1

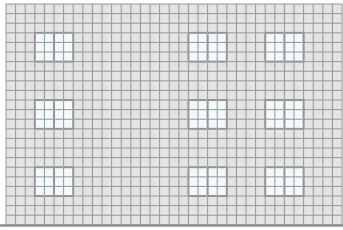


Example Street-Facing Rear 2

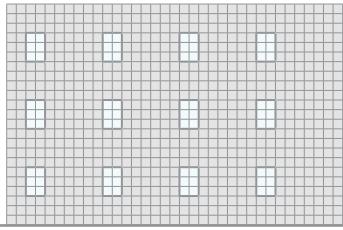
NON-STREET-FACING SIDE & REAR



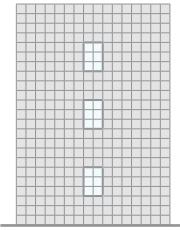
≥10%



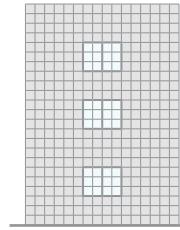
Example Non-Street-Facing Side 1



Example Non-Street-Facing Side 2



Example Non-Street-Facing Rear 1



Example Non-Street-Facing Rear 2

Primary street-facing façade must include primary entrance at front setback.



All units must be accessible from front or side façade

Rear primary entrances are prohibited

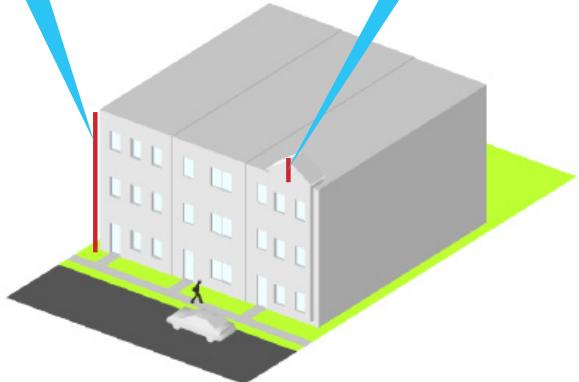
Townhouse



Height

Maximum building height is 3 stories and 36 feet.

Architectural elements such as towers & cupolas may break this limit but not by greater than 6 feet.

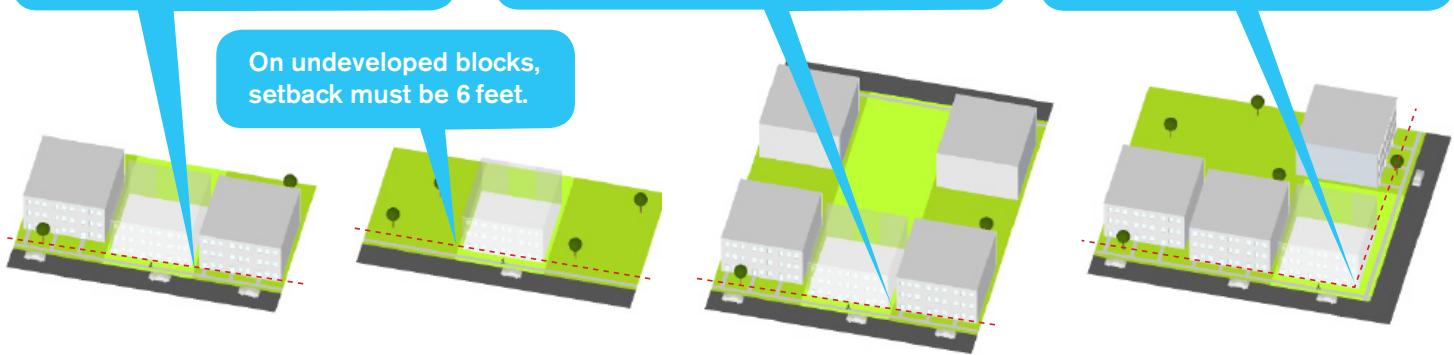


Front Setback

Front setback must match the smaller setback of its neighbors.

On through lots, the setback must match the smallest front setback of any neighbor, and adjacent street frontage must be the front yard.

On corner lots, one setback must match the smaller of its neighbors and the other must be 6 feet or less.



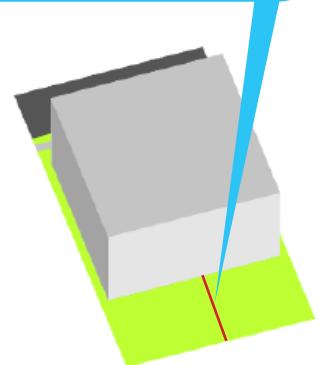
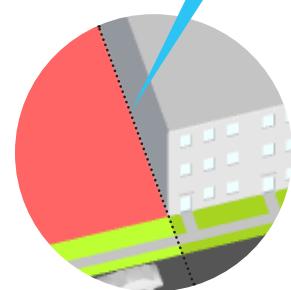
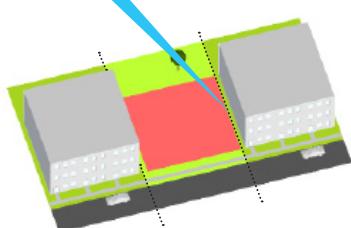
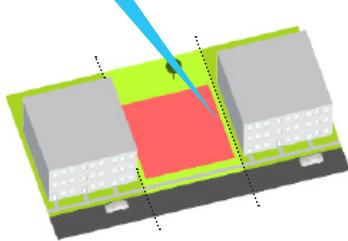
Side & Rear Setback

Side setback is 3 feet minimum.

...or can be 0 feet if neighbor has a side setback of 3 feet or more...

...or can be 0 feet if the neighbor has a side setback of 0 feet.

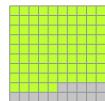
Rear yard setback must be 30 feet minimum.



Maximum lot coverage by building is **60%**

Maximum Impervious Yard Area

REAR YARD



$\leq 15\%$

FRONT YARD



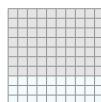
$\leq 55\%$

A paved walkway is permitted along one side.

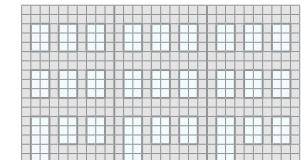
One driveway no wider than 10 feet permitted in front yard.

Minimum Building Transparency

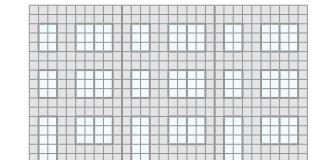
FRONT



$\geq 30\%$

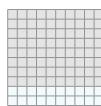


Example Front 1

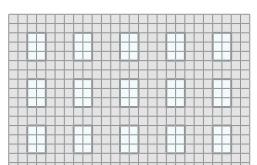


Example Front 2

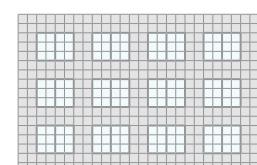
STREET-FACING SIDE & REAR



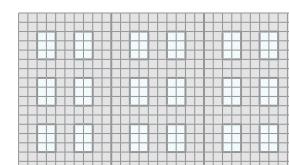
$\geq 20\%$



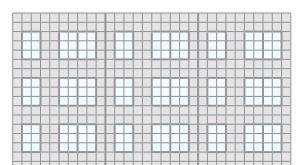
Example Street-Facing Side 1



Example Street-Facing Side 2

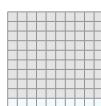


Example Street-Facing Rear 1

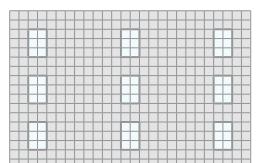


Example Street-Facing Rear 2

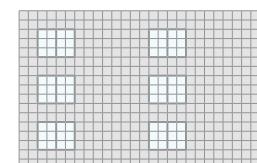
NON-STREET-FACING SIDE & REAR



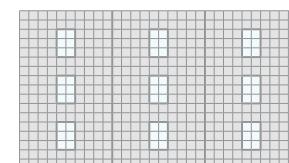
$\geq 10\%$



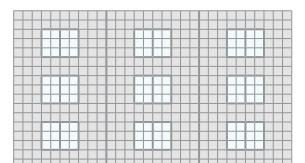
Example Non-Street-Facing Side 1



Example Non-Street-Facing Side 2

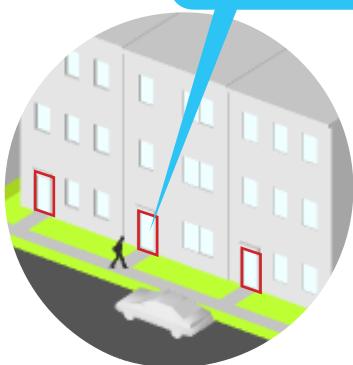


Example Non-Street-Facing Rear 1



Example Non-Street-Facing Rear 2

Primary street-facing façade must include primary entrance at front setback.



All units must be accessible from front or side façade

Rear primary entrances are prohibited

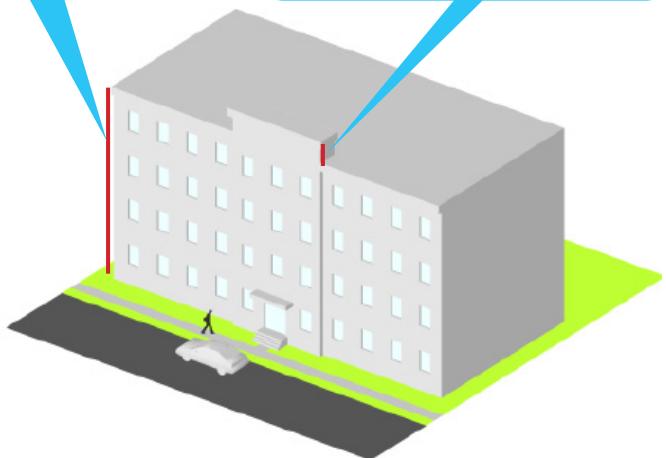
Low-rise multifamily



Height

**Maximum building height
is 4 stories and 48 feet.**

Architectural elements such
as towers & cupolas may
break this limit but not by
greater than 6 feet.

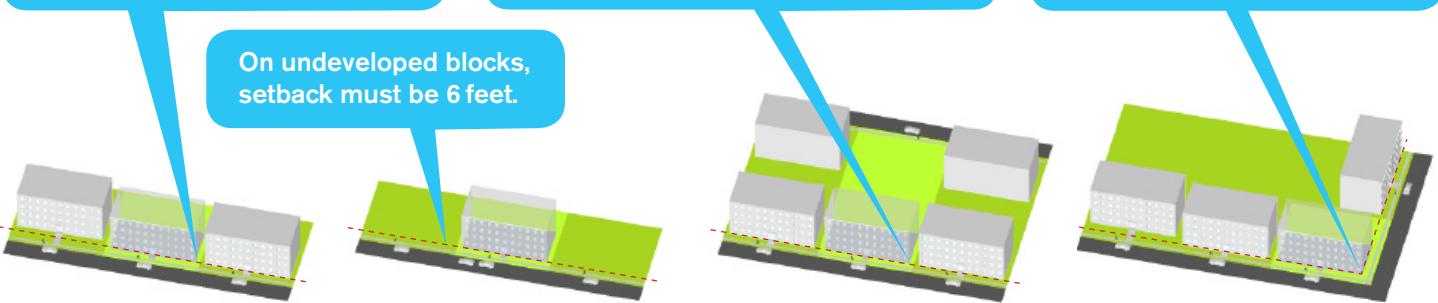


Front Setback

Front setback must match the
smaller setback of its neighbors.

On through lots, the setback must
match the smallest front setback of
any neighbor, and adjacent street
frontage must be the front yard.

On corner lots, one setback
must match the smaller of
its neighbors and the other
must be 6 feet or less.



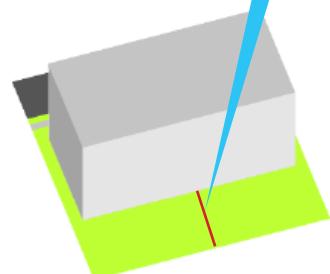
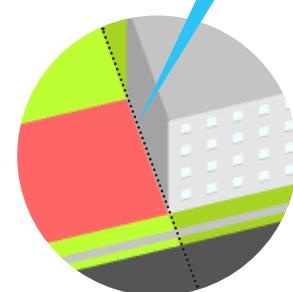
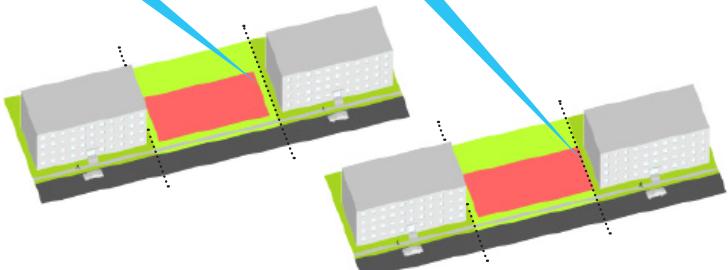
Side & Rear Setback

Side setback is
5 feet minimum.

...or can be 0 feet if neighbor has
a side setback of 5 feet or more...

...or can be 0 feet if the
neighbor has a side
setback of 0 feet.

Rear yard setback must
be 30 feet minimum.



Maximum lot coverage by building is **66%**

Maximum Impervious Yard Area

REAR YARD



≤30%

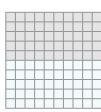
FRONT YARD



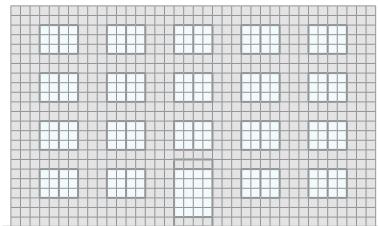
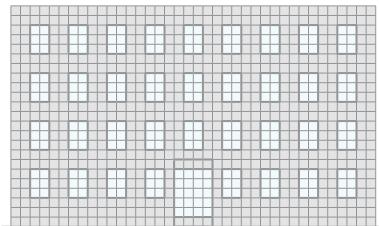
≤55%

Minimum Building Transparency

FRONT



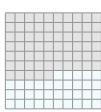
≥50%



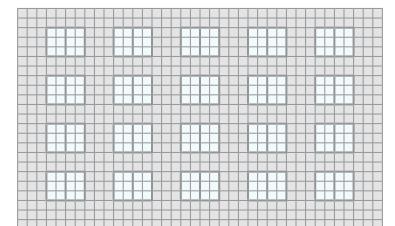
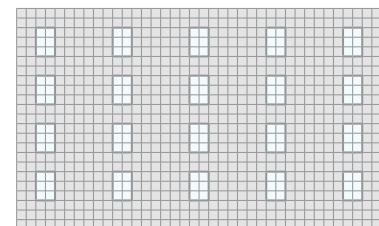
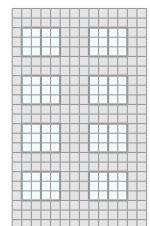
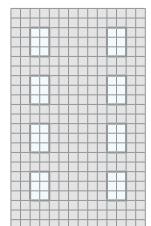
Example Front 1

Example Front 2

STREET-FACING SIDE & REAR



≥35%



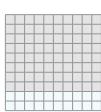
Example Street-Facing Side 1

Example Street-Facing Side 2

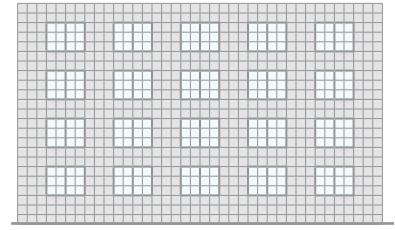
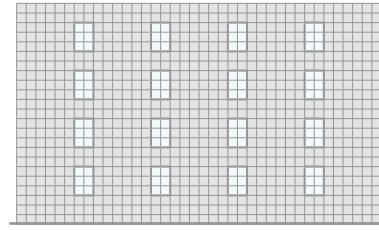
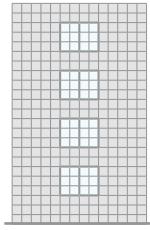
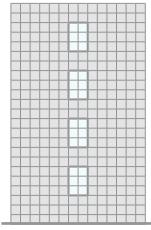
Example Street-Facing Rear 1

Example Street-Facing Rear 2

NON-STREET-FACING SIDE & REAR



≥20%



Example Non-Street-Facing Side 1

Example Non-Street-Facing Side 2

Example Non-Street Facing Rear 1

Example Non-Street Facing Rear 2

Primary street-facing façade must include primary entrance at front setback.



All units must be accessible from front or side façade

Rear primary entrances are prohibited

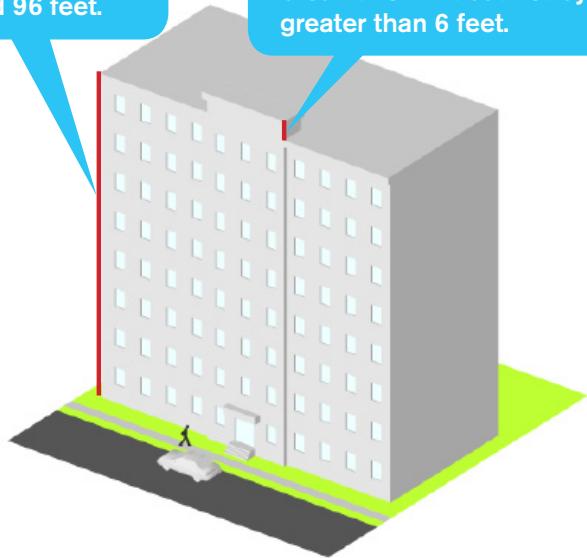
Mid-rise multifamily



Height

**Maximum building height
is 8 stories and 96 feet.**

Architectural elements such
as towers & cupolas may
break this limit but not by
greater than 6 feet.

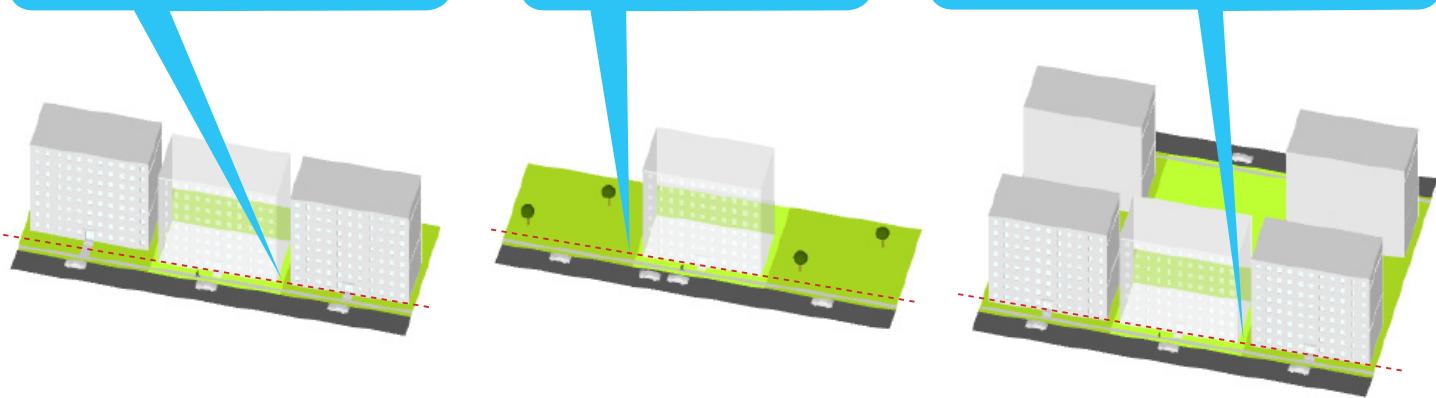


Front Setback

Front setback must match the
smaller setback of its neighbors.

On undeveloped blocks,
setback must be 6 feet.

On through lots, the setback must
match the smallest front setback of
any neighbor, and adjacent street
frontage must be the front yard.



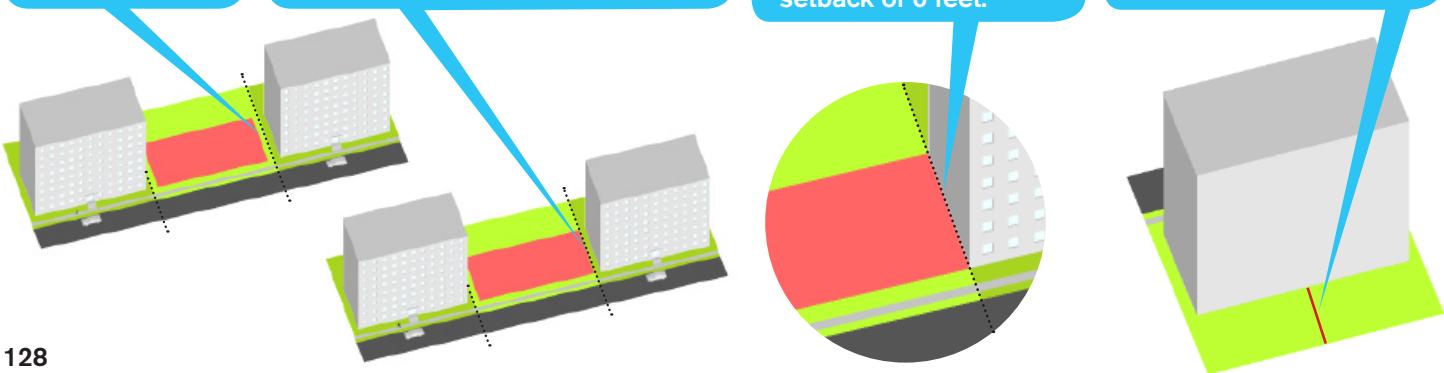
Side & Rear Setback

Side setback is
5 feet minimum.

...or can be 0 feet if neighbor has
a side setback of 5 feet or more...

...or can be 0 feet if the
neighbor has a side
setback of 0 feet.

Rear yard setback must
be 30 feet minimum.



Maximum lot coverage by building is 60%

Maximum Impervious Yard Area

REAR YARD

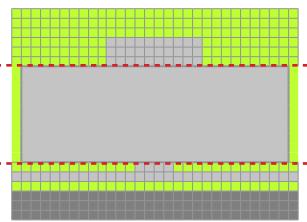


≤30%

FRONT YARD

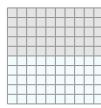


≤55%

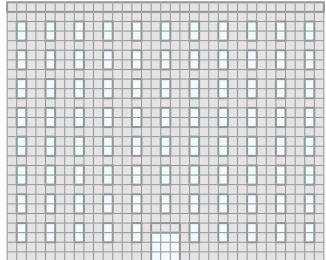


Minimum Building Transparency

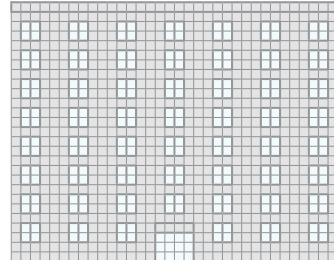
FRONT



≥50%

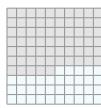


Example Front 1

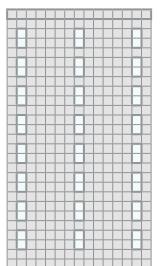


Example Front 2

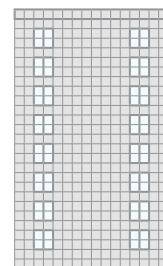
STREET-FACING SIDE & REAR



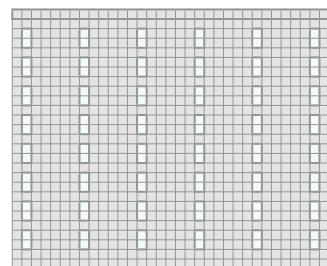
≥35%



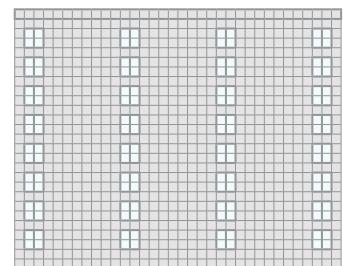
Example Street Side 1



Example Street Side 2

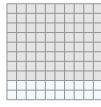


Example Street-Facing Rear 1

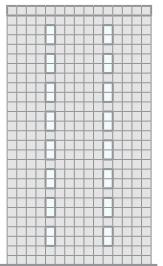


Example Street-Facing Rear 2

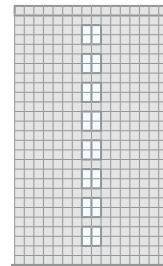
NON-STREET-FACING SIDE & REAR



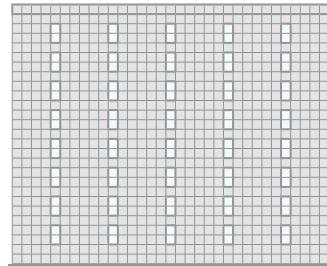
≥20%



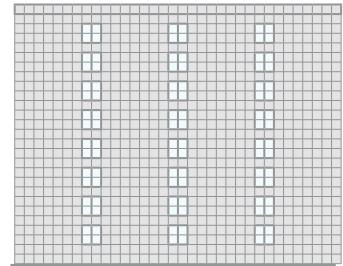
Example Non-Street Side 1



Example Non-Street Side 2

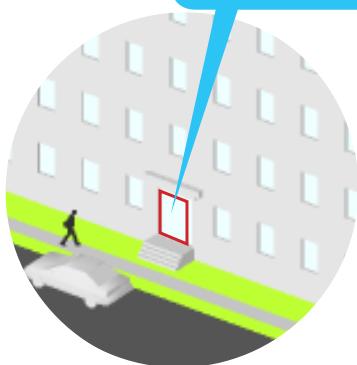


Example Non-Street-Facing Rear 1



Example Non-Street-Facing Rear 2

Primary street-facing façade must include primary entrance at front setback.



All units must be accessible from front or side façade

Rear primary entrances are prohibited

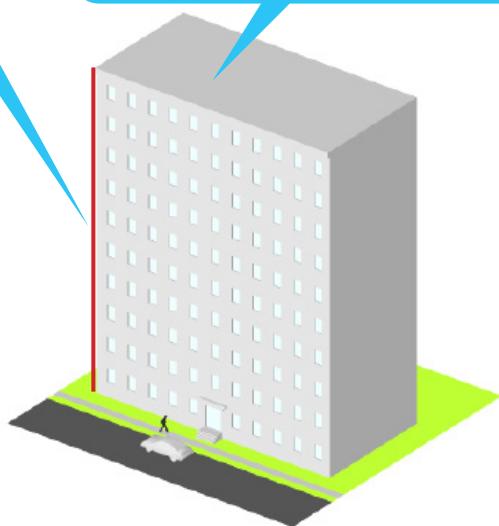
High-rise multifamily



Height

Maximum building height is 10 stories and 120 feet.

An additional 1 story and 12 feet of height is permitted for each additional 1000 square feet of lot area up to 20,000 square feet, for a maximum height of 20 stories and 243 feet.

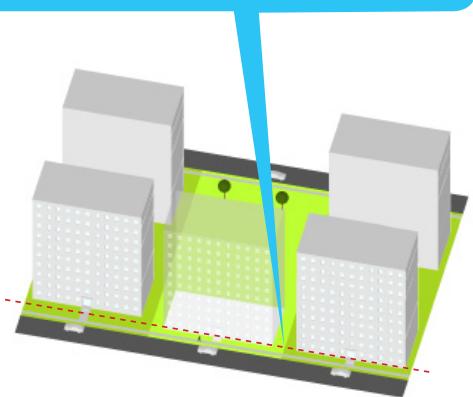
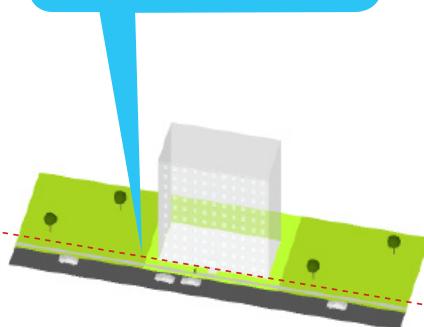
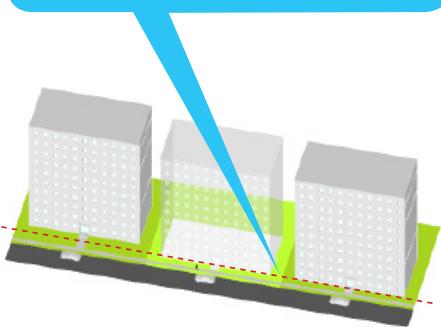


Front Setback

Front setback must match the smaller setback of its neighbors.

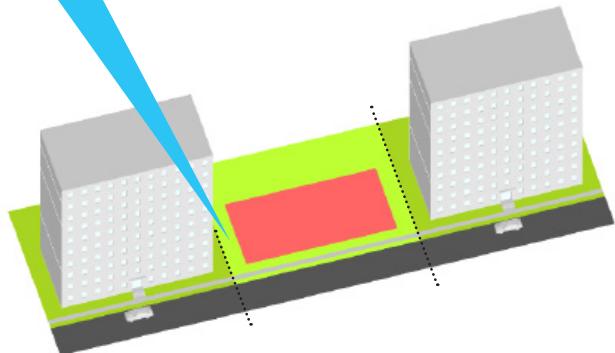
On undeveloped blocks, setback must be 6 feet.

On through lots, the setback must match the smallest front setback of any neighbor, and adjacent street frontage must be the front yard.

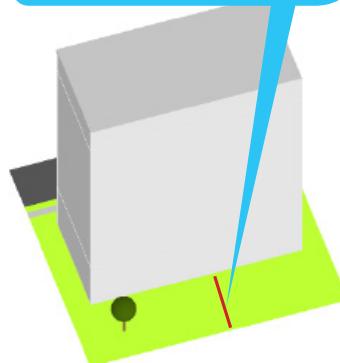


Side & Rear Setback

Side setback is 10 feet minimum.



Rear yard setback must be 30 feet minimum.



Maximum lot coverage by building is 60%

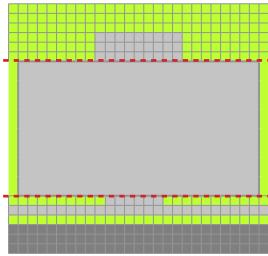
Maximum Impervious Yard Area

REAR YARD

$\leq 30\%$

FRONT YARD

$\leq 55\%$

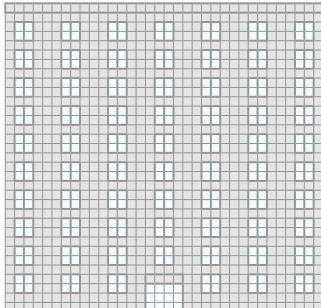
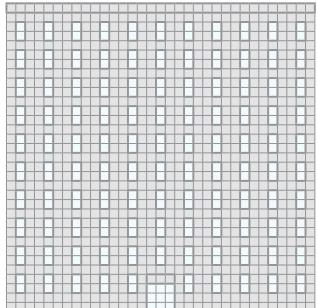


Minimum Building Transparency

FRONT



$\geq 50\%$



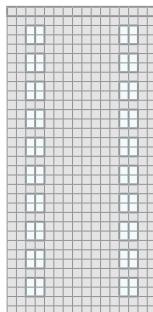
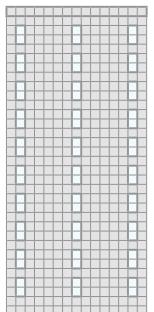
Example Front 1

Example Front 2

STREET-FACING SIDE & REAR

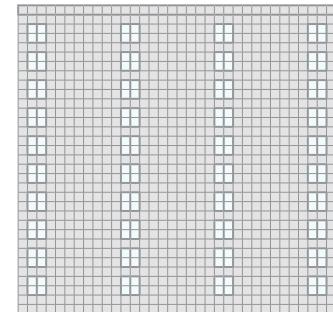
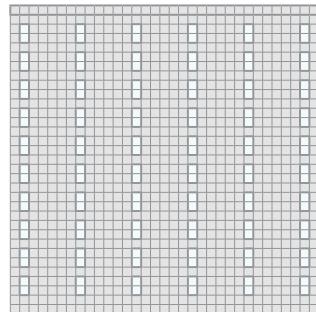


$\geq 35\%$



Example Street Side 1

Example Street Side 2



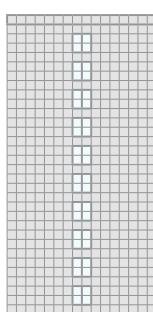
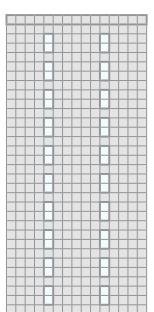
Example Street-Facing Rear 1

Example Street-Facing Rear 2

NON-STREET-FACING SIDE & REAR

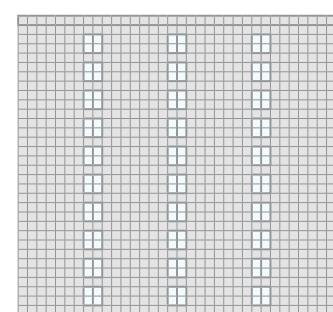
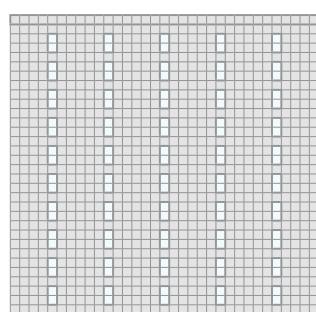


$\geq 20\%$



Example Non-Street Side 1

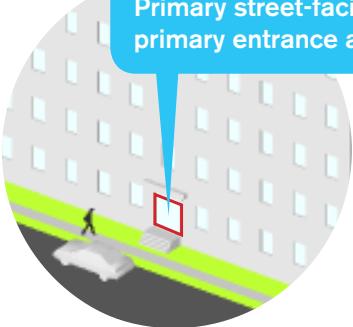
Example Non-Street Side 2



Example Non-Street-Facing Rear 1

Example Non-Street-Facing Rear 2

Primary street-facing façade must include primary entrance at front setback.



Ground floor units directly accessible from the street required

Ground-floor commercial with commercial or residential above

Minimum lot size
for subdivision is
3500
square feet

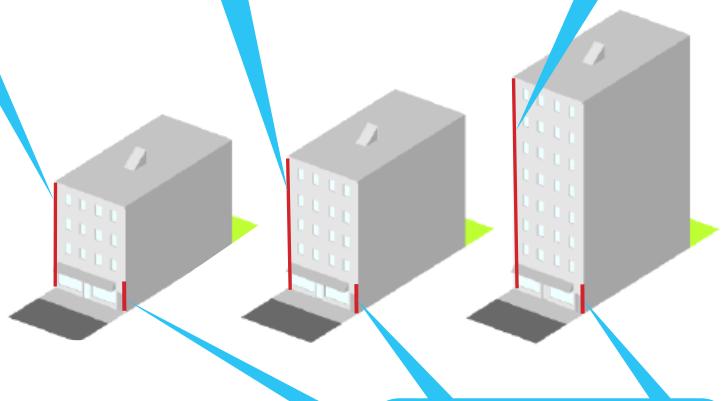
Minimum lot
width for
subdivision is
35
feet

Height

Maximum building height
in C-1, MX-1 and MX-2 is
4 stories and 48 feet.

Maximum building height
in C-2 is 5 stories and 60 feet.

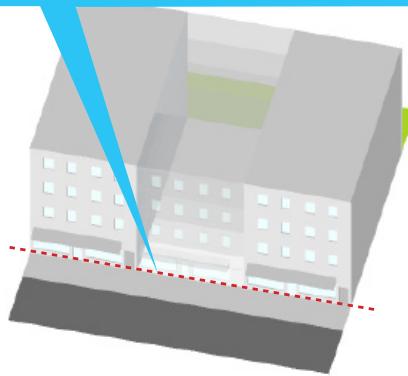
Maximum building height in C-3 is 8 stories and 96 feet.



Ground floor height must be 14 feet minimum.

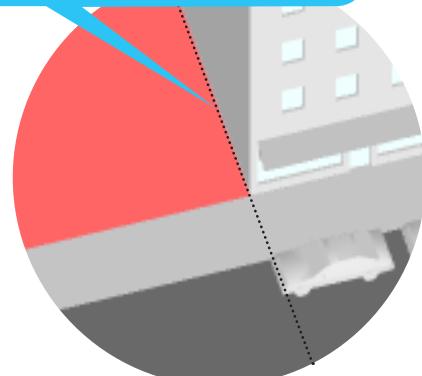
Front Setback

Front setback must be between 0 and 5 feet.



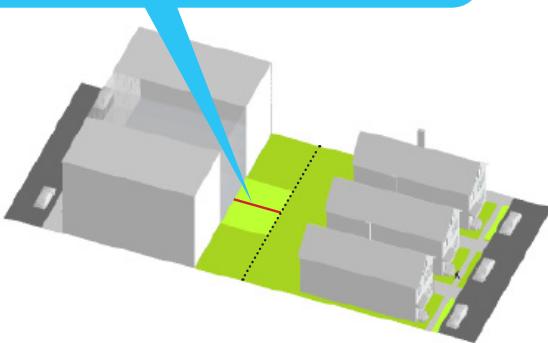
Side Setback

Side setback must be 0 feet.

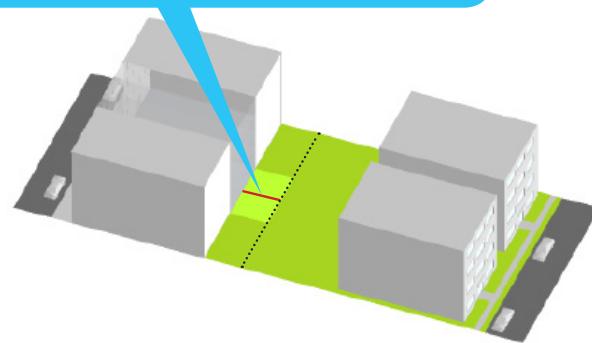


Rear Setback

Rear setback must be 25 feet minimum if abutting residential use.



Rear setback must be 20 feet minimum if abutting non-residential use.



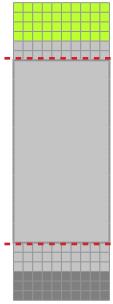
Maximum lot coverage by building is 80%

Maximum Impervious Yard Area

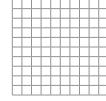
REAR YARD



≤50%



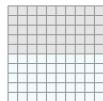
FRONT YARD



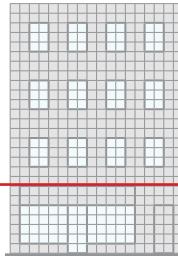
N/A

Minimum Building Transparency

FRONT
(ABOVE 14 FEET
IN HEIGHT)

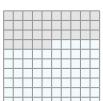


≥50%

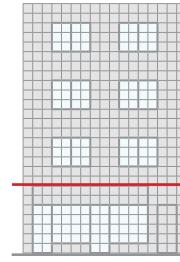


Example Front 1

FRONT
(BELOW 14 FEET
IN HEIGHT)

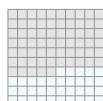


≥65%

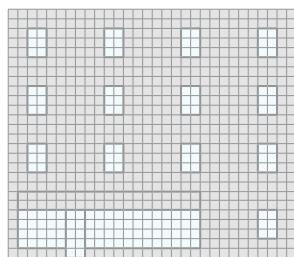


Example Front 2

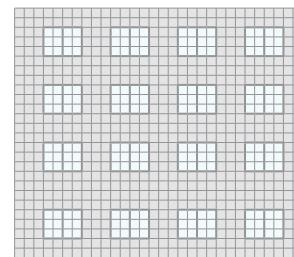
STREET-FACING
SIDE & REAR



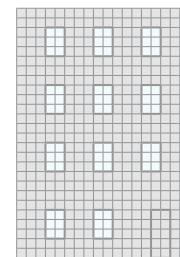
≥35%



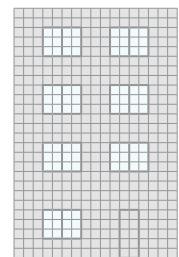
Example Street-Facing Side 1



Example Street-Facing Side 2

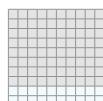


Example Street-Facing Rear 1

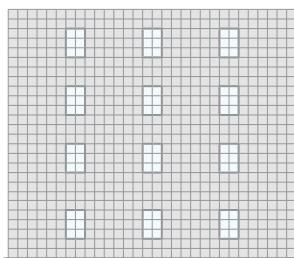


Example Street-Facing Rear 2

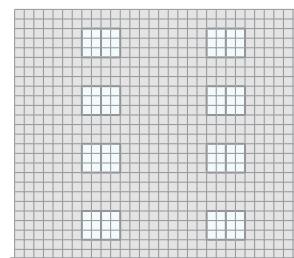
NON-STREET-FACING
SIDE & REAR



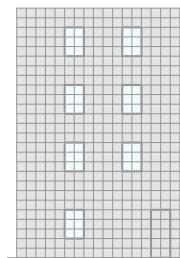
≥20%



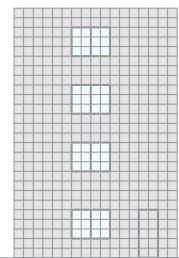
Example Non-Street-Facing Side 1



Example Non-Street-Facing Side 2

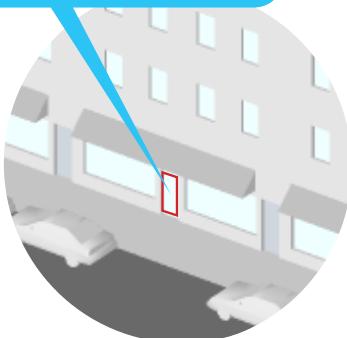


Example Non-Street-Facing Rear 1



Example Non-Street-Facing Rear 2

Primary street-facing façade must include primary entrance at front setback. Entries to non-residential uses must have separate primary entrances.



Buildings may have more than one principal façade and/or entry

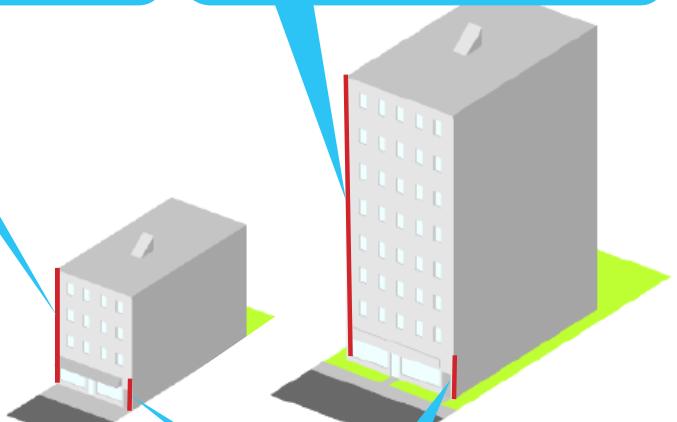
Detached commercial



Height

Maximum building height in MX-1 is 4 stories and 48 feet.

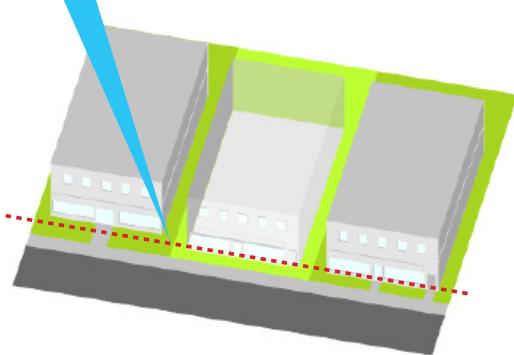
Maximum building height in C-3, I-1 and EWR-S is 8 stories and 96 feet.



Ground floor height must be 14 feet minimum.

Front Setback

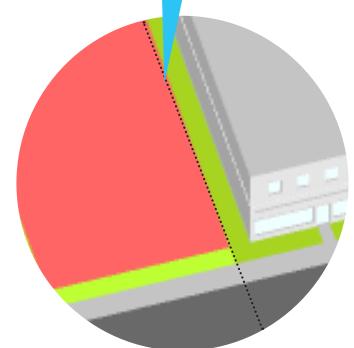
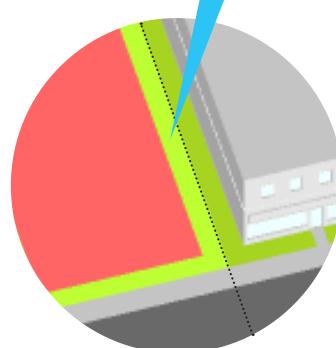
Front setback must be between 0 and 5 feet.



Side Setback

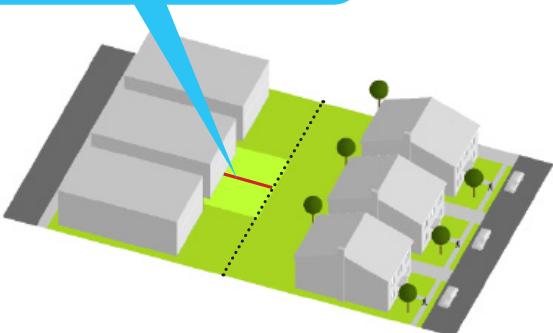
Side setback must be 5 feet...

...or 0 feet.

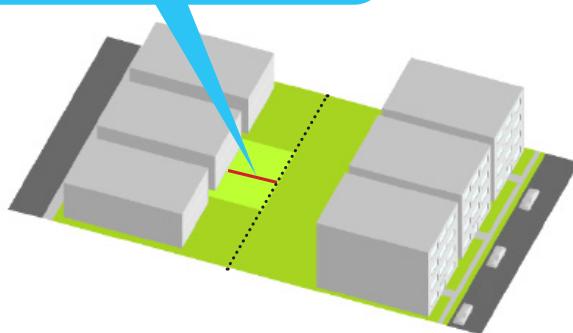


Rear Setback

Rear setback must be 25 feet if abutting residential use.

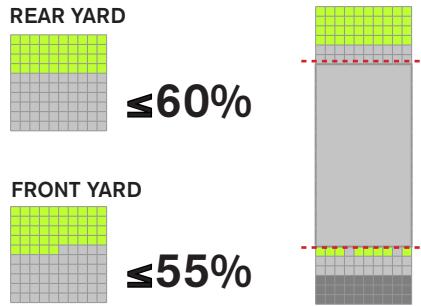


Rear setback must be 20 feet if abutting non-residential use.



Maximum lot coverage by building is 85%

Maximum Impervious Yard Area

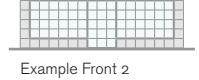
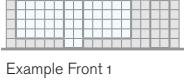
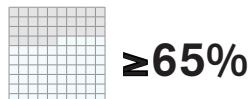


Minimum Building Transparency

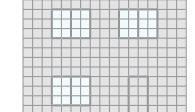
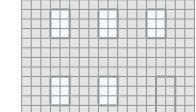
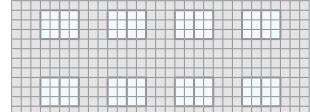
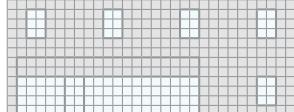
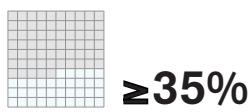
**FRONT
(ABOVE 14 FEET
IN HEIGHT)**



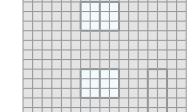
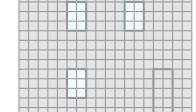
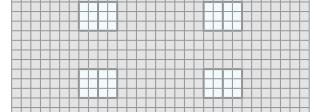
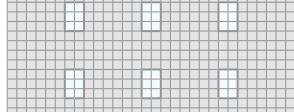
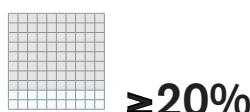
**FRONT
(BELOW 14 FEET
IN HEIGHT)**



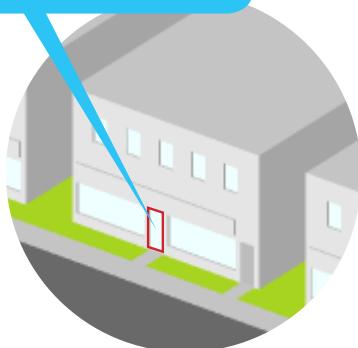
**STREET-FACING
SIDE & REAR**



**NON-STREET-FACING
SIDE & REAR**



Primary street-facing façade must include primary entrance at front setback. Entries to non-residential uses must have separate primary entrances.



Buildings may have more than one principal façade and/or entry

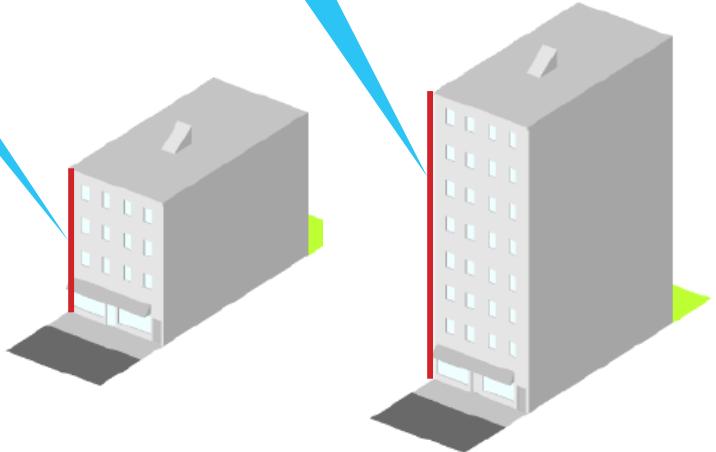
Industrial



Height

Maximum building height in MX-2 is 4 stories and 48 feet.

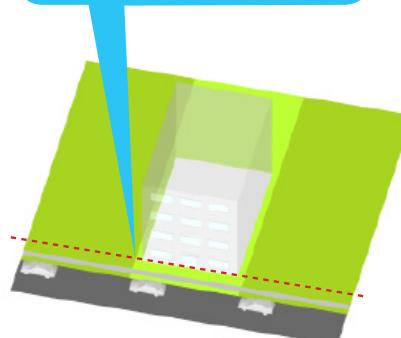
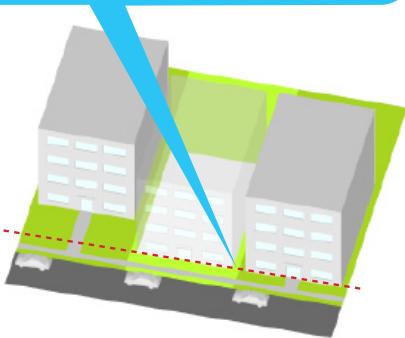
Maximum building height in I-1, I-2, I-3, and EWR-S is 8 stories and 96 feet.



Front Setback

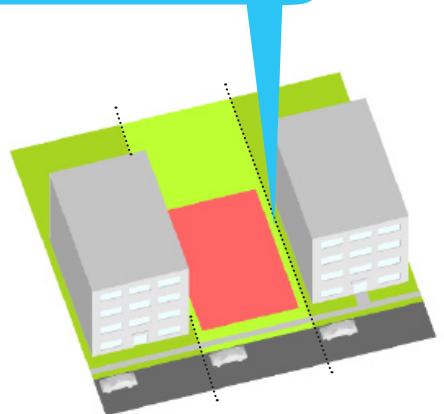
Front setback must match the smaller setback of its neighbors.

On undeveloped blocks, setback must be 6 feet.



Side Setback

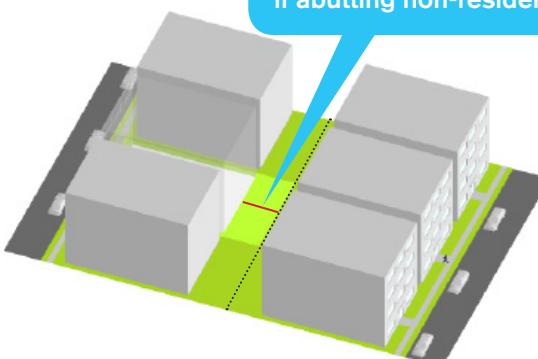
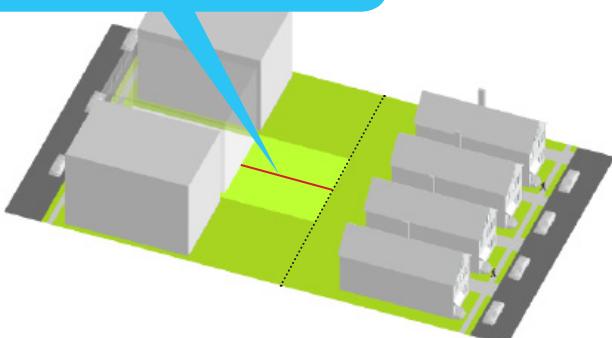
Side setback must be 3 feet...



Rear Setback

Rear setback must be 50 feet if abutting residential use.

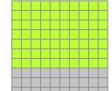
Rear setback must be 20 feet if abutting non-residential use.



Maximum lot coverage by building is **85%**

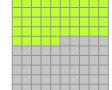
Maximum Impervious Yard Area

REAR YARD

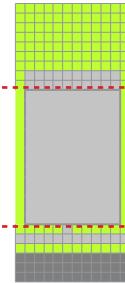


≤30%

FRONT YARD

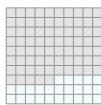


≤55%

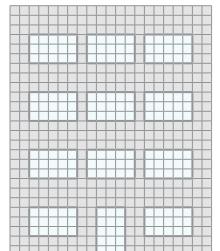


Minimum Building Transparency

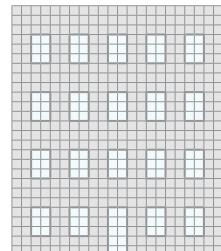
FRONT



≥25%

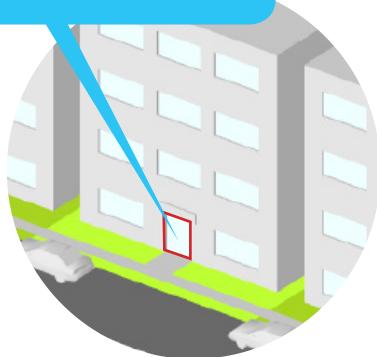


Example Front 1



Example Front 2

Primary street-facing façade must include primary entrance at front setback.

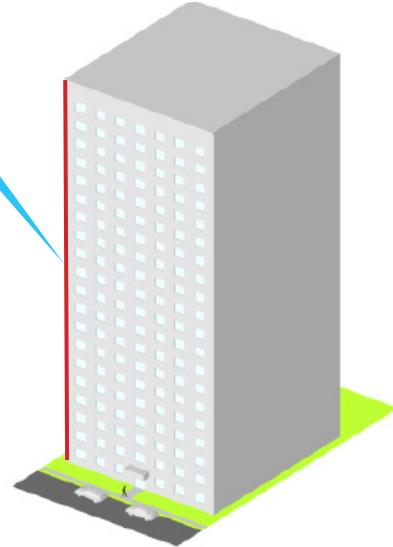


University



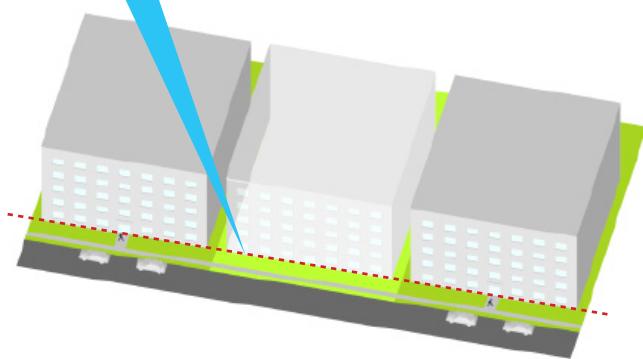
Height

Maximum building height is 20 stories and 210 feet.



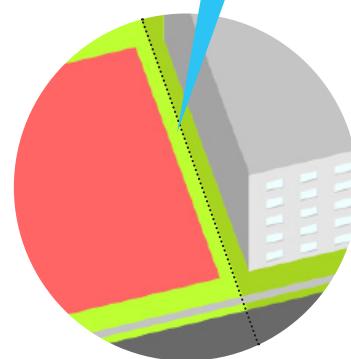
Front Setback

Front setback must be between 5 and 10 feet.



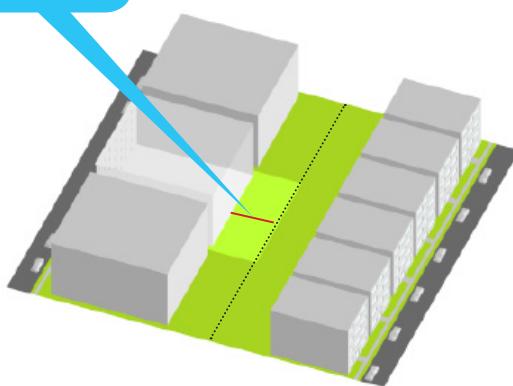
Side Setback

Side setback must be 5 feet.



Rear Setback

Rear setback must be 30 feet.



Maximum lot coverage by building is **80%**

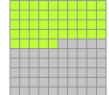
Maximum Impervious Yard Area

REAR YARD

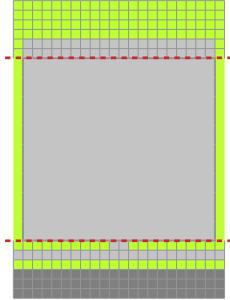


≤30%

FRONT YARD

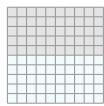


≤55%

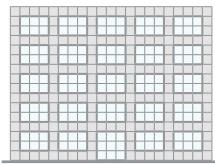


Minimum Building Transparency

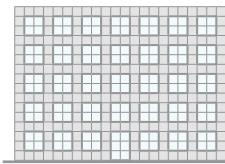
FRONT



≥50%

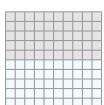


Example Front 1

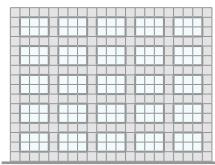


Example Front 2

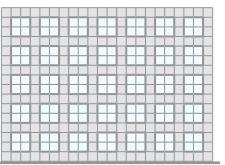
STREET-FACING SIDE & REAR



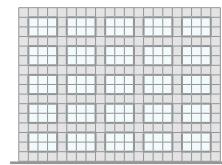
≥50%



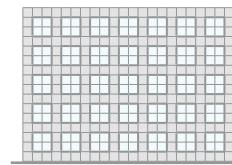
Example Street-Facing Side 1



Example Street-Facing Side 2

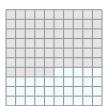


Example Street-Facing Rear 1

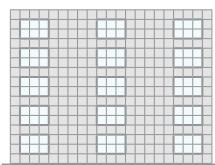


Example Street-Facing Rear 2

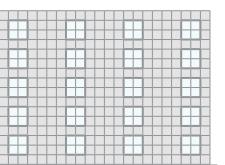
NON-STREET-FACING SIDE & REAR



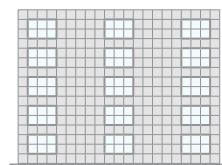
≥35%



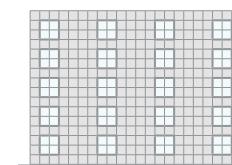
Example Non-Street-Facing Side 1



Example Non-Street-Facing Side 2

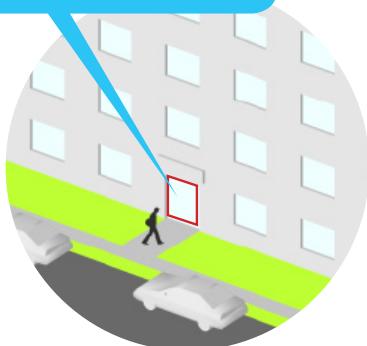


Example Non-Street-Facing Rear 1



Example Non-Street-Facing Rear 2

Primary street-facing façade must include primary entrance at front setback.



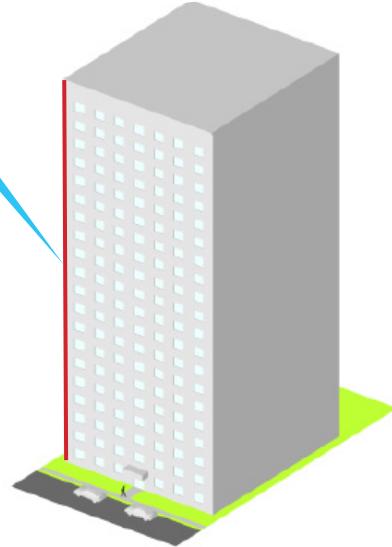
Rear primary entrances are prohibited

Hospital or Medical Institution



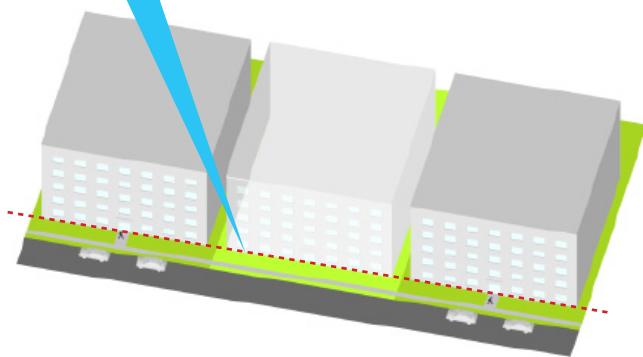
Height

Maximum building height is 20 stories and 210 feet.



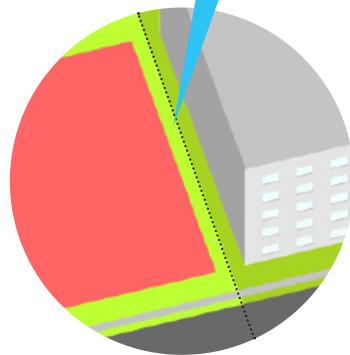
Front Setback

Front setback must be between 5 and 10 feet.



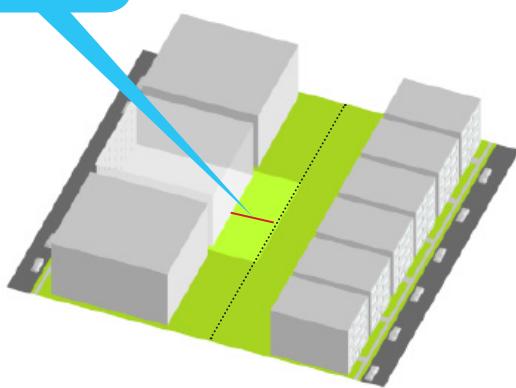
Side Setback

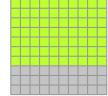
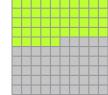
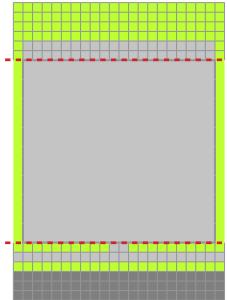
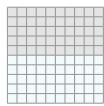
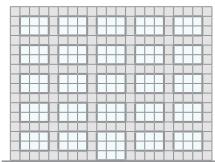
Side setback must be 5 feet.



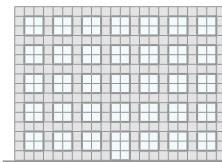
Rear Setback

Rear setback must be 30 feet.

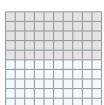
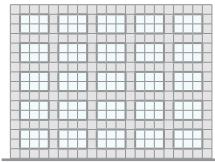


Maximum Impervious Yard Area**REAR YARD****≤30%****FRONT YARD****≤55%****Minimum Building Transparency****FRONT****≥50%**

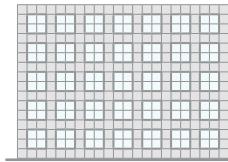
Example Front 1



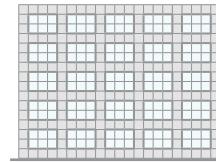
Example Front 2

STREET-FACING SIDE & REAR**≥50%**

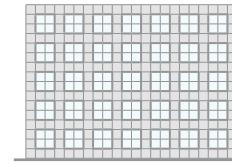
Example Street-Facing Side 1



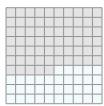
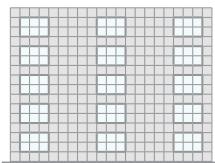
Example Street-Facing Side 2



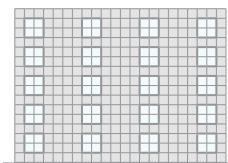
Example Street-Facing Rear 1



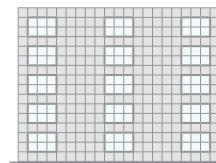
Example Street-Facing Rear 2

NON-STREET-FACING SIDE & REAR**≥35%**

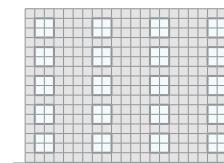
Example Non-Street-Facing Side 1



Example Non-Street-Facing Side 2

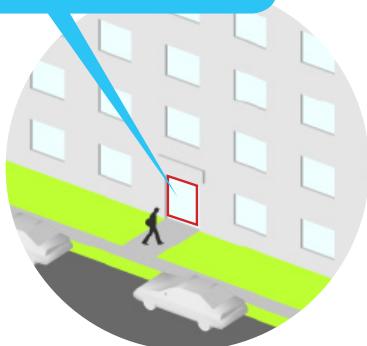


Example Non-Street-Facing Rear 1



Example Non-Street-Facing Rear 2

Primary street-facing façade must include primary entrance at front setback.



Rear primary entrances are prohibited

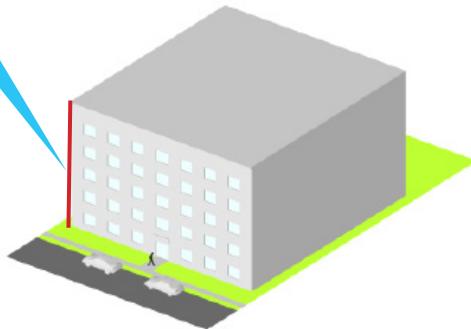
Schools (elementary, middle and high schools)

Minimum lot size
for subdivision is
10,000
square feet

Minimum lot
width for
subdivision is
100
feet

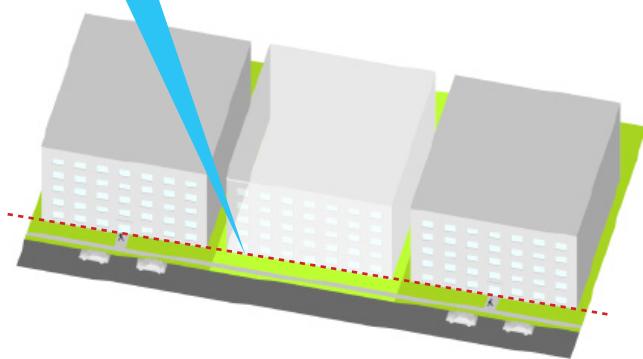
Height

Maximum building height is
5 stories and 55 feet.



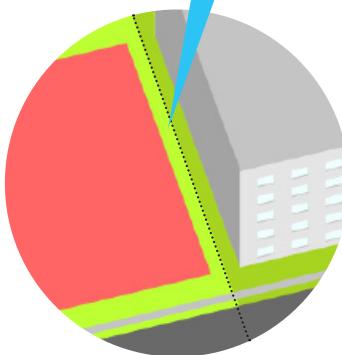
Front Setback

Front setback must be
between 5 and 10 feet.



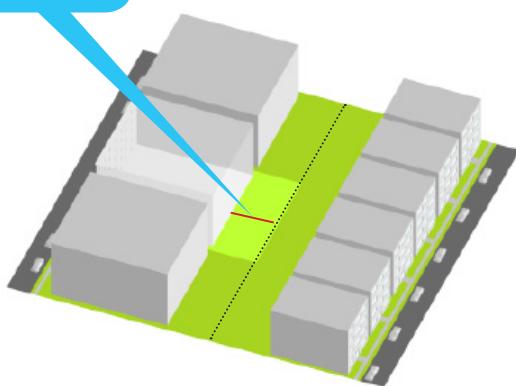
Side Setback

Side setback must be 5 feet.



Rear Setback

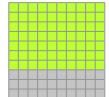
Rear setback must be 30 feet.



Maximum lot coverage by building is **65%**

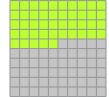
Maximum Impervious Yard Area

REAR YARD

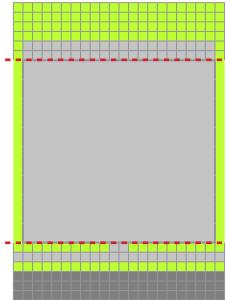


≤30%

FRONT YARD

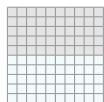


≤55%

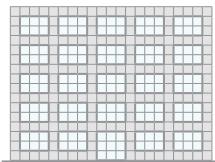


Minimum Building Transparency

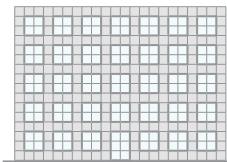
FRONT



≥50%

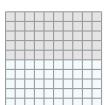


Example Front 1

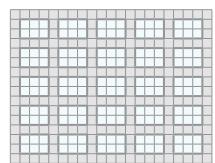


Example Front 2

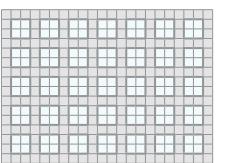
STREET-FACING SIDE & REAR



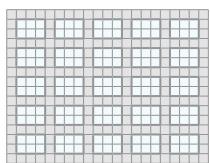
≥50%



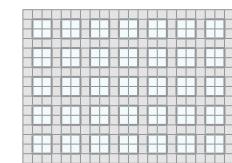
Example Street-Facing Side 1



Example Street-Facing Side 2

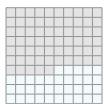


Example Street-Facing Rear 1

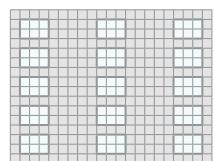


Example Street-Facing Rear 2

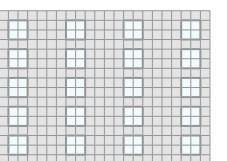
NON-STREET-FACING SIDE & REAR



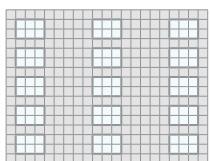
≥35%



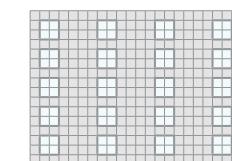
Example Non-Street-Facing Side 1



Example Non-Street-Facing Side 2

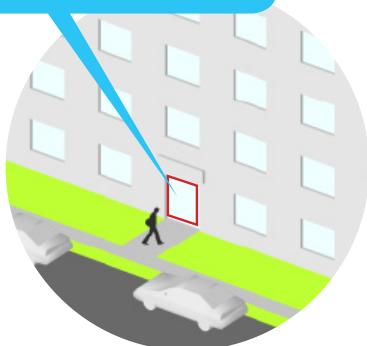


Example Non-Street-Facing Rear 1



Example Non-Street-Facing Rear 2

Primary street-facing façade must include primary entrance at front setback.



Rear primary entrances are prohibited

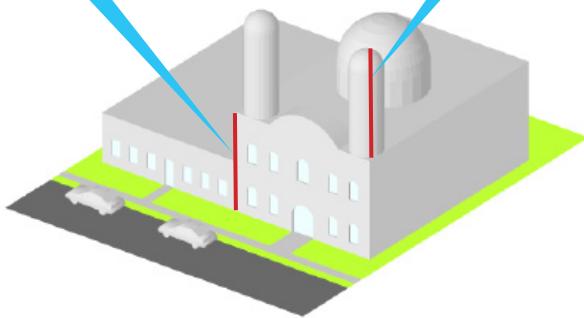
Place of Worship



Height

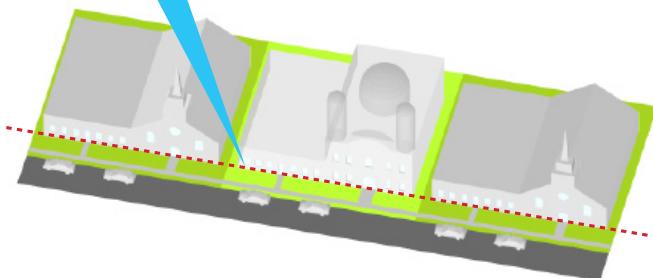
Maximum building height is 2 stories and 30 feet.

Architectural elements such as towers & cupolas may break this limit but not by greater than 30 feet.



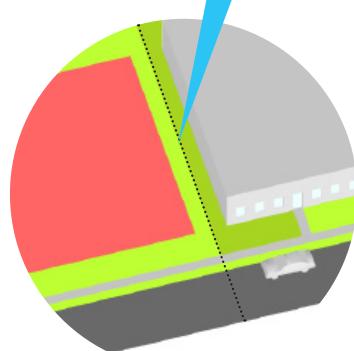
Front Setback

Front setback must be between 5 and 10 feet.



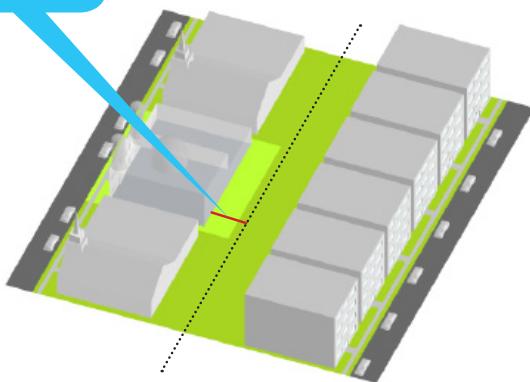
Side Setback

Side setback must be 5 feet.



Rear Setback

Rear setback must be 20 feet.



Maximum lot coverage by building is **65%**

Maximum Impervious Yard Area

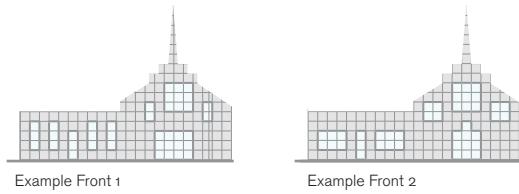
REAR YARD
≤20%

FRONT YARD
≤55%

Minimum Building Transparency

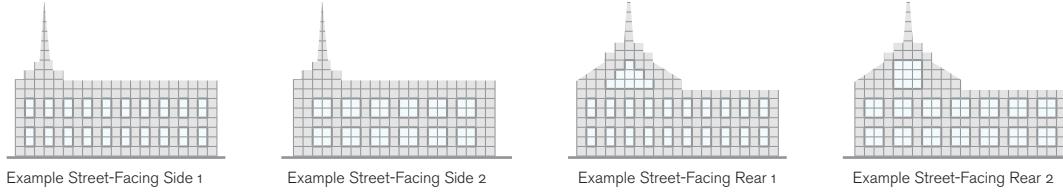
FRONT

≥50%



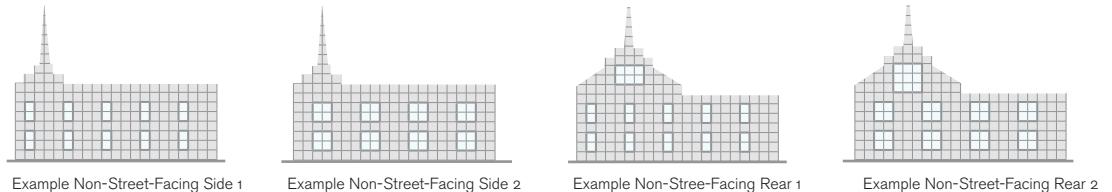
STREET-FACING SIDE & REAR

≥35%

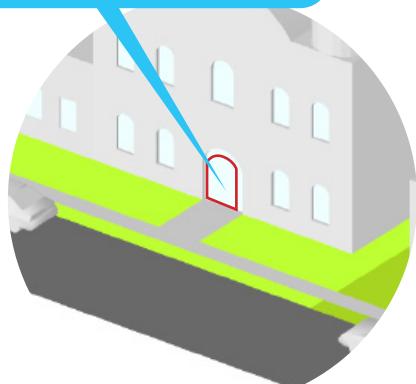


NON-STREET-FACING SIDE & REAR

≥20%



Primary street-facing façade must include primary entrance at front setback.



Rear primary entrances are prohibited

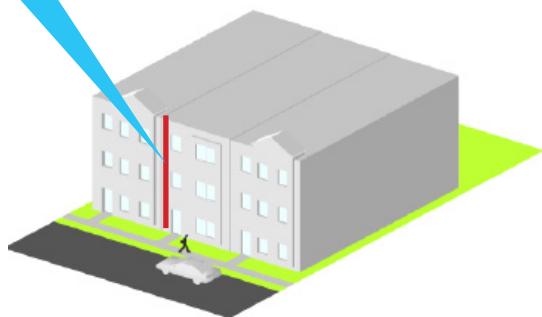
Community Center, Stand-Alone Daycare or Preschool in a Non-residential Area, and other Civic Buildings

Minimum lot size
for subdivision is
5000
square feet

Minimum lot
width for
subdivision is
50
feet

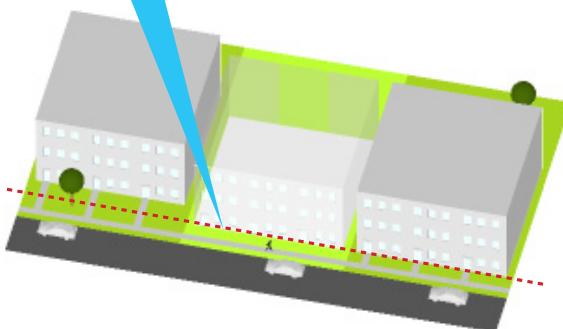
Height

Maximum building height
is 3 stories and 35 feet.



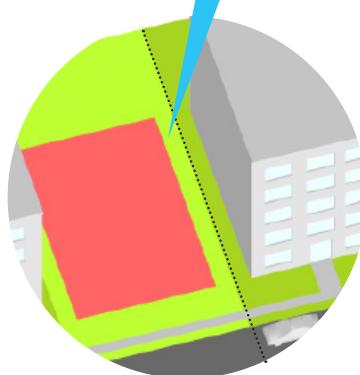
Front Setback

Front setback must be
between 5 and 10 feet.



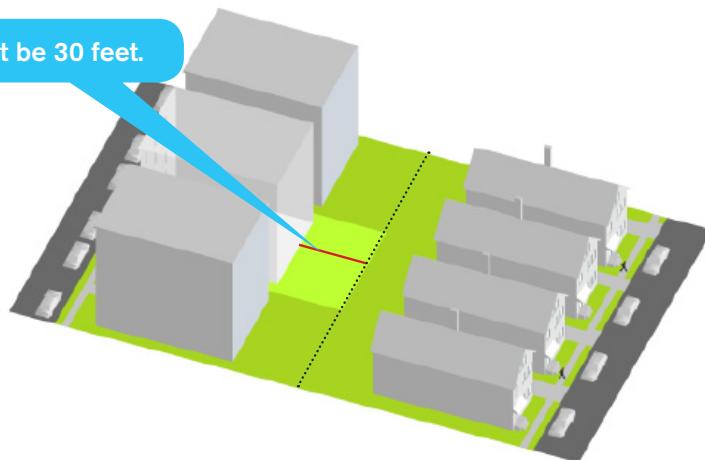
Side Setback

Side setback must be 5 feet.



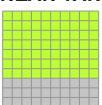
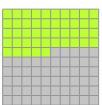
Rear Setback

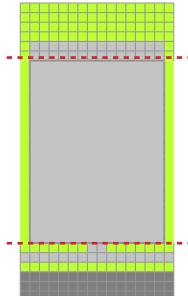
Rear setback must be 30 feet.



Maximum lot coverage by building is **65%**

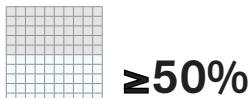
Maximum Impervious Yard Area

REAR YARD		$\leq 30\%$
FRONT YARD		$\leq 55\%$

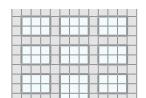


Minimum Building Transparency

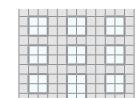
FRONT



$\geq 50\%$



Example Front 1

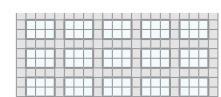


Example Front 2

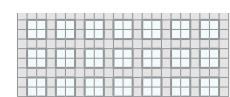
STREET-FACING SIDE & REAR



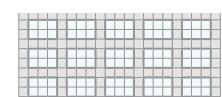
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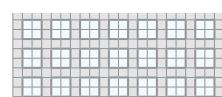
Example Street-Facing Side 1



Example Street-Facing Side 2



Example Street-Facing Rear 1

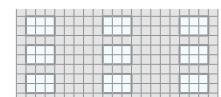


Example Street-Facing Rear 2

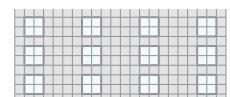
NON-STREET-FACING SIDE & REAR



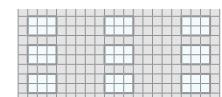
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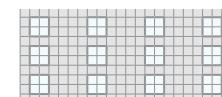
Example Non-Street-Facing Side 1



Example Non-Street-Facing Side 2



Example Non-Street-Facing Rear 1



Example Non-Street-Facing Rear 2

Primary street-facing façade must include primary entrance at front setback.



Rear primary entrances are prohibited

Chapter 6. Conditional use standards

40:6-1. Enumerated; Applications; Procedure

The following are conditional use regulations and they shall be governed as provided below. Since the uses below may be inimical to the public safety and general welfare if located without due consideration of conditions and surroundings, no permit therefore shall be issued unless an application is first made to the Central Planning Board, which is directed to hear the same in the same manner and under the same procedures as set forth in Section 54 of the Municipal Land Use Law (C.40:55D-67). No application for a conditional use shall be granted by the Central Planning Board if in its judgment such use will be detrimental to the health, safety and general welfare of the community.

40:6-2. Standards for conditional uses

40:6-2-1. Animal Boarding or Kennel, Pound or Shelter.

1. Location. Outdoor facilities:

- a. Shall be located a minimum of two hundred (200) feet from any residential use.
- b. Shall not be located in areas used for required parking.
- d. Shall be located in a side or rear yard but shall not encroach into any required setbacks of the zone in which it is located.

2. Buffers and Fences. Outdoor facilities shall be enclosed within a fence meeting the following requirements:

- a. The fence shall be a minimum of four (4) feet and a maximum of six (6) feet in height.
- b. The fence shall be opaque and shall be comprised of wood stockade, PVC vinyl or similar material.
- c. The fence shall not be made of chain link.

3. Noise. Applicants for such uses shall demonstrate compliance with all New Jersey Department of Environmental Protection (NJDEP) State Noise Control Regulations (NJAC 7:29). The approving board may require additional information and studies as necessary to demonstrate compliance with these standards.

4. Condition of Approval. The applicant shall agree as a

condition of approval that the proposed facility shall:

- a. Obtain a license and comply with all applicable regulations pursuant to Title VI, Animals and Fowl, Chapter 1, Domestic Animals, Article 3, Establishments for Dogs of the Revised General Ordinances of the City of Newark, and NJSA 4:19-15.1 et seq. A copy of all licenses shall be placed on file with the Newark Office of Uniform Construction Code (UCC) prior to the issuance of a certificate of occupancy.
- b. Comply with the applicable requirements of NJAC 8:23A-1.1 et seq, Sanitary Operation of Kennels, Pet Shops, Shelters and Pounds.
- c. Provide a suitable Operation & Maintenance Plan to operate the facility in a clean and sanitary manner, including daily removal of waste and odor and pest control.
- d. Obtain licenses as a Commercial Pesticide Applicator from the State of New Jersey Department of Environmental Protection (NJDEP) pursuant to NJAC 7:30-1.1 et seq. if the facility engages in the use of pesticides to control pests including but not limited to fleas, ticks, or mites.

40:6-2-2. Animal Crematorium

1. Location. No animal crematorium shall be permitted within one thousand (1,000) feet of a residential use.

2. Condition of Approval. The applicant shall agree as a condition of approval that the proposed facility shall:

- a. Be associated with a veterinarian licensed in the state of New Jersey.
- b. Screen from public view through fencing, landscaping or buildings, all activity relating to the deceased animals, including delivery and storage of the corpse.
- d. Not store deceased animals outside the facility.
- e. Limit the storage of deceased animals to no more than forty-eight (48) hours.
- f. Place solid waste associated with the animal crematorium on an impervious area and store in a covered container within the building.
- g. Shall restrict activities to the preparation and cremation of small animals only. No animals that were used for research or were not considered a pet will be allowed.

40:6-2-3. Animal Daycare, Animal Grooming

1. Noise. Applicants for such uses shall demonstrate compliance with all New Jersey Department of Environmental Protection (NJDEP) State Noise

Control Regulations (NJAC 7:29). The approving board may require additional information and studies as necessary to demonstrate compliance with these standards.

2. Condition of Approval. The applicant shall agree as a condition of approval that the proposed facility shall adhere to the following:

- a. Provide a suitable Operation & Maintenance Plan to operate the facility in a clean and sanitary manner, including daily removal of waste and odor and pest control.
- b. Obtain licenses as a Commercial Pesticide Applicator from the State of New Jersey Department of Environmental Protection (NJDEP) pursuant to NJAC 7:30-1.1 et seq. if the facility engages in the use of pesticides to control pests including but not limited to fleas, ticks or mites.

40:6-2-4. Artist Live/Work Studio (Nuisance Producing)

1. Location. No live/work studio shall be situated on a higher floor than a non-live/work residential unit.

2. Bulk/Building Requirements.

- a. The minimum average unit size for both living and work space shall not be less than nine hundred (900) square feet.
- b. Not more than fifty percent of the floor area of each live/work unit shall be devoted to living areas.

3. All odors & noise generated must be contained within the individual live/work unit.

4. Condition of Approval. The applicant shall agree as a condition of approval that the proposed studio shall comply with all applicable municipal, County, State and Federal safety and environmental regulations.

5. Additional Requirements. A list of hazardous materials to be utilized in the live/work studio area shall be submitted to the approving board at the time of application. Such list shall be made available to any other tenants of the building upon their request.

40:6-2-5. Assisted Living Facilities & Nursing Homes

1. Location. Assisted living facilities and nursing homes shall be located on a collector or arterial street.

2. Bulk/Building Requirements. Such facilities shall meet the dimensional requirements according to their respective zoning districts. If such facility is located in a R-4 zone, then it shall follow the size and design of buildings permitted in R-4 zones. If such facility is located in a R-5 zone, it shall follow the dimensional requirements permitted in R-5 zones. If such facility is located in a R-6 zone, it shall follow the dimensional requirements permitted in R-6 zones.

3. Buffers and Fences. A buffer shall be provided in accordance with Section 40:16-5 and Section 40:16-3 of the Newark Zoning and Land Use Regulations.

4. Condition of Approval. The applicant shall agree as a condition of approval that the proposed facility shall:

- a. Obtain a certificate of need pursuant to NJAC 8:33H-1.1 et seq. and maintain and operate the facility in accordance with the regulations therein;
- b. Obtain all required licenses from the appropriate City, State and Federal agencies which regulate assisted living facilities and nursing homes.
- c. A copy of all licenses and certificates shall be placed on file with the Newark Office of Uniform Construction Code (UCC) prior to the issuance of a certificate of occupancy.

40:6-2-6. Automobile Car Washes

1. Bulk/Building Requirements. A car wash shall be completely enclosed for all operations in a building which meets the dimensions of the underlying zoning. Final hand drying operations are permitted to take place in an unenclosed area.

2. Buffers and Fences. A car wash shall comply with the following requirements for buffers and fences:

- a. A fence of five (5) feet maximum shall be provided along all property boundary lines except along public street frontages.
- b. Adjacent to residential uses, a buffer shall be provided in accordance with Section 40:16-3 of the Newark Zoning and Land Use Regulations.

3. Outdoor Storage. A car wash shall comply with the following outdoor storage requirements:

- a. Outdoor storage and display of accessories, portable signs and outdoor repair work shall be prohibited at all times. Premises shall not be used for the sale, rental or display of automobiles, trailers, mobile homes, boats or other vehicles.

- b. Not more than five (5) vehicles shall be stored outdoors overnight.
 - c. Outdoor storage areas shall not be permitted in any required yard.
4. On-Site Circulation. A car wash shall comply with the following on-site circulation requirements:
- a. Stacking spaces. The number of required on-site stacking spaces shall be a minimum of ten (10) spaces if the conveyor line is one hundred and twenty (120) feet or less in length. Such spaces shall be increased by one (1) space for each additional ten (10) feet or part thereof that the conveyor line exceeds one hundred and twenty (120) feet.
 - b. The building exit for vehicles that have completed the washing process shall be at least fifty (50) feet distant from the nearest point of the public sidewalk of the adjacent street.
 - c. Driveways are limited to one (1) driveway per street frontage per one hundred (100) linear feet of street frontage and the maximum width of each driveway is twenty-four (24) feet.
 - d. Driveways shall be at least ten (10) feet from any side lot line and fifty (50) feet from the intersection of street lines.
 - e. Car stacking and drying in the public right-of-way is prohibited.

40:6-2-7. Automobile Paint & Body Repair

1. Location. Spray booths are not permitted at any facility located within one thousand (1000) feet of a property used for residential use.
2. Bulk/Building Requirements. An automobile paint and autobody repair establishment shall be completely enclosed for all operations in a building which meets the dimensions of the underlying zoning.
3. Buffers and Fences. An automobile paint and autobody repair establishment shall comply with the following requirements for buffers and fences:
 - a. A fence of five (5) feet maximum shall be provided along all property boundary lines except along public street frontages.
 - b. Adjacent to residential uses, a buffer shall be provided in accordance with Section 40:4-12 of the Newark Zoning and Land Use Regulations.
4. Outdoor Storage. An automobile paint and autobody repair establishment shall comply with the following outdoor storage requirements:

- a. Storage areas for vehicles waiting for repair shall be provided on the site and shall not occur in the public right-of-way.
- b. All dismantled vehicles, equipment and parts and accessories thereof shall be stored within a building or behind a solid screen fence no less than six (6) feet high.
- c. Outdoor storage areas shall not be permitted in any required yard.

5. On-Site Circulation. An automobile paint and autobody repair establishment shall comply with the following on-site circulation requirements:

- a. There shall be sufficient area on site for all vehicle maneuvering and repositioning of inventory.
- b. No vehicles shall stand or be parked in the public right-of-way.
- c. Driveways are limited to one (1) driveway per street frontage per one hundred (100) linear feet of street frontage and the maximum width of each driveway is twenty-four (24) feet.
- d. Driveways shall be at least ten (10) feet from any side lot line and fifty (50) feet from the intersection of street lines.

6. Odor Control. No odors should be noticeable past the property line.

40:6-2-8. Automobile Rental

1. Buffers and Fences. An automobile rental establishment shall comply with the following requirements for buffers and fences:
 - a. A fence of five (5) feet maximum shall be provided along all property boundary lines except along public street frontages.
 - b. Adjacent to residential uses, a buffer shall be provided in accordance with Section 40:16-3 of the Newark Zoning and Land Use Regulations.
2. Outdoor Storage. An automobile rental establishment shall comply with the following outdoor storage requirements:
 - a. Vehicles which are stored on-site shall not be stacked in rows of more than two vehicles head-to-head without the provision of driveway aisles.
 - b. Outdoor storage areas shall not be permitted in any required yard.
3. On-Site Circulation. An automobile rental establishment shall comply with the following on-site circulation requirements:

- a. Adequate access and egress with appropriate turning radii to the site shall be provided as well as adequate queuing and turnaround space on the site so that at no time is street traffic disrupted or blocked by vehicles entering or leaving the site, or maneuvering to park on the site.
- b. No vehicles shall stand or be parked in the public right-of-way.
- c. Driveways are limited to one (1) driveway per street frontage per one hundred (100) linear feet of street frontage and the maximum width of each driveway is twenty-four (24) feet.
- d. Driveways shall be at least ten (10) feet from any side lot line and fifty (50) feet from the intersection of street lines.

40:6-2-9. Automobile Repair & Tire Repair

- 1. Bulk/Building Requirements. An automobile repair shop shall be completely enclosed for all operations in a building which meets the dimensions of the underlying zoning.
- 2. Buffers and Fences. An automobile repair shop shall comply with the following requirements for buffers and fences:
 - a. A fence of five (5) feet maximum shall be provided along all property boundary lines except along public street frontages.
 - b. Adjacent to residential uses, a buffer shall be provided in accordance with Section 40:16-3 of the Newark Zoning and Land Use Regulations.
- 3. Outdoor Storage. An automobile repair shop shall comply with the following requirements for outdoor storage:
 - a. Storage areas for vehicles waiting for repair shall be provided on the site and shall not occur in the public right-of-way.
 - b. All dismantled vehicles, equipment and parts and accessories thereof shall be stored within a building or behind a solid screen fence no less than six (6) feet high. Such fence shall be least fifteen (15) feet from the right-of-way and property.
 - c. Outdoor storage areas shall not be permitted in any required yard.
- 4. On-site Circulation. An automobile repair shop shall comply with the following requirements for on-site circulation:
 - a. Driveways are limited to one (1) driveway per street

frontage per one hundred (100) linear feet of street frontage and the maximum width of each driveway is twenty-four (24) feet.

- b. Driveways shall be at least ten (10) feet from any side lot line and fifty (50) feet from the intersection of street lines.
- c. There shall be sufficient area on site for all vehicle maneuvering.
- d. Cars shall not be maneuvered or repositioned in the public right-of-way.

40:6-2-10. Automobile Sales

- 1. Bulk/Building Requirements. All such establishments shall have a fully enclosed sales building which meets the dimensions of the underlying zoning with a showroom area accommodating at least three (3) automobiles. Vehicle service or repair may be performed as an accessory use, but only within a totally enclosed building.
- 2. Buffers and Fences. An automobile sales establishment shall comply with the following requirements for buffers and fences:
 - a. A fence of five (5) feet maximum shall be provided along all property boundary lines except along public street frontages.
 - b. Adjacent to residential uses, a buffer shall be provided in accordance with Section 40:16-3 of the Newark Zoning and Land Use Regulations.
- 3. Outdoor Storage. An automobile sales establishment shall comply with the following requirements for outdoor storage:
 - a. All outdoor display and service areas, including driveways and parking facilities, shall be paved.
 - b. Motor vehicles and equipment shall be kept at least fifteen (15) feet from the right-of-way and property lines.
- 4. On-Site Circulation. An automobile sales establishment shall comply with the following requirements for on-site circulation:
 - a. There shall be sufficient area on site for all vehicle maneuvering and repositioning of inventory. No vehicles shall stand or be parked in the public right-of-way. All vehicle service must be performed on-site.
 - b. Driveways are limited to one (1) driveway per street frontage per one hundred (100) linear feet of street frontage and the maximum width of each driveway is

twenty-four (24) feet.

c. Driveways shall be at least ten (10) feet from any side lot line and fifty (50) feet from the intersection of street lines.

40:6-2-11. Automobile Service Station

See Section 40:6-2-24. Gasoline Stations.

40:6-2-12. Bars, Taverns & Lounges

1. Location. A bar, tavern or lounge shall be located on a collector or arterial street.

2. Bulk/Building Requirements. A bar, tavern, or lounge shall comply with the following bulk/building requirements:

a. Such uses shall be required to provide vestibules at all entrances and exits used by patrons for other than emergency egress to minimize noise emanating from such an establishment.

b. Such uses shall provide adequate ventilation within the building such that doors and/or windows are not left open for such purposes resulting in noise emission from the building.

c. Such uses shall not have any outdoor public address or music system.

d. Such use shall comply with the minimum distance requirements, and requirements for floor space and toilets as provided for a plenary retail consumption licensee in Title IV Alcoholic Beverages of the Revised General Ordinances of the City of Newark.

3. Noise. Applicants for such uses shall demonstrate compliance with all New Jersey Department of Environmental Protection (NJDEP) State Noise Control Regulations (NJAC 7:29). The approving board may require additional information and studies as necessary to demonstrate compliance with these standards.

4. Condition of Approval. The applicant shall agree as a condition of approval that the proposed establishment shall:

a. Obtain a plenary retail consumption license from the Newark Board of Alcoholic Beverage Control in accordance with Title IV Alcoholic Beverages of the Revised General Ordinances of the City of Newark, NJAC 13:2-1.1 et seq. and NJSA 33:1-1 et seq. A copy of all licenses shall be placed on file with the Newark

Office of Uniform Construction Code (UCC) prior to the issuance of a certificate of occupancy.

b. Comply with all the requirements for plenary retail consumption licensees including restrictions on hours and days of operation in accordance with Title IV Alcoholic Beverages of the Revised General Ordinances of the City of Newark, NJAC 13:2-1.1 et seq. and NJSA 33:1-1 et seq.

40:6-2-13. Billboards

1. Location. A billboard facility shall comply with the following locational requirements:

a. No such billboard facility can be erected such that any part of the structure is in or is positioned to be within the direct line of sight from any school, park, historic district, historic structure, residentially zoned district, or any portion of the City of Newark within the area bordered by Interstate 280 at the north, Dr. Martin Luther King, Jr. Blvd. at the west, East and West Kinney Streets at the south, the Northeast Corridor Railroad right-of-way and the Passaic River at the east.

b. No such billboard facility can be erected within one thousand (1,000) feet (measured in a straight line) of the border with any facility or district listed above.

c. No billboard shall be located closer than one thousand (1,000) feet (measured in a straight line) from another such billboard.

2. Bulk/Design Requirements. A billboard facility shall comply with the following bulk/design requirements:

a. No such billboard facility shall exceed a height of forty (40) feet from grade at its highest point for a freestanding unit or unit mounted on a building wall. Any billboard mounted on a building rooftop may not project more than twenty (20) feet above the height of the building's roof.

b. No such billboard facility shall be allowed to obscure or cover any building's windows, doorways, architectural trim, nor shall it be located within five (5) feet of such a building feature.

c. The maximum permitted advertising area showing in one general direction (within forty-five (45) degrees) shall not exceed six hundred fifty (650) square feet for a single billboard or combination of billboards.

3. Landscaping. A billboard facility shall comply with the following landscaping requirements:

- a. No trees or other landscaping features can be removed or substantially reduced in size in any way to accommodate the visibility of the billboard.
- b. Visual impact on the surrounding areas shall be minimized through the use of landscaping, berming, and grading at the base of the unit. Dense all-season or evergreen landscaping shall be installed at the base of any freestanding billboard structure, and digital billboards are prohibited.

4. Submission Requirements. Any application for conditional use review for a billboard must include the same information as would be required for a site plan review to be deemed complete.

5. Condition of Approval. A billboard facility shall comply with the following requirements:

- a. The billboard operator or owner shall comply with the Roadside Sign Control and Outdoor Advertising Act as contained in NJSA 27:5-5 et seq. as well as all other regulations, statutes, or laws relating to billboards.
- b. Condition of Approval. All billboards in the City of Newark must be properly maintained for safety and aesthetic value. Any billboard facility that has signs of disrepair including, but not limited to, graffiti, rust, peeling paint, rotten wood, broken supports or boards, or other signs of disrepair for a period of more than thirty (30) days is not being properly maintained and is defined to be abandoned. Any billboard that is not in use for more than one hundred twenty (120) days is also defined to be abandoned. Any abandoned billboard facility loses its preexisting nonconforming status and must be removed by its owner or operator. The only exception to the preceding sentence applies to billboards within jurisdiction of the Federal Highway Beautification Act (23 USC 131) in which case removal may be required by State and/or Federal transportation authorities.
- c. All billboard operators are required to comply with all other ordinances and regulations that pertain to billboard licenser placement and operations.

6. Additional Requirements. Any existing billboard

for which structural changes are made must comply with all standards and conditions in this statute or the billboard must be removed. The only exception to the preceding sentence applies to billboards within jurisdiction of the Federal Highway Beautification Act (23 USC 131), in which case removal may be required by State and/or Federal transportation authorities.

40:6-2-14. Body Art Studios

1. Bulk/Building Requirements. A body art studio shall comply with the following bulk/building requirements:

- a. Waiting areas required pursuant to N.J.A.C 8:27-1 et seq. New Jersey State Sanitary Code Chapter VIII Body Art Procedures shall be at least 80 square feet in size and have seating for customers.

- b. Body art studios shall not display services in progress visible from the public right-of-way.

2. Condition of Approval. The applicant shall agree as a condition of approval that the proposed establishment shall comply with all regulations pursuant to N.J.A.C 8:27-1 et seq. New Jersey State Sanitary Code Chapter VIII Body Art Procedures, including approval from the local health authority; regulations pertaining to physical plant and environment; and compliance with all other applicable City and State regulations.

40:6-2-15. Child Care Centers (“Day Care Centers”)

1. Bulk/Building Requirements. A child care center shall comply with the following bulk/building requirements:

- a. A standalone child care center located in a residential zone shall conform to the same bulk and area requirements of the zone in which it is located. Refer to Chapter 5 for the specific building bulk and design requirements for each zone.

- b. A standalone child care center in a non-residential zone shall conform to the bulk and area requirements of the zone in which it is located.

2. On-site Circulation. All such facilities shall provide either one of the following:

- a. Off-street parking spaces reserved for parents walking their children into and out of the child care facility, sufficient to accommodate the drop-off or pick-up at peak times of use; or

- b. A safe pickup and delivery area separate from

the off-street parking area and access driveway so students leaving vehicles have access to a sidewalk leading into the school without the child having to cross a street, parking lot, loading area, driveway or aisle. The safe pick-up/drop-off shall not be located between the front yard and the public street.

3. Condition of Approval. The applicant shall agree as a condition of approval:

a. To obtain a license pursuant to N.J.S.A 30:5B-1 et seq. Child Care Center Licensing Act, and Chapter 122 Manual of Requirements for Child Care Centers (NJAC 10:122-1.1 et seq.). A copy of all licenses shall be placed on file with the Newark Office of Uniform Construction Code (UCC) prior to the issuance of a certificate of occupancy.

b. To comply with applicable facility requirements pursuant to N.J.S.A 30:5B-1 et seq. Child Care Center Licensing Act, and Chapter 122 Manual of Requirements for Child Care Centers (NJAC 10:122-1.1 et seq.) and applicable provisions of City and State health and construction codes.

40:6-2-16. Commercial, Industrial Truck & Bus Services

1. Bulk/Building Requirements. A commercial, industrial truck and bus service shall be completely enclosed for all operations in a building which meets the dimensions of the underlying zoning. Final hand drying operations are permitted to take place in an unenclosed area.

2. Buffers and Fences. A commercial, industrial truck and bus service shall comply with the following requirements for buffers and fences:

a. A fence of five (5) feet maximum shall be provided along all property boundary lines except along public street frontages. Fences not exceeding eight (8) feet may be provided.

b. Adjacent to residential uses, a buffer shall be provided in accordance with Section 40:16-3 of the Newark Zoning and Land Use Regulations.

3. Outdoor Storage. A commercial, industrial truck and bus service shall comply with the following outdoor storage requirements:

a. Outdoor storage and display of accessories, portable signs and outdoor repair work shall be prohibited at all times.

b. Outdoor storage areas shall not be permitted in any required yard.

4. On-Site Circulation. A commercial, industrial truck and bus service shall comply with the following on-site circulation requirements:

a. Stacking spaces. The number of required on-site stacking spaces shall be a minimum of three (3) spaces per bay. Stacking spaces shall have a minimum width of ten (10) feet and a minimum length of forty-five (45) feet. Stacking or storage shall be prohibited in the public right-of-way.

c. Driveways are limited to one (1) driveway per street frontage per one hundred (100) linear feet of street frontage and the maximum width of each driveway is thirty-five (35) feet for a two-way driveway and twenty (20) feet for a one-way driveway. Two (2) driveways may be approved if they are each to be one-way.

d. Driveways shall be at least ten (10) feet from any side lot line and fifty (50) feet from the intersection of street lines.

e. Sufficient area must be provided on-site for all vehicle maneuvering and repositioning. Vehicle maneuvering and repositioning is prohibited in the public right-of-way.

40:6-2-17. Commercial, Industrial Truck & Bus Wash

1. Bulk/Building Requirements. A commercial, industrial truck and bus wash shall be completely enclosed for all operations in a building which meets the dimensions of the underlying zoning. Final hand drying operations are permitted to take place in an unenclosed area.

2. Buffers and Fences. A commercial, industrial truck and bus wash shall comply with the following requirements for buffers and fences:

a. A fence of five (5) feet maximum shall be provided along all property boundary lines except along public street frontages. Fences not exceeding eight (8) feet may be provided.

b. Adjacent to residential uses, a buffer shall be provided in accordance with Section 40:16-3 of the Newark Zoning and Land Use Regulations.

3. Outdoor Storage. A commercial, industrial truck and bus wash shall comply with the following outdoor storage requirements:

- a. Outdoor storage and display of accessories, portable signs and outdoor repair work shall be prohibited at all times. Premises shall not be used for the sale, rental or display of automobiles, trailers, mobile homes, boats or other vehicles.
 - b. Not more than five (5) vehicles shall be stored outdoors overnight.
 - c. Outdoor storage areas shall not be permitted in any required yard.
4. On-Site Circulation. A commercial, industrial truck and bus wash shall comply with the following on-site circulation requirements:
- a. Stacking spaces. The number of required on-site stacking spaces shall be a minimum of three (3) spaces per bay. Stacking spaces shall have a minimum width of ten (10) feet and a minimum length of forty-five (45) feet. Stacking shall be prohibited in the public right-of-way.
 - b. The building exit for vehicles that have completed the washing process shall be at least fifty (50) feet distant from the nearest point of the public sidewalk of the adjacent street.
 - c. Driveways are limited to one (1) driveway per street frontage per one hundred (100) linear feet of street frontage and the maximum width of each driveway is thirty-five (35) feet for a two-way driveway and twenty (20) feet for a one-way driveway. Two (2) driveways may be approved if they are each to be one-way.
 - d. Driveways shall be at least ten (10) feet from any side lot line and fifty (50) feet from the intersection of street lines.
 - e. Sufficient area must be provided on-site for all vehicle maneuvering and repositioning. Vehicle maneuvering and repositioning is prohibited in the public right-of-way.

40:6-2-18. Commercial Antennas & Microwave Dishes

1. General Standards

- a. No permit shall be issued for the erection or

installation of a commercial antenna except upon site plan approval.

- b. The antenna project design is required to be structurally sound. The antenna project is to be certified to not create any hazard to the general public and any inhabitants or occupants of the site in question or any sites in the vicinity thereof.
- c. The antenna project including mountings, wiring, and equipment placed on structures other than buildings shall be camouflaged in the most concealing manner possible and hidden from public view. This includes mountings on billboards or other existing non-building structures.
- d. Any antenna installation on a structure that is or was constructed exclusively for the mounting of antennas, such as a tower, shall meet the following requirements for the antennas and the structure:
 - i. The structure shall not exceed a height of one hundred (100) feet unless it can be demonstrated by the applicant, to the satisfaction of the reviewing board, that a higher height is necessary for the proposed installation of the antenna(s) to satisfactorily operate and is necessary for the co-location of at least three (3) other carriers on the tower.
 - ii. The structure and site must be at least five hundred (500) feet from any residential district boundary; a school; a Historic District; a public park; or a place of worship. Such structure must also be out of view from any Historic District or landmark.
 - iii. All electronic equipment for such antennas shall be kept inside a structure on the same site as the antenna structure. This housing structure shall be less than fifteen (15) feet tall and be clad in wood siding, brick, or other appropriate material.
 - iv. The site must be landscaped with densely planted, mature evergreens that are a minimum of fifteen (15) feet tall to screen all structures including equipment storage buildings and tower bases, to the greatest extent possible, from public view and fenced by means of a concealing fence constructed of a long-lasting material, such as

PVC pickets, brick wall, or board and batten panels; and the equipment housing structure shall have less than three hundred and sixty (360) square feet of floor area per telecommunications operator. Chain link fencing of any form even with privacy slats shall not ever be used.

v. Structures for elevating antennas above ground level, as well as the antenna units, wiring, mounting devices, and accompanying hardware shall be designed to blend with the surrounding area's architecture, environment, and landscaping through the use of structure coloring and camouflaging to disguise the antenna for the public's aesthetic benefit. Appropriate camouflage could include designing the tower to resemble a tree, church steeple, or other like structure.

vi. The structure shall not have any lighting or signage other than safety warnings and lighting that would be required by the FAA. In such case, strobe lighting shall never be used unless specifically required by the FAA.

vii. The applicant shall be responsible for all maintenance of its antennas additional hardware, accompanying landscaping, camouflage, paint, cables, cable trays, conduits, and mounting hardware.

e. Any antennas proposed to be mounted on an existing building or structure not initially constructed for the mounting of antennas shall meet the following requirements:

i. Antennas may only be mounted on a building that is taller than fifty-five (55) feet, and they may only be mounted on the part of the building that is higher than forty-five (45) feet above grade.

ii. No antenna shall be mounted higher than the building parapet, stair or elevator shaft/penthouse, chimney, smokestack or other part of the structure upon which it is being mounted. The only exception to this shall apply when the applicant can provide evidence to the Central Planning Board that appropriate broadcasting and reception service is not possible without a higher mounting configuration such as a mounting on poles or posts. In such cases, the antenna units must be set back at least eight (8) feet from the exterior

edge of the part of the building upon which they are being mounted; the antennas and poles must be mounted on a flat surface; and the mountings cannot be more than twelve (12) feet tall measured from the edge of the surface upon which they are being mounted.

iii. Wall mounted antennas cannot project horizontally beyond the wall upon which they are being mounted by more than one and one-half (1.5) feet and they cannot project beyond the site's property line.

iv. All antenna units and accompanying infrastructure must be painted to match any vertical surface upon which they are being mounted. Pole mounted units shall be painted light blue. A color sample (six (6) copies) shall be provided as part of the application. The exact color must be approved by the Central Planning Board. The applicant must maintain the painting and pigmentation for the duration of the antenna's existence, and the antenna units must be removed if the appearance of the units is not properly maintained.

v. Antennas must be spaced and positioned on the building in such a way as not to interfere with that wall's architectural design or its decorative features. Antennas must be mounted in such a way that they are evenly spaced along the building's wall and they are evenly spaced from corners or other building features such as windows, brackets or decorative panels. The reviewing board may determine that the antennas are being spaced in a pattern that does not disrupt any repetitive patterns of any wall or parapet's decorative bracketing, paneling, or window placement. All applicants must submit detailed façade drawings and photographs of all building views being affected by the antenna installation. Microunits no larger than 2 inches in diameter may be placed above the parapet.

vi. All wiring and/or cable tray devices must be positioned in such a way as not to be visible to the public. The applicant may use external wiring only if it can provide evidence that wiring through the building is not possible for structural reasons. If external wiring is to be used, it can only be mounted on outside walls that are not visible from

any public street, park, or plaza. Such wiring and/or wire trays must be painted to match the wall surface upon which they are being mounted, and it must be mounted at an area so as not to interfere with the architectural features of the building. In the instance that the building upon which antenna mounting being proposed does not have any wall area that is not visible from a public street, park, or plaza, wiring must be mounted on the wall that is visible from the street with the least vehicular and pedestrian traffic.

vii. All equipment must be kept inside the building where the antenna project is proposed to be conducted. If this is not possible, the applicant must present reasoning for this, and the equipment must then be placed inside a structure to be placed on a flat part of the building's roof. The equipment structure must be no taller than fifteen (15) feet, set back at least four (4) feet from all front or side edges of the roof or any other roof edge that fronts directly on a public street, built of an exterior construction material with the same appearance as the exterior walls of the building, and it must have no more than three hundred and sixty (360) square feet of floor area. If equipment were to be placed outside the building or off the roof, it shall be screened and enclosed according to Section 40:4-8e,1(e)(3) of this Chapter.

f. Approval of a commercial antenna may be granted by the reviewing board upon finding, after a review of all submitted documents, that there is an existing gap in service that can only be closed by the installation of a new or additional antenna project. The applicant shall provide its plan for communications coverage in the City of Newark. The applicant shall further provide a statement to explain how this application shall address any needs identified by that plan and explain why the applicant's proposal is the best possible method to address those needs. The applicant shall make every attempt to use the highest priority site, as listed as follows, in order from highest priority to lowest priority.

i. The first priority location shall be co-location on an existing wireless telecommunication tower or other similar existing structure in I-2 or I-3 zones.

ii. The second priority location shall be an existing

building within the C-3 or the I-2 or I-3 zones.

iii. The third priority location shall be an existing building within the MX-1, MX-2, C-2, or I-1 zones.

iv. The fourth priority location shall be a new tower in the I-2 or I-3 zones.

g. The review board may deny or limit approval of a commercial antenna if it reasonably concludes that the number, location, size and elevations of the radiating elements are not required for the proposed operation under FCC license, are intended for rental, lease or sale to other persons for unrelated operations, fails to meet FCC regulations, fails to meet any of the above-mentioned criteria, or generally impairs the visual environment.

h. Approval of a commercial antenna may be granted upon finding, after a review of the plot plan and all accompanying documents, that:

i. There is an existing gap in service that can only be closed by the installation of a new or additional antenna; and

ii. That the gap in service cannot be closed by locating an antenna in one of the permitted locations.

2. Submission requirements for all antenna projects whether expressly permitted or only permitted by conditional use approval. All information required in this paragraph shall be provided to the reviewing board staff in advance of any review hearing and shall be required to determine an application to be complete.

a. The applicant must provide six (6) sets of photographic simulations of the site showing all publicly accessible views of the site as it would appear with the proposed antennas, cable trays, cables, mounting devices, electronic equipment, and accompanying structures and hardware installed.

b. The applicant must provide six (6) copies of a block diagram showing all streets and buildings along with their land uses within five-hundred (500) feet of each antenna. These must include the heights of all structures within this distance.

c. The applicant shall provide a certified statement

from a licensed New Jersey professional engineer indicating the projected effective radiated power of all transmitted signals, and the probable radiation pattern with an analysis of any potential of reception interference by electronic receiving devices. This statement must attest to the project and facility's compliance with all Federal and State requirements for human or animal exposure to radio frequency emissions.

d. The applicant must submit six (6) sets of signed and sealed surveys and plot plans, which shall include appropriate engineering and architectural drawings indicating the number, location, size, and height (with elevations) of all radiating elements and corresponding hardware as they are intended to be mounted on the site and/or building. Drawings shall also provide detailed depictions of all building features, landscaping, and all other property elements affected by the application. The drawings shall also include all views/elevations of the structure upon which the antenna is to be mounted.

e. The applicant shall provide a statement from a licensed New Jersey professional engineer certifying to the structural integrity of all mounting hardware.

f. The applicant may be required to submit a fee in escrow to cover the cost of an independent review of any engineering claims made by the applicant.

3. Removal.

a. The applicant shall agree to remove any antenna units and accompanying infrastructure if all or part of any such installation becomes obsolete, is unrepaired for an unreasonable period or ceases to be used for its intended purpose for twelve consecutive months.

b. The Planning Board or Zoning Board of Adjustment may, at its sole discretion, require the applicant to provide a demolition bond to the City of Newark for the purpose of assuring the removal of any antenna units and accompanying infrastructure in accordance with the provisions of this Section.

c. The applicant will be responsible for providing written estimates to the City of Newark for the cost to demolish and/or remove any antenna units and accompanying infrastructure. Such estimates will be used to establish whether any adjustment is required in the amount of the required demolition

bond including the cost to stabilize or landscape the vacancy.

40:6-2-19. Community Centers

1. Location. A community center shall be located on a collector or arterial street.

2. Buffers and Fencing. Where the community center is in or abuts any residential use or zoned property, the community center, a buffer shall be provided in accordance with Section 40:16-3 and Section 40:16-5 of the Newark Zoning and Land Use Regulations.

3. Noise. Applicants for such uses shall demonstrate compliance with all New Jersey Department of Environmental Protection (NJDEP) State Noise Control Regulations (NJAC 7:29). The approving board may require additional information and studies as necessary to demonstrate compliance with these standards.

4. Additional Requirements. On-site exterior areas designated for active recreational use shall comply with the following additional requirements:

a. The recreational area shall be surrounded by a fence of minimum five (5) feet and maximum six (6) feet in height.

b. Any lighting of the recreational area shall comply with the standards of Section 40:16-6 of Newark Zoning and Land Use Regulations.

c. Recreational areas located in residential zones shall not have any loudspeaker or amplified sound.

d. Building facades shall achieve the following levels of transparency:

Primary front facade: 50%

Street-facing Side & Rear Facades: 50%

Non-Street-Facing Facades: 35% or the maximum allowed by construction code, whichever is greater.

40:6-2-20. Drive-Through Facilities

1. Bulk/Building Requirements. A drive-through shall comply with the following bulk/building requirements:

a. Drive-through may be an accessory use to a principal bank, pharmacy, or take-out restaurant.

b. Drive-through service windows shall only be located on the side or in the rear of properties which are internal to the block.

c. Audible electronic devices such as loudspeakers, automobile service order devices, and similar

instruments shall not be located within 50 feet. of any residential use or zoned property line.

2. Buffers and Fences. Adjacent to residential uses, a buffer shall be provided in accordance with Section 40:16-3 and Section 40:16-5 of the Newark Zoning and Land Use Regulations.

3. On-Site Circulation. A drive-through shall comply with the following requirements for onsite circulation:

- a. No service shall be rendered, deliveries made, or sales conducted within the front yard. Customers served in vehicles shall be stopped to the side or rear of the drive-through.
- b. All areas associated with the drive-through, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects, shall be located in the side or rear yard of a property to the maximum extent feasible.
- c. Stacking Lanes. Adequate stacking lanes shall be provided for any use having a drive-through establishment and shall have a minimum width of ten (10) feet. Stacking is prohibited in the public right-of-way.

40:6-2-21. Dry Cleaning and Laundry Establishment

1. Any dry cleaning establishment that uses PERC or Hydrocarbon shall not be located in the same structure as residential units.
2. All dry cleaning establishments and plants must meet State and Federal regulations for the handling, storage and disposal of hazardous chemicals.

40:6-2-22. Emergency Food Distribution Center, Food Pantry, Soup Kitchen

1. Location. An emergency food distribution center, food pantry or soup kitchen shall be located on a collector or arterial street.
2. Bulk/Building Requirements. Each facility shall provide a lobby or indoor waiting area for indoor queuing of its clients sufficient to meet its needs.
3. Condition of Approval. The applicant shall agree as a condition of approval to adhere to all relevant State and City Health and Building Codes.

4. Additional Requirements. Each facility shall implement adequate security and supervision measures to address the needs of the center's clients as well as adjacent neighbors. Prior to approval of the conditional use, the operator of the center shall provide to the approving board a security plan describing special supervision to be provided for clients, as well as protection to be provided to the surrounding community.

40:6-2-23. Exterminator & Pesticide Application Business

1. Condition of Approval. The applicant shall agree as a condition of approval:
 - a. Obtain a license from the New Jersey Department of Environmental Protection pursuant to NJAC 7:30-1.1 et seq., the Pesticide Control Code. A copy of all licenses shall be placed on file with the Newark Office of Uniform Construction Code (UCC) prior to the issuance of a certificate of occupancy.
 - b. Comply with all rules and regulations pursuant to NJAC 7:30-1.1 et seq., the Pesticide Control Code.
 - c. All storage shall be located internal to a building.

40:6-2-24. Funeral Home & Mortuaries

1. Location. A funeral home or mortuary shall be located on a collector or arterial street.
2. Bulk/Building Requirements. A funeral home or mortuary shall comply with the following bulk/building requirements:
 - a. The structure shall be designed so that transporting of human bodies or remains into the facility shall be totally enclosed within the structure.
 - b. No other principal use shall be allowed on the property that is not related to the direct operation of the funeral home or mortuary business.
3. On-Site Circulation. No off-street parking shall be allowed in the front yard area of the premises.
4. Parking. No less than one parking space per thousand square feet is permitted.
5. Condition of Approval. The applicant shall agree as a condition of approval that the proposed establishment shall:
 - a. Obtain a license pursuant to NJAC 13:36-1.1, Board of Mortuary Science. A copy of all licenses shall be placed on file with the Newark Office of Uniform

Construction Code (UCC) prior to the issuance of a certificate of occupancy.

- b. Comply with all of the applicable rules and regulations pursuant to NJAC 13:36-1.1, Board of Mortuary Science.

40:6-2-25. Furniture & Appliance Stores, Used

1. Outdoor Storage. Used furniture and appliance stores shall comply with the following outdoor storage requirements:

- a. Large or bulk items not capable of being discarded in a garbage enclosure shall be stored inside the building until the arrival of a removal service.
- b. Outdoor display of goods and merchandise during business hours is prohibited.
- c. No goods or merchandise for donation shall be dropped-off outside of regular business hours.

2. On-Site Circulation. Used furniture and appliance stores shall comply with the following on-site circulation requirements:

- a. All activities, including collection, storage, sorting, and processing shall occur within a fully enclosed building.
- b. Loading and unloading areas shall not face or be visible from public streets.

40:6-2-26. Gasoline Stations

1. Must comply with NJSA 34:3A-4 et seq. Retail Gasoline Dispensing Safety and NJAC 12:196-1.1 et seq., Safe Dispensing of Retail Gasoline.

2. Bulk/Building Requirements. Gasoline stations shall comply with the following bulk requirements:

- a. All pits, racks or lifts shall be indoors and shall not be less than twenty-five (25) feet from any street line.
- b. Canopy.
 - i. The minimum setback to any property line of a canopy located above a fueling area shall be ten (10) feet, except when adjacent to a residential use or zone, such setbacks shall be increased by an additional ten (10) feet.
 - ii. The maximum height of a canopy shall be twenty (20) feet.

3. Area Requirements: Gasoline stations shall comply with the following area requirements:

- a. No gasoline filling station shall be built on a corner

lot having a width of less than one hundred (100) feet and an area of less than ten thousand (5,000) square feet.

- b. No gasoline filling station shall be built on an interior lot having a width of less than one hundred fifty (150) feet and an area of less than ten thousand (10,000) square feet.

4. Outdoor Storage. Portable signs, outdoor servicing and outdoor storage of tires, automobile parts and accessories shall be prohibited at all times.

5. On-Site Circulation. Gasoline stations shall comply with the following on-site circulation requirements:

- a. Driveways shall cross the sidewalk at right angles and shall not be more than twenty-four (24) feet wide at any point thereof. Driveways must be at least ten (10) feet from any side lot line and fifty (50) feet from the intersection of street lines. There shall be no more than one (1) driveway on any one (1) street frontage unless the street frontage is in excess of one hundred and fifty (150) feet. No more than two (2) driveways may be permitted per street frontage.
- b. A landscape strip planted with shrubs and perennials having a width no less than three (3) feet shall be constructed and maintained in good condition along all street property lines and adjacent to driveway openings.
- c. The entire area of the station traversed by motor vehicles shall be hard surfaced.
- d. Pump islands shall not be less than fifteen (15) feet from any lot line; however, if the gasoline station abuts a residential zone or residential use that distance shall be twenty-five (25) feet to allow for the provision of a ten (10) foot landscaped buffer.

6. Accessory Use. Convenience store.

- a. A freestanding convenience store with a maximum gross floor area of two-thousand (2,000) square feet shall be permitted as an accessory use to a service station when there is no automobile repair shop on site.

b. Minimum setbacks:

- i. Front yard: Twenty (20) feet minimum.
- ii. Side yard: Ten (10) feet minimum.
- iii. Rear yard: Ten (10) feet minimum.
- iv. From a gasoline pump: Fifteen (15) feet minimum.

c. Maximum height: Twenty-Five (25) feet.

- d. Parking shall be no less than one space per thousand square feet.

40:6-2-27. Homeless Shelters

1. Location. A homeless shelter shall be located on a collector or arterial street.
2. Bulk/Building Requirements. Each homeless shelter shall provide a lobby or indoor waiting area for the indoor queuing of its clients sufficient to meet its needs.
3. A homeless shelter must comply with the Essex County Homeless Plan.
4. Condition of Approval. The applicant shall agree as a condition of approval to:
 - a. Obtain a license pursuant to NJAC 5:15, Title 5 Community Affairs, Chapter 15 Emergency Shelters for the Homeless. A copy of all licenses shall be placed on file with the Newark Office of Uniform Construction Code (UCC) prior to the issuance of a certificate of occupancy.
 - b. Comply with all of the relevant regulations pursuant to NJAC 5:15, Title 5 Community Affairs, Chapter 15 Emergency Shelters for the Homeless.

40:6-2-28. Home Professional Office

1. Bulk/Building Requirements. A home professional office shall comply with the following bulk/building requirements:
 - a. Any occupation or activity carried out for gain by a resident shall be conducted entirely within the dwelling unit and shall be clearly incidental to the use of the structure as a dwelling. No accessory structures or areas outside the principal structure shall be used for or in connection with the home-professional office.
 - b. No more than twenty-five (25) percent of the gross floor area of the dwelling unit, or one-thousand two-hundred (1,200) square feet, whichever is lesser, shall be used in connection with the home-professional office.
 - c. The home-professional office shall be limited to the residents of the dwelling unit and not more than two additional persons on the premises.
 - d. For those home-professional offices in which instruction or meetings are required, no more than three (3) pupils, visitors, clients or customers shall be permitted on site at one time.

3. Area Requirements. The exterior of the dwelling as well as the site shall maintain a residential appearance with no differentiation from the exterior as to which portion of the dwelling is being used in connection with the home-professional office.
4. Outdoor Storage. There shall be no storage of equipment, vehicles or supplies associated with the home-professional office outside the dwelling.
5. Parking. Adequate off-street parking spaces shall be provided on the premises, but in no event shall more than three (3) spaces in addition to those required to comply with the requirements of Chapter 7, Off-street Parking and Loading, for the residential use shall be permitted.
6. Signage Requirements. There shall be no display of products visible in any manner from the outside of the dwelling, except that one non-illuminated nameplate, not to exceed one (1) square foot in area, mounted flat against the dwelling shall be permitted.
7. Additional Requirements. A home professional office shall comply with the additional requirements:
 - a. No equipment shall be used or process conducted which creates noise, vibration, glare, fumes or odors detectable to the normal senses at the boundary line of the premises.
 - b. No home-professional office business shall be conducted between the hours of 9:00 pm and 9:00 am.

40:6-2-29. Human Crematorium

Human crematoria are only conditionally permitted within the Cemetery Zone (CEM).

1. Location. No human crematorium shall be permitted within one thousand (2,000) feet of a residential use.
2. Condition of Approval. The applicant shall agree as a condition of approval that the proposed facility shall:
 - a. Be associated with a funeral director licensed in the state of New Jersey.
 - b. Screen from public view through fencing, landscaping or buildings, all activity relating to deceased humans, including delivery and storage of the corpse.
 - c. Not store deceased humans outside the facility.
 - d. Limit the storage of deceased humans to no more than forty-eight (48) hours.

- f. Place solid waste associated with the human crematorium on an impervious area and store in a covered container within the building.

40:6-2-30. Ice Cream Service Window

- 1. Location. Such service window shall be located on a collector or arterial street.
- 2. Bulk/Building Requirements. An ice cream service window shall comply with the following bulk/building requirements:
 - a. One (1) ice cream service window or doorway for dispensing of ice cream shall be a permitted.
 - b. A minimum four (4) foot-wide area of unobstructed paved surface shall be available for pedestrian movement on the sidewalk side of the outdoor service window.
 - c. A trash receptacle shall be provided.
- 3. Condition of Approval. As a condition of approval, the applicant for the storefront service shall agree to comply with the following conditions:
 - a. No food shall be prepared or stored other than in the interior of the eating establishment.
 - b. Such windows shall only be permitted to operate from April 1 to November 1 in any calendar year.
 - c. No outdoor loudspeaker, public address system, radio or similar device shall be utilized.
 - d. No outdoor service window shall be open for business prior to 11:00 am, nor remain open for business after 11:00 pm.
 - e. The applicant shall comply with all applicable State and City health and building codes.

40:6-2-31. Large Format Retail and/or Shopping Center

- 1. Retail uses over thirty thousand (30,000) square feet in gross floor area under common ownership shall meet the following lot and bulk/building requirements:
 - a. Minimum lot size: One (1) acre.
 - b. Minimum lot frontage: One hundred and fifty (150) feet.
 - b. Front yard depth: Zero (0) minimum and five (5) feet maximum.
 - c. Minimum side yard: Five (5) feet.
 - d. Minimum rear yard: Twenty-five (25) feet if

abutting residential use. Twenty (20) feet if abutting non-residential use.

- e. Maximum impervious coverage: 50% rear yard and 0% front yard.
- 2. Large format retail and/or shopping center shall meet the following design requirements:
 - a. Setbacks. At least seventy (70) percent of the street wall shall be located at the primary street-facing street line(s).
 - b. Entries. Customer entrances shall be provided on each façade that faces an abutting street, customer parking, or a public park or plaza up to a maximum requirement of three (3) customer entrances per business occupancy. If there are two (2) or more façades facing abutting streets, at least two such façades must provide a customer entrance. An entrance on a corner of the building may count as serving two (2) façades. Such entrances shall provide both ingress and egress, and shall be double doors, not just single units.
 - c. Façade articulation. Façades must be articulated into bays no more than 50 feet in width using materials, colors, or other visually apparent design elements
 - d. Screening of service areas. Necessary back-of-house functions such as service and loading areas shall be located away from major pedestrian routes and intersections and should not impact adjacent residential neighborhoods.
- 3. Outdoor Storage and Service Areas.
 - a. No service areas for outdoor storage, trash collection or compaction, loading or similar uses shall be located within twenty (20) feet of any public or private street, public sidewalk, or internal pedestrian way.
 - b. Service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and the public streets. Screening materials shall be consistent with the principal materials of the building and landscape.

f. Parking. All parking spaces shall be located at the rear or at one (1) side of the structure or shall be located inside or on the roof of the structure. Landscaping of parking areas shall comply with Section 40:8-4.

g. Transparency.

- i. Primary front façade (excluding ground-level facade): 50%
- ii. Ground-level street-facing façade below 14 feet in height: 65%
- iii. Street-facing side and rear façades: 35%
- iv. Non-street facing walls: 20%
- v. Clear, untinted, and unobstructed glass shall be used at and near the street level to allow maximum visual interaction between sidewalk areas and the interior of buildings.
- vi. Bottoms of the storefront windows shall be between zero (0) and three (3) feet above sidewalk grade.

4. Security grilles. All security grilles shall be entirely open mesh so as to maintain storefront transparency, but may have a solid portion at the base that does not exceed the height of the bulkhead it covers.

5. Screening of mechanicals. Parapets, mansard or other sloping roofs shall be used to conceal flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall.

6. Roofline variation. Rooflines shall be varied with a change in height at least every fifty (50) linear feet.

7. Materials and colors. Predominant exterior building materials shall be high quality materials, including, but not limited to brick, native stone, cultured stone, and tinted and textured concrete masonry that resembles brick or stone. Materials shall have a low level of reflectivity.

8. Landscaping. In addition to the requirements for landscaping in Section 40:8-4, large format retail and/or shopping center developments shall conform to the following landscape standards:

- a. Shade trees shall be planted a maximum of thirty-

five (35) feet apart along public streets within the property lines and in the public right-of-way against the curb between the site's lot line and the curb.

b. Shade trees shall also be planted along the length of internal pedestrian walkways which conform to the requirements of Section 40:8-4 in addition to the parking landscape requirements.

c. There shall be a minimum pervious surface area of approximately twenty-five (25) square feet per tree.

d. A minimum eight (8) foot wide landscaped area shall be provided along the edge of a site where parking areas are adjacent to a public street.

9. Lighting. All outdoor lighting shall be sized and directed to avoid adverse impact and spillover onto adjacent properties. Upward directed lighting is prohibited. Outside parking lot lighting shall not be less than one foot candle per IES minimum lighting standards at the property line, and shall be designed to minimize glare and spillover onto adjacent properties. Building and aesthetic lighting must be shielded to prevent direct glare and/or light trespass in excess of one (1) foot candle at the property line.

40:6-2-32. Liquor Stores

1. Location. The applicant shall demonstrate to the approving board compliance with the minimum distance requirements from Title IV Alcoholic Beverages of the Revised General Ordinances of the City of Newark.

2. Condition of Approval. As a condition of approval, the applicant shall agree to:

a. Obtain a plenary retail distribution license from the Newark Board of Alcoholic Beverage Control in accordance with Title IV Alcoholic Beverages of the Revised General Ordinances of the City of Newark, NJAC 13:2-1.1 et seq. and NJSA 33:1-1 et seq.

b. Comply with all applicable regulations for a plenary retail distribution licensee listed in Title IV Alcoholic Beverages of the Revised General Ordinances of the City of Newark including, but not limited to, restrictions on hours and days of operation, and restrictions on on-site mercantile or commercial activity other than the sale of non-alcoholic beverages, as accessory beverages to alcoholic beverages.

c. A copy of all licenses shall be placed on file with the Newark Office of Uniform Construction Code (UCC) prior to the issuance of a certificate of occupancy.

40:6-2-33. Live Animal Market

1. Condition of Approval. As a condition of approval, all applications for a live animal market shall agree to the following conditions:

a. Comply with all regulations of the United States Department of Agriculture, the State of New Jersey and the City of Newark including Title XIII, Food, Drugs and Cosmetics, Chapter 5, Live Poultry and Certain Live Animals (Goats, etc.); Retail and Wholesale; Chapter 6, Poultry Killing and Dressing Establishments; and Chapter 7, Meat, Meat Products and Meat Establishments of the Revised General Ordinances of the City of Newark.

b. Obtain all necessary Federal, State and City licenses and approvals. Copies of such licenses shall be placed on file with the Newark Office of Uniform Construction Code (UCC) prior to the issuance of a certificate of occupancy.

c. Operate and maintain a live animal market according to the following regulations:

i. All activities associated with the live animal market must take place within a wholly enclosed building; no outdoor storage of live animals, garbage, or raw materials shall be permitted.

ii. All animal slaughter shall take place inside a closed building in a confined area to prevent transmission of sound associated with slaughter to the outside. Animals shall not be heard at the public right-of-way or adjacent properties.

iii. All byproducts must be disposed in compliance with all applicable Federal, State and City regulations. This includes, but is not limited to, all sewage, processed and unprocessed animal parts, manure, entrails, blood, hides and bones.

iv. Waste shall be disposed of within forty-eight (48) hours of being produced. Waste shall be stored in airtight containers and shall be confined in fully enclosed structures. Any animal waste from holding areas shall be removed from the site daily and/or stored in a manner to control odor.

v. A public notice posted by the Health Officer at the public entrance of a premises wherein a live animal market is operated and that results in the immediate closure of the establishment and the discontinuance of all operations, by order of the Health Officer, because of violations of applicable Federal, State, and City regulations, orders, embargos, or quarantines.

vi. Animals permitted to be stored alive and slaughtered on-site include chickens, ducks, rabbits, goats and similar small animals. No horses, cows, alpacas, llamas or similar large animals are permitted be kept on the property or slaughtered on-site.

vii. Animals shall be kept on premises no longer than twenty-four (24) hours.

viii. No live animal market shall be permitted within one thousand five hundred (1,500) feet of a residence.

ix. Live animals shall not be allowed to run at large upon the licensed premises nor at large on streets, sidewalks or any other area off the licensed premises but shall be kept in suitable enclosures such as cages or crates which shall comply with the following standards:

x. All animals shall be kept in a clean and sanitary manner at all times. All cages, crates, or enclosures shall be cleaned and disinfected in a manner approved by the Division of Health.

xi. Cages, crates, and enclosures shall be raised from the floor at least six (6) inches so as to permit flushing and cleaning underneath the same.

xii. All live animal cages, crates, or enclosures shall be in good repair and constructed of easily cleanable, noncorrosive, and nonabsorbent material.

xiii. Enclosures shall not be overcrowded with live animals so as to result in injury to the animal or restrict movement of the animal confined therein.

xiv. No live animal shall be kept in a place in which water, ventilation, food, or any other similar items are not sufficient for the preservation of the health and safe condition of such animal.

xv. Ample supply of food and clean water shall be provided for all live animals. Troughs, bowls, or similar containers used for food and water shall be kept clean, in good repair, and placed in such a manner so as to prevent contamination of food and water kept therein. No animal feed shall be scattered on floors. All spillage of feed shall be promptly removed.

xvi. All parts of the premises shall be kept in a sanitary condition at all times.

xvii. The flooring of live animal markets shall be composed of material that is impervious to moisture and shall be properly graded to prevent pooling of liquid or waste and permit adequate drainage to floor drains. All floors shall be kept clean and in good repair.

xviii. Walls and ceilings in animal poultry storage rooms, equipment washing rooms, rooms used for plucking, rooms used for slaughtering, and rest rooms shall be comprised of moisture-proof, and washable material. All walls shall be kept clean and in good repair.

xix. All rooms within the premises shall be properly lighted and ventilated. Mechanical ventilation of sufficient capacity to keep all rooms free of excessive heat and obnoxious odors shall be provided and shall ventilate to open air. Such systems shall be maintained in a clean manner and in good repair and shall be designed and operated so as to prevent noxious odors from entering adjacent properties. No odors shall be permitted beyond the property line or in the public right-of-way.

40:6-2-34. Massage Facilities

1. Condition of Approval. Each masseuse shall be certified/licensed by the State of New Jersey pursuant to NJAC 13:37A, Board of Massage and Bodywork Therapy Rules and shall comply with all applicable regulations contained therein. Proof of masseuse certification shall be submitted with conditional use application.
2. Additional Requirements. Accessory massage services shall comply with the following additional requirements:
 - a. The principal use shall be a Personal Service Establishment, Medical Office, or Fitness Center; and

b. The total area of the establishment devoted to massage services shall cover less than twenty (20) percent of the gross floor area of the principal use.

40:6-2-35. Material Salvage or Junk Facility

1. All operations must occur within a building.
2. Site shall remain clean of all stray materials.
3. No materials shall contaminate the site.

40:6-2-36. Methadone Maintenance Clinic

1. Bulk/Building Requirements. A methadone treatment facility shall have an internal waiting area of minimum 250 square feet.
2. Area Requirements. Minimum lot size of 20,000 square feet.
3. Parking: One parking space per medical doctor and 3 parking spaces for every treatment room.
4. Additional Requirements. A methadone maintenance clinic shall comply with the following additional requirements:
 - a. Any proposed methadone treatment facility shall include an operational narrative which accurately describes the nature of medical services to be offered and the names of the medical practitioners providing said services. A licensed physician, a MD or a DO, shall be on duty at the facility during the methadone treatment facility's hours of operation.
 - b. Prior to occupancy, any existing structure proposed for adaptive reuse as a methadone treatment facility shall be brought into compliance with all current building codes and all other applicable Borough, County, State and Federal regulations for the whole structure.
 - c. A state license to dispense methadone shall be obtained.

40:6-2-37. Nightclubs, Discotheques & Cabarets

1. Location. A nightclub, discotheque or cabaret shall be located on a collector or arterial street.
2. Bulk/Building Requirements. A nightclub, discotheque or cabaret shall comply with the following bulk/building requirements:

- a. Such uses shall be required to provide vestibules at all entrances and exits used by patrons for other than emergency egress to minimize noise emanating from such an establishment.
 - b. Such uses shall provide adequate ventilation within the building such that doors and/or windows are not left open for such purposes resulting in noise emission from the building.
 - c. Such uses shall not have any outdoor public address or outdoor music system.
3. Noise. Applicants for such uses shall demonstrate compliance with all New Jersey Department of Environmental Protection (NJDEP) State Noise Control Regulations (NJAC 7:29). The approving board may require additional information and studies as necessary to demonstrate compliance with these standards.
4. Condition of Approval. The applicant shall agree as a condition of approval to:

- a. Obtain a license pursuant to Title V, Amusements and Amusement Business, Chapter 11, Discotheques of the Revised General Ordinances of the City of Newark; and
- b. Comply with all the requirements for such a license including restrictions on hours and days of operation pursuant to Title V, Amusements and Amusement Business, Chapter 11, Discotheques of the Revised General Ordinances of the City of Newark.

40:6-2-38. Outdoor Display Areas

- 1. Location. Outdoor display areas shall comply with the following location requirements:
 - a. Outdoor display areas shall be located immediately adjacent to the principal structure.
 - b. Outdoor display areas shall be permitted in the front or side yards but shall not encroach into any required setbacks of the zone in which it is located.
 - c. Outdoor storage display areas shall be located on either concrete, asphalt, or brick-paver areas and shall not be located on lawn areas, landscaping areas, or in the public right-of-way.
- 2. Bulk/Building Requirements. Outdoor display areas shall comply with the following bulk/building requirements:

- a. Outdoor display areas shall be a permitted only as an accessory use to a principal permitted retail use.
- b. Outdoor display areas shall be limited to twenty (20) percent of the gross floor area of the primary building or tenant space to which the outdoor display area is accessory. Automobile sales establishments are exempt from this requirement.

40:6-2-39. Outdoor Storage

- 1. Location. Outdoor storage areas shall not be permitted in any required front or side yard.
- 2. Buffers and Fencing. Outdoor storage areas shall be enclosed by a wall or fence of minimum five (5) feet and a maximum of eight (8) feet in height. Materials stored shall not be visible above fence.
- 3. Additional Requirements. The regulations of this Section shall not apply to automobile car washes, automobile paint and autobody repair, automobile rental, automobile repair shop, and automobile sales.

40:6-2-40. Outdoor Storage, Chemical

- 1. Condition of Approval. The applicant shall agree as a condition of approval to comply with all City, State, and Federal laws, regulations, and ordinances and obtain all necessary permits and licensures shall be secured prior to the start of operation. A copy of all licenses shall be placed on file with the Newark Office of Uniform Construction Code (UCC) prior to the issuance of a certificate of occupancy.
- 2. Additional Requirements. Outdoor chemical storage shall comply with the following additional requirements:

- a. A list of substances to be handled at the development must be furnished to the City of Newark Code Enforcement Officer, Fire Department, Police Department and any local emergency response teams that may be called upon to provide emergency service.
- b. An emergency response plan shall be submitted to the City of Newark Police Department, Fire Department and the Planning and Zoning Office for review and inclusion in department files for the proposed property. Information shall include spill prevention and clean up, taking into account topography and runoff.

- c. A spill containment system must be employed as required by State and Federal law.
- d. Plans showing any underground piping, storage facilities, and related appurtenances as they involve chemical or petroleum products must be submitted.
- e. Any above-ground piping must be designed to prevent line breakage due to collision.
- f. All containers and piping must be constructed of corrosion resistant materials.
- g. The emission of odorous matter from any property in such concentrations at any point along the boundaries of said property or in such concentrations as to create a public nuisance or hazard beyond such boundaries is prohibited.
- h. No chemicals or other hazardous materials or wastes shall be deposited upon a parcel in any zoning district in such form or manner that they may be transferred off the parcel by natural causes or forces.
- i. No containers shall be visible from the public right-of-way and shall be screened from view.

40:6-2-41. Pawn Shop

- 1. The applicant shall agree as a condition of approval that the proposed facility shall obtain a license and comply with all applicable regulations pursuant to NJAC 3:16-1, Pawnbroking Law Regulations.
- 2. Pawn shops shall not be located within one thousand (1,000) feet, measured in a straight line from the property line of the site of the pawn shop, of:
 - a. Another pawn shop;
 - b. A place of worship including a church or cemetery;
 - c. A school;

40:6-2-42. Places of Worship

- 1. Location. A place of worship shall be located on a collector or arterial street. Places of worship are not permitted on ground floors in mixed-use buildings in C-1, C-2, or C-3 zones.
- 2. Buffers and Fencing. No off-street parking facility shall be located closer than fifteen (15) feet to any residential property line or residential zoning district boundary to allow for the provision of a ten (10) foot

wide landscaped buffer that shall have a height at planting of no less than six (6) feet.

- 3. Permitted Accessory Uses. The following are permitted accessory uses to places of worship:
 - a. Banquet halls, cafeteria or kitchen facilities, classrooms, libraries, youth services, and other similar uses which are customarily accessory to places of worship are permitted accessory uses;
 - b. With the exception of housing for clergy, no housing or dormitories, whether for temporary or permanent occupancy, shall be permitted as accessory uses.

40:6-2-43. Primary and Secondary Schools

- 1. Outdoor Storage. Buses, vans and other delivery vehicles shall be garaged during nighttime hours.
- 2. On-Site Circulation. Primary and secondary schools shall comply with the following on-site circulation requirements:
 - a. All schools shall provide a safe pickup and delivery area separate from the off-street parking area and access driveway so students leaving vehicles have access to a sidewalk leading into the school without the child having to cross a street, parking lot, loading area, driveway or aisle. The safe pick-up/drop-off shall not be located between the front yard and the public street.
 - b. No driveway shall open into a street or road within fifty (50) feet of an intersection of such street or road with another street or road.
 - c. In addition to the parking requirements of Chapter 7, adequate space shall be provided for buses, vans and other delivery vehicles used in conjunction with the activities of the school.

40:6-2-44. Private Clubs

- 1. Applicants wishing to operate a social club shall obtain a license from the City of Newark and operate and maintain the social club in accordance with the regulations of Title V, Amusements and Amusement Businesses, Chapter 12 Social Clubs of the City of the Revised General Ordinances of the City of Newark.
- 2. Motorcycle clubs shall designate an area where motorcycles shall be parked. All motorcycles shall be parked on-site. All activities shall be internal to the building.

40:6-2-45. Private Sports Courts

1. Location. Private sports courts shall comply with the following location requirements:
 - a. A private sports court shall not be located in the front yard.
 - b. A private sports court shall not be located less than ten (10) feet from any property line.

2. Lighting. Any lighting of a private sports court shall comply with the standards of the Newark Zoning and Land Use Regulations.

3. Additional Requirements. A private sports court shall comply with the following additional requirements:
 - a. A private sports court, shall not be rented nor used as a private club, nor for the commercial instruction of players other than the property owners of the subject parcel.
 - b. Private sports courts shall be landscaped to buffer noise, lights, and activity.

40:6-2-46. Public or Commercial Garages

1. On-Site Circulation. Public or commercial garages shall comply with the following on-site circulation requirements:
 - a. There shall be minimum of three (3) stacking spaces for vehicles entering the garage to prevent cars queuing in the public right-of-way.
 - b. Driveways are limited to one (1) driveway per street frontage per one hundred (100) linear feet of street frontage and the maximum width of each driveway is twenty-four (24) feet.
 - c. Driveways shall be at least ten (10) feet from any side lot line and fifty (50) feet from the intersection of street lines.

2. Accessory Uses. Services, including sales and washing, for commercial vehicles are a permitted accessory use in industrial districts only.

40:6-2-47. Recycling Center

1. All operations must occur within a building.

2. Site shall remain clean of all stray materials.

3. No materials shall contaminate the site.

40:6-2-48. Resale or Thrift Shop

1. Outdoor Storage. Resale or thrift shops shall comply

with the following outdoor storage requirements:

- a. Large or bulk items not capable of being discarded in a garbage enclosure shall be stored inside the building until the arrival of a removal service.
- b. Outdoor display of goods and merchandise during business hours is prohibited.
- c. No goods or merchandise for donation shall be dropped-off outside of regular business hours except in a licensed drop-off bin.
- d. Outdoor drop-off bins shall be prohibited.

2. On-Site Circulation. Resale or thrift shops shall comply with the following on-site circulation requirements:
 - a. All activities, including collection, storage, sorting, and processing shall occur within a fully enclosed building.
 - b. Loading and unloading areas shall not face or be visible from public streets or primary drive aisles.

40:6-2-49. Rooming Houses & Boarding Houses

1. Location: Rooming Houses & Boarding Houses are not permitted on the ground floor in commercial zones.

2. Bulk/Building Requirements. Rooming houses and boarding houses shall comply with the following bulk/building requirements:
 - a. Not more than twenty (20) persons, other than any owner or operator, shall live in a Rooming or Boarding House at one time.
 - b. Must have met the bulk standards and be of the same building type as the zone of which it is located.
 - c. When located in a commercial zone, must be located on the second floor.

3. Condition of Approval. The applicant shall agree as a condition of approval that the proposed establishment shall:
 - a. Obtain a license to own or operate a rooming house from the Bureau of Rooming and Boarding House Standards of in accordance with NJAC 5:27-1.1 et seq., Regulations Governing Rooming and Boarding Houses. A copy of the license shall be placed on file with the Newark Office of Uniform Construction Code (UCC) prior to the issuance of a certificate of occupancy.
 - b. Comply with all regulations of NJAC 5:27-1.1 et

seq., Regulations Governing Rooming and Boarding Houses.

40:6-2-50. Sexually-Oriented Businesses

1. The term "sexually-oriented businesses" refers to business types including, but not limited to, establishments commonly referred to as a "Go-Go Establishment," "Go-Go Bar," "adult video store," "adult DVD store," "adult newsstand," or "adult bookstore." This term also refers to a commercial establishment which as one (1) of its principal business purposes offers for sale, rental, or display for any form of consideration any one (1) or more of the following: performances, books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, compact discs, slides or simulated display or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" as defined in NJSA 2C:33-12.2 et seq. or "specified anatomical areas" as defined in NJSA 2C:33-12.2 et seq.; or any other type of establishment that can meet the definition of a "sexually-oriented business" as defined or described in Federal, State or local statutes including, but not limited to, NJSA 2C:33-12.2 et seq. For the purposes of this definition, "principal purpose" means the commercial establishment:

- a. Has at least ten (10%) percent of its merchandise in inventory consisting of said items; or
- b. Has at least twenty (20%) percent of the wholesale value of its displayed merchandise consisting of said items; or
- c. Has at least twenty (20%) percent of the retail value of its displayed merchandise consisting of said items; or
- d. Maintains at least ten (10%) percent of its interior business space for the sale or rental of said items; or Regularly features of said items, and prohibits access by minors, because of age, to the premises, and advertises itself as offering "adult" or "xxx" or "x-rated" or "erotic" or "sexual" or "sensual" or "pornographic" material on signage visible from a public right-of-way; or
- e. Regularly features performances where "specified sexual activities" or "specified anatomical areas" as defined in this paragraph are displayed; or

f. Maintains an adult arcade, which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

2. No sexually-oriented business shall be permitted unless it complied with all Federal, State, or local statutes including but not limited to NJSA 2C:33-12.2 et seq. and NJSA 2C:34-7 et seq.; is entirely in the Second Industrial Zoning District or Third Industrial Zoning District; and is not located within one thousand (1,000) feet, measured in a straight line from the property line of the site of the sexually-oriented business, of:

- a. Another sexually-oriented business;
- b. A hospital;
- c. Any building or structure used partially or wholly for residential purposes, provided that the area is zoned for residential purposes;
- d. A nursing home;
- e. A place of worship including a church or cemetery;
- f. A school;
- g. A daycare or child care center;
- h. Any parcel zoned for residential use.

3. Signage Requirements. A sexually oriented business shall comply with the following signage requirements:

- a. Furthermore, no sexually oriented business can have outdoor signage other than a single wall mounted sign on one (1) and only one (1) façade of the structure used by said sexually-oriented business with the following limitations for the entire sign including its text area, logo area, surface area, and area for mounting hardware.
- b. No sign area shall have more than two (2) feet of height;
- c. The top of the sign shall be no more than sixteen (16) feet above the average grade at the base of the wall upon which the sign is mounted, and the top of

- the sign shall be below the first floor cornice line of the structure;
- d. No sign area shall be more than twenty-five (25) square feet and shall not extend beyond the width of the building;
- e. No sign shall cover more than ten (10%) percent of the surface area of the wall upon which it is mounted;
- f. No sign shall project more than six (6) inches from the wall surface upon which it is mounted, nor shall such sign project into any public right-of-way area;
- g. Internal illumination is prohibited for the sign;
- h. No sign shall be within the line of site of a Federal or State highway.

40:6-2-51. Solar Energy Systems

- 1. Roof installation
 - a. Installation type shall meet or exceed the minimum design load for wind speeds established by the American Society of Civil Engineers (ASCE) for Newark, New Jersey.
 - b. A ten (10) foot setback is required from any frontage that is accessible from the public right-of-way by a fire department aerial ladder truck, except:
 - i. Buildings over seventy-five (75) feet are exempt from the setback requirements.
 - ii. Corner buildings where access to one (1) frontage is obstructed by electrical lines, utility poles or other immovable objects shall provide a ten (10) foot setback on the frontage side that is least encumbered.
 - c. Three (3) feet of clearance must be provided around all fire escape ladders and/or other points of emergency access.
 - d. Installations on a flat roof shall not exceed six (6) feet in height above the surface of the roof. Installations on a pitched roof shall not exceed a height of eight (8) inches above the rooftop. In no event shall the placement of the solar panels result in a total height greater than what is permitted in the zoning district for a principal structure nor shall any panel extend beyond the roof lines.
- f. Access and spacing requirements shall be observed in order to ensure safe passage for egress from the roof, maintenance of equipment and to provide smoke ventilation opportunity areas.
- g. No solar photovoltaic array or related equipment shall be attached to a common or adjoining exterior wall between two (2) buildings.
- h. Remote disconnect. Direct current circuits shall be equipped with a means for remote disconnect located downstream from the photovoltaic array. Control of the remote disconnect shall be located within five (5) feet of the building's main electrical panel and shall meet all requirements of the New Jersey Electrical Code.
- i. For installation on a multiple ownership or condominium building, a letter from the owners' association stating its complicity shall be required.
- j. Placement and installation shall not interfere with architectural elements of a parapet, cornice, facade, or slate roof.
- 2. Nonhabitable building installation
 - a. Nonhabitable building installations include but are not limited to shade structures, carports, solar trellises, and the like.
 - b. Nonhabitable solar array structures shall not be applied as lot coverage; however, no lot shall be covered more than eighty-five (85) percent by structures including solar.
 - c. Minimum standards for installation shall be the same as for roof installations. [See Subsection 1(a) and (b).]
- 3. Ground-mounted installation
 - a. Setback requirements do not apply to ground-mounted, freestanding photovoltaic arrays, except as stated in Subsection 3(c) below.
 - b. Ground-mounted installations shall not be applied as lot coverage; however, no lot shall be covered more than eighty-five (85) percent by structures including solar.
 - c. Ground-mounted installations exceeding six (6) feet in height as measured from grade shall be set

back from any lot line two (2) feet for each additional foot in height.

d. Ground-mounted installations shall be designed in such a manner that neither water nor snow accumulate and have concentrated flow off the structure.

e. Ground-mounted installations shall be designed so as to meet the lighting and landscape standards of the Land Development Code.

f. Ground-mounted installations above parking lots shall be designed to provide adequate space for access by emergency vehicles.

g. Any tree removal for the installation of solar array shall be replaced based on an inch for inch ration and planted on site. If unable to plant on-site trees, the trees must be planted elsewhere within the Municipal Ward.

4. Signage requirements

a. Marking is needed to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. This will facilitate identifying energized electrical lines that connect the solar panels to the inverter, as these should not be cut when venting for smoke removal.

b. All signs shall be made of reflective weather-resistant material suitable for the environment; UL 969 shall be used as a standard for weather rating. All "caution" signs shall have a red background with white lettering, a minimum letter height of one-half (1/2) inch and all capitals in Arial or similar font, unless otherwise specified. The "PV" sign shall be of the same color and weather-resistant material, but shall be five (5) feet by five (5) feet square and shall have a letter height of three (3) inches.

i. PV. Signage signifying the presence of a solar photovoltaic array shall be posted at the main entry door of the structure and at all other points of access to the roof.

ii. CAUTION: SOLAR ELECTRICAL SYSTEM CONNECTED. For residential applications, the marking may be placed within the main service

disconnect. If the main service disconnect is operable with the service panel closed, then the marking shall be placed on the outside cover. For commercial applications, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.

iii. CAUTION: SOLAR ELECTRIC CIRCUIT. Marking is required on all interior and exterior DC conduit, raceways, enclosures, cable assemblies and junction boxes to alert emergency responders to avoid cutting them. Markings shall be placed every ten (10) feet, at turns and above and/or below penetrations, and at all DC combiner and junction boxes.

iv. CAUTION: SOLAR CIRCUIT DISCONNECT. Signage shall be located immediately next to the remote disconnect control.

v. CAUTION: SOLAR ARRAY DISCONNECT. Signage shall be located immediately next to, or on, the array disconnect.

5. Solar installations shall also comply with the following:

a. The solar installation shall conform to the National Electric Code as adopted by the New Jersey Department of Community Affairs, or any successor or substituted codes or regulations.

b. The solar installation is subject to all Public Service Electric & Gas Company requirements for installation.

6. Approval and permitting

a. No installation of solar energy systems shall be permitted without a first certificate of zoning compliance and a building permit.

b. The Zoning Officer is hereby authorized to issue first certificates of zoning compliance for the purposes of erecting or maintaining solar energy systems.

c. For site plans falling outside of the parameters expressly set forth herein, the Zoning Officer shall issue a denial of zoning compliance and shall refer the application to the Planning Board for review.

- d. The Construction Official shall issue the necessary building permit(s), provided that:
- i. All safety and installation requirements listed in Subsection 1 or 2 above have been met; and
 - ii. All Uniform Construction Code (UCC) provisions as set forth in NJAC 5:23 et seq., and National Fire Protection standards (NFPA), have been met.
7. Location in Historic District. In the event that an application is made pursuant to the terms of this article for premises that are located in a Newark Historic District, or on a designated historic site or structure, approval must be obtained from the Newark Landmarks and Historic Preservation Commission (LHPC). Applicants shall submit preliminary plans to the Zoning Officer for review, and, if appropriate, a letter of pending approval shall be issued by the Zoning Officer to the LHPC prior to its review. Upon approval by the LHPC, a first certificate of zoning compliance shall be issued, and construction permits may be sought from the Building Department.
8. Enforcement, Violations and Penalties.
- a. The Construction Official, Fire Code Official and Zoning Officer of the municipality are authorized to investigate suspected violations of any subsection of this section and pursue enforcement activities.
 - b. Violation of any provision of this Section shall be cause for the revocation of the first certificate of zoning compliance and/or construction permit(s).
 - c. Violation of any provision of this Section shall be subject to a civil penalty for each offense of not more than \$3,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional separate and distinct offense.
9. Right to Require Removal. The City of Newark expressly reserves the right to require the removal of any solar energy system, or portion thereof, which is improperly constructed or maintained or which poses an imminent public safety hazard.

40:6-2-52. Substance Abuse Treatment Facilities

1. Location. Outpatient substance abuse treatment facilities shall only be located on collector or arterial roads.

2. Bulk/Building Requirements. a. Each outpatient substance abuse treatment facility shall provide a lobby or indoor waiting area for the indoor queuing of its clients sufficient to meet its needs.
 - b. Must follow the bulk regulations and design of the zone of which it is located.
3. Condition of Approval. The applicant shall agree as a condition of approval to:
- a. Obtain any required licenses pursuant to NJAC 10:161B-1.1 et seq. Standards for Licensure of Outpatient Substance Abuse Treatment Facilities. A copy of the licenses shall be placed on file with the Newark Office of Uniform Construction Code (UCC) prior to the issuance of a certificate of occupancy.
 - b. Comply with all maintenance and operation standards for such a facility pursuant to NJAC 10:161B-1.1 et seq.
 - c. Operate the facility a maximum of eight (8) hours per day between the hours of 7:00 am and 7:00 pm from Monday through Friday. The facility hours of operation on Saturday, Sunday and holidays shall be a maximum five (5) hours per day between the hours of 9:00 am and 2:00 pm.

40:6-2-53. Veterinary Clinic, Office or Hospital

1. Noise. Applicants for such uses shall demonstrate compliance with all New Jersey Department of Environmental Protection (NJDEP) State Noise Control Regulations (NJAC 7:29) The approving board may require additional information and studies as necessary to demonstrate compliance with these standards.
2. Condition of Approval. The applicant shall agree as a condition of approval to comply with all applicable regulations pursuant to NJAC 13:44-1.1 et seq., State Board of Veterinary Medical Examiners and NJSA 45:16-1.1 et seq., Veterinary Medicine, Surgery and Dentistry.
3. Additional Requirements. The applicant shall provide proof to the approving board that any veterinarians on staff are licensed in the State of New Jersey.

40:6-2-54. Wholesale Bakeries

1. Such facilities must receive all required State, County and City licenses.
2. Such facilities shall be within completely enclosed buildings.

3. Lot and Bulk/building requirements:

- a. Minimum required lot area: five thousand (5,000) square feet.
- b. Minimum required front yard: zero (0) feet.
- c. Minimum required rear yard: twenty-five (25) feet.
- d. Minimum required side yard: fifteen (15) feet.
- e. Minimum distance between any two (2) buildings, other than an accessory building, on the same lot: either twenty (20) feet or a distance equal to not less than one-third ($1/3$) the combined height of the two (2) walls facing each other, whichever is greater.

4. Outdoor storage. No structure or storage of materials shall be permitted in any required yard.

5. Landscaping. Required yards shall be maintained and kept clear of all debris, rubbish, weeds and tall grass.

6. Accessory use. Accessory retail sales and office space shall not exceed thirty (30) percent of the gross floor area of the principal and any accessory buildings combined.

40:6-2-55. Wind Energy Systems, Small

1. Location, Setbacks and Height

a. Ground-Mounted Wind Turbines

i. General. A ground-mounted wind turbine shall be set back from all property lines, street right-of-way lines, and overhead utility lines a minimum distance equal to 1.1 times the height of the wind turbine. Turbine setbacks shall be measured from the center of the wind turbine base. With respect to an overhead utility line that provides service only to a single building or a single parcel of land, the setback requirement shall be met if the turbine is placed so that no portion of a rotor blade extends closer than five (5) feet to the utility line.

ii. Residential. With respect to proximity to Residential District lines, a wind turbine, including a wind turbine located in a Residential District, shall be set back from Residential District lines of adjoining or nearby properties a minimum distance equal to two (2) times the height of the wind turbine. In the case of a wind turbine that does not exceed thirty-five (35) feet in height and is located in a Residential District, the wind turbine shall be

set back at least fifteen (15) feet from all property lines, and no portion of a rotor blade shall extend closer than five (5) feet to any lot line.

iii. Height. The height of a ground-mounted wind turbine shall be limited by the setback requirements of this Section. The height of a rooftop or other building-mounted wind turbine shall not exceed the maximum permitted building height for the property by more than twenty percent (20%). For a rooftop or other building-mounted wind turbine that exceeds the maximum permitted building height by more than 20%, the Reviewing Board, after a public hearing, may approve a greater height if the Board determines that the placement of the turbine and context of the turbine site will mitigate any significant negative visual or safety impacts on nearby properties.

b. Lighting, Design and Noise

i. Lighting. Wind turbines shall not be illuminated except as required by the Federal Aviation Administration or other applicable authority or by the provisions of Section 40:16-6 [Lighting] of these Codified Ordinances. If lighting is required, a design that minimizes disturbances to nearby residences shall be utilized.

ii. Structural Design. Wind turbines shall be designed to meet all requirements of the Building Code of the City of Newark and all applicable State and Federal regulations.

iii. Aesthetic Design. Wind turbines shall be designed in a manner that makes them as visually unobtrusive as possible, while meeting safety requirements. To this end, towers shall be monopole rather than lattice design, wherever feasible. With respect to color, wind turbines, shall be white or off-white or unpainted metal, unless other colors are required by Federal regulations or unless another color is approved by the Reviewing Board as being more effective or more appropriate in a particular instance.

iv. Signs. No signs shall be located on or around a wind turbine except for necessary warning signs or informational signs located at or near ground

level. Such signs may include information of an educational nature or information identifying the manufacturer or installer of the wind turbine but shall not include any off-premise advertising or any advertising for businesses or other activities located on the premises. No more than two permitted signs shall be located on or around each wind turbine. The total area of such signs shall not exceed twenty (20) square feet, except that no sign shall exceed four (4) square feet if located on a property in a Residential District, unless that property is occupied by a community facility use, in accordance with the regulations of Chapter 9. Signs. Free-standing signs shall not exceed a height of five (5) feet, and the setback of such signs shall be in accordance with the regulations of Chapter 9. Signs for the zoning district in which the turbine is located.

v. Noise. No wind turbine shall produce noise that unreasonably disturbs the quiet, comfort or repose of neighboring inhabitant above that permitted for a residential district.

c. Application and Approval Process

i. Submission of application. An application to construct or alter a wind energy facility subject to the regulations of this Chapter shall be submitted to the Department of Engineering.

ii. Determination of compliance. The Department of Engineering shall determine if the application conforms to requirements of this Chapter and other applicable regulations of the City of Newark, except for those provisions that require a determination by Central Planning Board under provisions of this Chapter.

iii. Referral to Central Planning Board. For proposals subject to approval by the Central Planning Board, the Department of Engineering shall refer the application to the Central Planning Board for review and approval.

iv. Central Planning Board action. The Central Planning Board shall review any application subject to its approval under provisions of this Chapter and shall determine whether the proposal meets all applicable standards established in this Chapter to ensure appropriate appearance and compatibility

with surrounding uses. The Commission shall take action on the application at a public meeting. The Board may require modifications to the proposal as a condition of approval. The Board may disapprove an application if it determines that the proposed location does not meet the standards set forth in this Chapter and that a suitable alternative location is available.

v. Permit Issuance. The Department of Engineering shall issue the required permits if it determines that the application conforms to requirements of this Chapter and other applicable regulations of the City of Newark, and if it has been approved by the Central Planning Board where such approval is required.

d. Contents of Application. All applications subject to the provisions of this Chapter shall be accompanied by the following information, as applicable, in addition to information required for all Building Permit applications.

i. Ground-Mounted Wind Turbines. In addition to information required by other provisions of these Codified Ordinances, the following information shall be submitted with an application for a ground-mounted wind turbine and accessory structures to demonstrate compliance with the provisions of this Chapter.

A. A site plan of the subject property showing adjoining streets, the proposed turbine and any proposed and existing buildings, fencing, structures, landscaping, driveways, parking, and curb cuts on the subject property, including specifications for all proposed landscaping.

B. An elevation drawing showing the proposed wind turbine and all structures and landscaping shown on the required site plan, indicating the height, color and materials of the tower and all proposed fencing and other structures.

C. Where lighting of the wind turbine is proposed, a lighting plan for the proposed wind turbine, indicating the location, color and intensity of the lighting, both as it will appear in daylight and at night, and indicating any mechanisms to prevent glare on adjacent properties and streets and to shield the lighting from residences, to the

maximum extent feasible.

D. For any wind turbine that will exceed the height limit for buildings on the subject property, a vicinity map showing the subject property and the proposed wind turbine and fencing in the context of all property located within a distance from the turbine equal to three (3) times the height of the turbine, showing within this area, all streets and existing buildings and significant structures and indicating the residential use of any buildings and any property zoned in Residential or Landmarks Districts, such map being marked with topographic contours at five (5) foot intervals.

E. For any wind turbine that will exceed the height limit for buildings on the subject property, color photographs showing the current view of the wind turbine site from any adjoining public street or any other street within 200 feet of the proposed wind turbine and from the closest groupings of residential buildings located within an area from the proposed wind turbine equal to three (3) times the height of the proposed structure, plus a second set of color photographs showing the same views with the proposed wind turbine superimposed onto the photographs.

F. A statement by an engineer licensed in the State of New Jersey certifying that the proposed wind turbine will meet the noise standard of this ordinance with respect to impacts on properties in nearby Residential zoning districts.

ii. Rooftop-Mounted Wind Turbines. In addition to information required by other provisions of these Codified Ordinances, the following information shall be submitted with an application for a wind turbine proposed to be attached to the roof of a building or to another structure and subject to approval by the Central Planning Board under provisions of this Chapter.

A. An elevation drawing of the building or structure to which the proposed wind turbine will be attached, showing the placement of the wind turbine and indicating the color of the structure and in any enclosures in relation to the color of the surface to which it will be attached and showing the projection of the wind turbine

from the structure, marked with all necessary dimensions.

B. Color photographs of the building or structure to which the proposed wind turbine will be attached, with the proposed wind turbine superimposed onto such photographs, showing various perspectives from which the wind turbine will be viewed.

C. A statement by an engineer licensed in the State of New Jersey certifying that the proposed wind turbine will meet this noise standard of this ordinance with respect to impacts on properties in nearby Residential zoning districts.

D. Placement and installation shall not interfere with architectural elements of a parapet, cornice, facade, or slate roof.

iii. Maintenance

A. Maintenance and Monitoring. All buildings, structures, fences, and property used in connection with a wind energy facility shall be maintained in good condition and in safe working order. On each biennial anniversary of the issuance of the Certificate of Occupancy for a wind turbine, or not more than ninety (90) days prior to that date, the permit holder for such wind energy facility shall submit to the Director of Engineering an affidavit that verifies continued operation of the wind turbine use and compliance with all requirements of this Chapter and other applicable governmental regulations.

Chapter 7. Off-street parking & loading

40:7-1. Applicability

40:7-1-1. The parking and loading requirements of this Chapter are applicable to:

1. Any new construction except in C-2 Commercial Zone.
2. Any change of use that requires more parking and loading spaces than the existing use as set forth by this Title, except in the C-2 Commercial Zone.
3. Expansion of an existing structure in excess of 10,000 square feet, except in C-2 Commercial Zone.

40:7-1-2. The minimum parking and loading requirements of this Chapter do not apply to any change of use within a structure constructed before the effective date of this Title, provided that the change is to a permitted use for the zoning district where the lot is located.

40:7-2. Requirements for off-street parking

40:7-2-1. Residential Uses

All residential uses, including in mixed-use buildings or structures, shall be provided with off-street parking spaces as specified in Table 7-1: Residential Uses.

40:7-2-2. Nonresidential Uses

All nonresidential uses, including in mixed-use buildings or structures, shall be provided with off-street parking spaces as specified in Table 7-2: Nonresidential Uses.

40:7-2-3. Commercial Vehicle Parking

The garaging, storing or parking of commercial vehicles on any properties within the boundaries of any residential district is prohibited.

40:7-2-4. Use of Required Parking Areas for Parking Only

Required off-street parking spaces in any district shall not be used for open storage, sale, or rental of goods, or storage of inoperable vehicles, unless otherwise permitted in this Title.

40:7-2-5. Rules of Parking Measurement

1. All area-based parking standards must be computed on the basis of gross floor area.
2. Whenever the calculations of required or maximum off-street parking spaces result in a fraction of a parking space, and the fraction is equal to or greater than one-half (1/2), the number of required or maximum spaces shall be rounded up to the next whole number.
If the calculation results in a fraction less than one-half, the fractional portion of the requirement or maximum shall be ignored.

40:7-2-6. Using the Parking Tables

1. Parking requirements are listed by the use categories of Tables 7-1 and 7-2.
2. Where a specific use is not listed here, the general parking requirement for a similar use shall be applicable subject to approval by the approving board.
3. Tables 7-1 and 7-2 do not indicate that the uses listed are permitted in specific zoning districts.

TABLE 7-1: Parking Requirements For Residential Uses

Principal Use	Parking Requirement
Residential Units (except those within 1200 feet of commuter rail, subway, light rail)	1 space per unit
Rooming House or Boarding House	1 space for every 3 beds or units
Family Day Care Homes	1 space per employee
Community Residences	1 space for every 3 beds or units
Assisted Living Facilities	1 space for every 8 beds
Nursing Homes	1 space for every 8 beds
Mixed/Multiple Permitted Uses on a Lot*	Parking is calculated for each component use.
Accessory Uses	
Child Care Center Coldframe Columbarium Commercial, Industrial Truck and Bus Wash Commercial Antennas & Microwave Dishes Crematorium, Animal Crematorium, Human Drive-Through Facilities Emergency Food Distribution Center Family Daycare Homes Farm Stand Greenhouse Home Occupation* Home Professional Offices* Hoophouse Ice Cream Service Window Maintenance Buildings Massage Facility Mausoleum Mausoleum, Family Offices Outdoor Display Area Outdoor Storage Outdoor Storage, Chemical Outdoor Storage, Portable Storage Units Place of Worship Power Generation Facilities Private Sports Courts Sheds and Other Accessory Storage Structures Sidewalk Cafes Solar Energy Systems Swimming Pools, Private Tombstones and Monuments Wind Energy Systems, Small	No additional parking required above requirements for principal use.
*No parking required if 1) Lot has an area of less than 5,000 square feet and has frontage exclusively on a collector or arterial street; or 2) Lot is within a one thousand two hundred (1,200) feet radius of a light rail, PATH train or NJ Transit train station.	

TABLE 7-2: Parking Requirements For Non-Residential Uses

Principal Use	Parking Requirement
Residential or Office Units above Ground Floor of Retail, Office or Service Use	Residential: 1 space per unit* Office: 1 space per 1000 SF excluding first 2,500 SF
Airport	No requirement
Retail and Personal Services (food and no food, unless otherwise listed below)	1 space per 1000 SF, excluding first 3000 SF
Animal Boarding or Kennel	0.5 spaces per 1,000 SF
Animal Daycare & Grooming	1 space per 1000 SF, excluding first 3000 SF
Bars, Taverns, Lounges and Restaurants, Serving Alcohol	1 space per 500 SF
Business, Specialized or Vocational Schools	1 space per 500 SF
Cemeteries	1 space per 4 seats in any viewing room, place of worship, or assembly area
Colleges and Universities	1 space per 5000 SF
Commercial Antennas & Microwave Dishes	No requirement
Community Centers	1 space per 500 SF excluding first 5,000 SF
Community Gardens	No requirement
Crematorium, Animal	1 space per employee
Data Center	1 space per 1000 SF
Day Care Facilities	1 space per employee
Family Care Home, Adult	1 space per caregiver
Massage Facility	1 space per 200 SF excluding the first 5,000 SF
Outdoor Storage	1 space per 5000 SF
Exterminator & Pesticide Application Business	1 space per 1000 SF, excluding first 3000SF
Finance, Insurance, Real Estate or Securities Brokerage Consumer Services	1 space per 300 SF excluding the first 2,500 SF
Fitness Center	1 per 250 SF excluding first 5,000 SF
Funeral Home or Mortuary	1 space per 1000 SF
Museums	1 per each 1000 SF
Gasoline Station	2 spaces per service bay or 300 SF of repair space if no convenience store, if includes convenience store then 2 spaces per 1000 SF
Heavy Retail and Service	1 space per 500 SF
Heliport	1 space per 2500 SF
Hospital/Medical Institution	1 space for every 3 hospital rooms or 1 space per 2000 SF, whichever is greater

TABLE 7-2: Parking Requirements For Non-Residential Uses

Principal Use	Parking Requirement
Hotels	0.5 per guestroom plus 4 per 1,000 SF of ballroom and meeting area
Commercial Recreation	1 space per 500 SF above first 2,500 SF; or 1 space per 5 seats, whichever is greater
Industrial and Warehousing (unless otherwise listed)	1 space per 5000 SF
Large Format Retail and/or Shopping Center	Minimum of 2 spaces per 1000 SF and maximum of 4 per 1000 SF
Live Animal Market	1 space per 1000 SF, excluding first 5,000 SF
Medical Clinic or Emergency Care Facility	0.5 per 1000 SF
Medical Offices (Mental and Dental)	0.5 per 1000 SF
Mixed/Multiple Permitted Uses on a Lot	Parking is calculated for each component use.
Municipal Uses	No requirement
Nightclubs, Discotheques & Cabarets	1 space for every 250 SF
Offices	1 space per 1000 SF excluding first 2,500 SF
Operation Facilities for Bus/Taxicab/Ambulance/Limousine	1 space for employee and 1 space for each vehicle used in operations
Personal Service Establishment	1 space per 1000 SF, exclude the first 3,000 SF
Places of Worship	1 space per 10 seats or 1 per 1,000 square feet, whichever is greater
Primary and Secondary Schools	1 space per classroom
Private Clubs	1 space per 500 SF excluding first 2,500 SF
Public Parks, Playgrounds, Gardens, and Open Space	No requirement
Research and Development	1 space per 5000 SF
Restaurants (Take-out, Full Service. Note: All restaurant types with exception of those that serve alcohol)	1 space per 1000 SF, excluding first 3000 SF
Self Storage	1 space for 5000 SF
Sexually Oriented Businesses	1 space per 1000 SF
Substance Abuse Treatment Centers	5 spaces per 1000 SF, excluding first 2000 SF
Taxi/Limousine Parking Staging Facilities	1 space for employee and 1 space for each vehicle used in operations
Theaters – Movie, Cinema, Performing Arts	1 space per five seats for gross floor area larger than 2000 SF
Truck Terminal	1 space per employee on the maximum shift and 1 space per vehicle operating from the premises

TABLE 7-2: Parking Requirements For Non-Residential Uses

Principal Use	Parking Requirement
Urban Agriculture	None required unless includes farm stand. 1 space per farm stand
Automobile Sales	1 space per 2,000 square feet
Automobile Repair & Tire Repair	2 spaces per bay or 300 SF of repair space, whichever is greater
Automobile Sales and Rentals, Commercial and Personal	0.5 spaces per 1000 SF of lot area
Vehicle Towing Facility	1 space per employee and 1 space per towing vehicle
Automobile Car Wash	4 queuing spaces per bay for automatic wash; 2 queuing spaces per bay for self-service
All Veterinary Users	1 space per 1000 SF
Wholesale Bakeries	1 space per 2000 SF
Wind Turbines	1 space. If unmanned, then no parking required.
Accessory Use	
Columbaria Crematorium, Animal Crematorium, Human Parking Area, Private Home Occupation (accessory to single- and two-family) Home Professional Office Maintenance Buildings (Accessory to Cemeteries) Mausoleums Place of Worship (Accessory to Cemeteries) Power Generation Facilities Sidewalk Cafe (accessory to permitted restaurant only) Outdoor Storage, Portable Storage Units Sheds and Other Accessory Structures Solar Energy Systems Swimming Pools, Private Sports Courts, Private Tombstones and Monuments Wind Energy Systems	No additional parking required.
*No parking required if 1) Lot has an area of less than 5,000 square feet and has frontage exclusively on a collector or arterial street; or 2) Lot is within a one thousand two hundred (1,200) feet radius of a light rail, PATH train or NJ Transit station.	
1 Convenience retail/service commercial establishments are permitted on the ground floor only	

40:7-3. Shared parking

40:7-3-1. A shared parking approach may be pursued, with the goal of permitting a lower total number of parking space than would be required if parking were determined separately for each use. The following shared parking approach is appropriate for a development that includes multiple land uses with different time-of-day and/or time-of-week peak parking demand periods:

1. The minimum number of onsite parking spaces required for weekday and weekend conditions for each use and then selecting the maximum number, as follows:
 - a. Calculate the Base Required Parking number which is the minimum number of parking spaces required for each component use according to the multipliers in Tables 8-1 and 8-2.
 - b. Calculate the Adjusted Required Parking by multiplying the number of Base Parking Spaces required for each use by the occupancy rate in Table 3 for each use for the weekday daytime and nighttime, and for the weekend daytime and nighttime periods, respectively. Then take the weighted average (according to time) of the sum of all the rates. The Adjusted Required Parking shall be the weighted average rounded up to the nearest whole number. A legal instrument such as a lease, easement or deed restriction that guarantees access to the parking for both uses, designates the time periods under which each use will have rights to count spaces for purposes of the space requirements under Tables 8-1 and 8-2 must be submitted for approval.

40:7-4. Auto-Share Parking Spaces

The required minimum number of off-street parking spaces for a residential use may be reduced by four (4) spaces for each automobile parking space reserved as an auto-share parking space, up to a maximum of a 40% reduction in the required minimum number of parking spaces in any one surface parking lot or parking garage.

40:7-5. Minimum required off-street loading spaces for non-residential uses

40:7-5-1. Requirements for Off-Street Loading Spaces

1. The number of off-street loading spaces required for any nonresidential use shall be provided as specified in Table 8-5.
2. Where a specific use is not listed here, the general loading space requirement for the use category shall be applicable.
3. All area-based standards must be computed on the basis of gross floor area.
4. Whenever the calculations of required or maximum off-street loading spaces result in a fraction of a loading space, and the fraction is equal to or greater than one-half, the number of required or maximum spaces shall be rounded up to the next whole number.
5. Loading spaces are not required in C-2 zones except where the property in question has frontage on and access to more than one street.

TABLE 7-3: Parking Occupancy Rates

Time Period	Residential	Commercial	Hotel	Office	Institutional/Civic
<i>Weekday Rates</i>					
Daytime (8 am-6 pm)	60%	90%	80%	100%	100%
Nighttime (6 pm- 8 am)	100%	30%	100%	5%	20%
<i>Weekend Rates</i>					
Daytime (8 am-6 pm)	80%	100%	80%	5%	20%
Nighttime (12 am- 8 am)	100%	5%	100%	5%	5%

TABLE 7-4: Schedule Of Loading Space Requirements

Principal Uses	Gross Floor Area (SF)	Required Loading Spaces
Multi-Family Residential including Group Living	Over 200,000	1
Retail and Restaurants or Eating Establishments	0 to 9,999	0
	10,000 to 24,999	1
	25,000 to 49,000	2
	50,000 to 99,999	3
	Over 100,000	4
Office, Hospital or Medical Institution, Public, Civic and Institutional	0 to 99,999	0
	100,000 to 150,000	1
	Over 150,001	3
Hotels	Fewer than 200 hotel rooms	1
	Greater than 200 hotel rooms	2
Industrial, Wholesale, Manufacturing, Storage Uses	0 to 9,999	0
	10,000 to 49,999	1
	Over 50,000	2

40:7-6. Bicycle parking ratios and standards

40:7-6-1. Required Bicycle Parking Spaces

1. Bicycle parking spaces shall be provided in accordance with Table 4. No use is required to provide more than fifty (50) bicycle parking spaces.
2. Space within dwelling units or on balconies may not be counted toward satisfying bicycle parking requirements.

TABLE 7-5: Required Bicycle Parking	
<i>Multi-Family Buildings</i>	
Number of Dwelling Units	Minimum Number of Spaces Provided in Bicycle Racks or Indoor Storage
Fewer than 12 dwelling units	0
12-50 dwelling units	2 spaces
Greater than 50 dwelling units	5 spaces
<i>Non-Residential Uses</i>	
Commercial	2 spaces above first 5000 SF

3. Buildings in the Community Commercial (C-2) Zone: All uses within commercial or mixed-use buildings or structures within the Community Commercial (C-2 Zone) shall be exempted from the requirements for off-street parking as specified in either Table 1: Residential Uses or Table 2: Nonresidential Uses.

Chapter 8. Requirements for Off-Street Parking & Loading Areas

40:8-1. Variances and Waivers

Any deviation from a provision of this Chapter which is identified as a design standard shall require a waiver by the reviewing board from the specific design standard. Any other deviation from a standard contained in this Chapter shall require a variance from the specific standard in accordance with the Municipal Land Use Law.

40:8-2. Parking Location

40:8-2-1. Zoning Standards

1. Except as otherwise expressly provided in this Title, required off-street parking, loading, and vehicle stacking spaces shall be located on the same lot as the principal use and must have adequate access to a street or driveway connecting to a street.

a. Parking spaces should utilize vacant land whenever possible and preserve existing vegetation.

2. When the parking spaces required by this Title are provided off the site, the following additional regulations shall apply and shall continue so long as the premises are used for such purpose, except that in lieu of the area originally designated, other equal area may be substituted from time to time:

a. Such parking spaces shall be in the same possession by lease or ownership as the use to which they are an accessory.

b. Such spaces shall conform to all regulations of the district in which they are located.

c. For all building types except the Industrial building type described in Chapter 5:

i. All parking spaces shall be inside the structure or located at the rear or at one (1) side of that structure.

ii. On-site parking is prohibited in front of a structure or forward of a street-facing facade of that structure.

iii. Tandem parking arrangements of only up to two (2) spaces deep are allowable in one-, two-, or three-family dwellings.

iv. In multifamily structures with four (4) or more dwelling units, tandem parking arrangements of up to two (2) spaces deep can only be used if both spaces are assigned to the same dwelling unit and shall only count as one parking space.

40:8-3. Off-Street Parking Lots

40:8-3-1. Design Standards

1. Complete Streets Policy.

a. The design and layout of off-street parking lots shall be reviewed so as to provide an high-quality, urban, shaded, compact, and walkable design and layout.

b. Pedestrian, bicycle, and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of pedestrian circulation from the public right-of-way to the development, parking areas, and off-street loading and unloading.

c. The Central Planning Board shall ensure that parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be appropriately designed using Complete Streets standards outlined in the "Urban Street Design Guide" published by the National Association of City Transportation Officials (NACTO).

d. The site plan shall provide a safe and efficient circulation system for the movement of people, whether on foot, bicycle, or vehicle into, out of, and within the site. The circulation system shall have minimum adverse impact on surrounding areas and shall comply with the Complete Streets standards outlined in the "Urban Street Design Guide" published by the National Association of City Transportation Officials (NACTO).

e. Particular attention shall be given to provide for safe emergency access for fire and police protection, vehicular and pedestrian circulation.

2. Sufficient off-street parking shall be required to ensure minimum on-street parking.

3. Off-street parking areas shall be designed to permit all vehicles to turn around on the site in order to prevent the necessity of any vehicle backing onto a collector or an arterial street from such site. No required off-street parking space or maneuvering

space shall be located within the existing or proposed right-of-way of the street.

4. Off-street parking shall meet the following requirements:

- a. The site plan shall provide for sufficient parking spaces, driveways, maneuvering areas and loading zones.
 - b. For all automobile parking the minimum space shall be eight feet six inches wide and eighteen (18) feet long. An eight-foot six-inch stall width assumes a clear space on adjacent stalls of the same dimension on both sides. If a stall is located with one (1) side adjacent to a wall or high curb, an additional six (6) inches of width is needed. The minimum stall width, if walls are on both sides, shall be therefore, nine (9) feet. The use of minimum width of eight (8) feet shall be permitted for attendant type parking.
 - c. The stall dimensions are in addition to the required maneuver and access aisles as determined by the Newark Department of Engineering. In no event shall the overall layout of the off-street parking area be conducive to a back-out maneuver onto a collector or an arterial street.
 - d. In any case where a reduction of the required area per parking space is permitted by the Newark Department of Engineering on the basis of the developer's certification that such space will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.
 - e. A parking area shall be illuminated and shall be shielded to protect motorists on the adjacent or adjoining residential properties from resulting glare.
5. If parking lifts are to utilized, refer to Chapter 4 Section 6-1.

40:8-4. Off-Street Structured Parking (Freestanding or in Mixed-Use Building)

40:8-4-1. Zoning Standards

1. Structured parking shall be designed to complement Newark's neighborhoods and streets to create a pedestrian-friendly environment and aesthetically-pleasing public realm.
2. All structured parking and structured parking garages and structures (referred to here as parking structures) must have a primary pedestrian entrance and exitway facing a public street located at the sidewalk.
3. Facades on all parking structures shall be partially enclosed or screened as follows:
 - a. First or Ground floor: First floor of parking structures shall have at least 70% of the façade elevation enclosed with a wall so that it is not open to the exterior. In addition, a minimum of 65% of ground-floor facade shall be transparent with windows or other openings. Decorative exterior materials shall be used for enclosure and screening of openings.
 - b. Second floor and above: A minimum of 50% of the façade elevation area must be enclosed with a wall so that it is not open to the exterior. In addition, a minimum of 35% of facade shall be transparent with windows or other openings. Decorative exterior materials shall be used for enclosure and screening of openings.
4. Parking structures shall not be clad in EIFS or similar materials.

40:8-4-2. Design Standards

1. Public art and/or creative design and color schemes to make garage façade elevations aesthetically attractive and provocative to the street are encouraged.
2. Parking structures are encouraged to incorporate green roofs, sustainable materials, solar panels, and exterior vegetative landscaping features where appropriate.
3. New parking structure entrances/exits are prohibited on arterial streets.

4. Parking structures, whether stand-alone or incorporated into a building with other uses, shall not have more than 48 feet in height of exposed elevation frontage on any residential street. Parking structures exceeding 48 feet in height must be wrapped with other street-facing uses.

5. Parking structures with over 450 vehicles shall have more than one exit/entry. Second entry/exit to garage should be on a different street than the other exit/entry if feasible.

6. The permitted and prohibited uses and ground floor use standards sections that are in the Permitted Uses by District contained in Chapter 4 provide may further restrictions on the design and placement of structured parking.

7. For ground-floor standards for parking structures, refer to Chapter 4. Permitted Uses by District.

40:8-5. Off-street parking landscaping

40:8-5-1. Zoning Standards

1. All automobile and truck parking lots whether public or private, residential, commercial, or industrial parking lots shall be effectively screened by attractive decorative landscaping, the purpose of which is to screen from public view cars and trucks within the parking area. In all parking areas, at least 15% of the interior parking area shall be landscaped with plant material reasonably distributed in the lot.

a. One pollution-resistant shade or ornamental tree shall be planted for every five (5) parking spaces. These shall be reasonably distributed in parking areas and in landscaped areas combined with shrubbery. The base of each tree shall be left free of pavement for a diameter of not less than five (5) feet. The landscaping should be located in protected areas, such as along walkways, lot perimeters, in center islands, at the end of bays or in diamonds between parking stalls. Such protected areas shall be constructed so as to prevent damage to plant material from vehicles.

b. Parking of motor vehicles on landscaped areas, on grass, or against trees and shrubbery shall not

be permitted in business, commercial, industrial and professional areas.

c. Parking area designs must provide for shade by deciduous trees that have or will have when fully mature a trunk at least 12 inches in diameter. New trees shall be of a type suitable and adaptable to planting within a parking lot for shading. Each tree shall be capable of shading a circular area having a radius of 15 feet with the trunk of the tree as the center. There must be sufficient trees so that, using this standard, 50% of the parking area shall be shaded within fifteen (15) years after establishment of the parking facility.

2. Only nursery grown planting stock, free of insects and disease, single-stem and spaced at a suitable distance to consider growth when reaching maturity, shall be used. Narrow evergreen coniferous shrubbery or trees shall be planted four (4) feet on centers (such as Arborvitae) where used as a screening device. Special design effort shall be made to protect, save and utilize healthy vegetation and trees three (3) inches or more in caliper.

2. All perimeter buffer areas shall comply with Section 40:8-1.

3. Wheelguards shall be constructed for all sites. These guards shall be positioned to prevent damage to fencing and landscaping along the property line and to ensure pedestrian safety wherever necessary.

40:8-5-2. Design Standards

1. Parking lots of more than six (6) vehicles but less than twenty (20) vehicles shall provide a buffer of of a hardy (salt-, shade-, and drought-resistant) plants to provide a deciduous or evergreen hedge-forming shrub variety which meets the following standards:

a. Such plantings shall not be less than three (3) feet high at planting.

b. Such planting shall be located adjacent to the parking areas or along all property lines adjacent to such parking areas to buffer lot use, noise, and dust.

c. Such plantings shall be maintained at a height of four (4) feet except where the perimeter of a parking lot is adjacent to a residential district, the height of such screening shall be six (6) feet and evergreen.

d. Such plantings shall not be required in those instances where a permitted building or other structure screens such a parking lot.

e. Such plantings shall not be permitted within sight triangles of driveways.

f. Such plantings may be substituted by a combination of plantings and walls or other opaque, durable decorative permitted fencing that sufficiently screens automobile headlights, provided that opaque fencing or walls are not placed along a lot line bordering a public right-of-way. Chain link fencing with or without vinyl slats shall not be permitted as a substitute for such plantings.

2. For parking lots with greater than twenty (20) spaces, the following landscaping requirements in addition to those set forth in Section 40:8-4 shall apply:

a. A minimum of 15% of the area shown on the site plan shall be reserved for landscaping, which shall be reasonably distributed within the area, and which shall include foundation plantings in suitable planting beds not less than three feet wide on the front, sides and rear of any building structure.

b. Parking areas, $\frac{1}{10}$ of the total of such area or 1,000 square feet within each 10,000 square feet of paved area, shall be landscaped with planting material reasonably distributed in the area. Landscaping in parking area shall be located in protected areas, such as along walkways, in center islands, at the end of bays, or in diamonds between stalls. Such protected areas shall be constructed so as to prevent damage to plant material from vehicles. One approved shade or ornamental tree shall be planted for every five parking places. These shall be reasonably distributed in parking areas in any landscaped areas combined with shrubbery. The base of each tree shall be left free of pavement for

a diameter of not less than one (1) foot per diameter inch of expected growth.

c. Each tree shall be capable of shading a circular area having a radius of 15 feet with the trunk of the tree as the center. There must be sufficient trees so that, using this standard, 35% of the parking area will be shaded. All remaining areas shall be suitably graded and landscaped with grass, ground cover, trees, shrubs and other suitable plants in a manner most compatible to the area and consistent with the aesthetic considerations of this article.

d. At least fifteen percent (15%) of the total parking area shall be landscaped with appropriate trees, shrubs, ground cover, or other plant materials within the lot to assure the establishment of a safe convenient and attractive facility.

e. At least one (1) tree of not less than two and one-half (2 1/2) inches caliper of a variety other than those named in Section 40:16-2-2, shall be provided within such parking lot for each five (5) parking spaces.

f. Green "belts," "islands," or strips, where appropriate, shall be provided to guide vehicle movement and to separate opposing rows of parking spaces and to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. Such street design should be wide enough to accommodate two (2) rows of deciduous trees with a walkway between the two allowing for pedestrians to safely walk to and from destination. Design shall meet the following requirements:

i. Such raised planting islands and the landscaping within them shall be designed and arranged so as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel interior traffic flow, to prevent indiscriminate diagonal movement of vehicles and to provide cooling shade and visual relief.

ii. Such plantings shall be maintained at a height of four (4) feet.

- iii. Curbs of such islands shall be designed so as to facilitate surface drainage.
- iv. In lieu of planting islands, five (5) foot by five (5) foot tree wells may be planted with shade trees with a minimum caliper of two and one-half (2 1/2) inches and minimum height of eight (8) feet in such positions necessary to effectively guide vehicle movement. These treewells shall have a curb surrounding them and shall incorporate structural soil under impervious surfaces to equal minimum square footage to sustain the tree at predicted maturity size.
- 3. The selection, amount and location of all landscaping materials shall be subject to approval by the staff of the Central Planning Board, and Urban Forester based upon considerations of the adequacy of the proposed landscaping to serve its intended purpose with minimal maintenance problems including plant care, snow removal and leaf removal.
- 4. All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the use, building or structure which is intended to serve. Any planting not so maintained shall be replaced with new plants promptly.
- 5. A maintenance plan shall be submitted and reviewed prior to approval and shall be at least 10 years in effect.

40:8-6 Loading Areas

40:8-6-1. Design Standards

- 1. An off-street truck loading stall shall have a minimum width of ten (10) feet, a minimum length of forty-five (45) feet and a minimum clear height of fourteen (14) feet.
 - a. No truck parking or loading shall be located within ten (10) feet of a residential building.
 - b. Entrances and exits of driveways to a parking or

truck loading area shall be paved and shall include turning areas, and shall be so designed as to assure ease of mobility, ample clearance and safety of vehicles and pedestrians.

- c. A parking or truck loading area shall be surfaced with concrete or bituminous cover graded so as to prevent an accumulation of water on the surface of the areas. In no case shall drainage of any sort be permitted across the public walk into the roadway.
- d. A parking area shall be illuminated and shall be shielded to protect motorists on the adjacent or adjoining residential properties from resulting glare.

40:8-7 Bicycle Parking Areas

40:8-7-1. Design Standards

40:8-7-2. Location

- 1. Bicycle racks shall be well integrated into the pedestrian realm. Racks shall not be permitted on a public right of way or on the sidewalk of a private road where the rack would limit the pedestrian right of way width to less than six (6) feet.
- 2. Storage for bicycles may be provided inside a building so long as the following standards are met:
 - a. Minimum width: Two (2) feet.
 - b. Minimum length: Six (6) feet.
 - c. Minimum overhead clearance: Seven (7) feet.
- 3. Bicycle spaces must be located on private property unless the Department of Engineering approves location within the public right-of-way.
- 4. Parking racks provided outside of a building shall be located within a one hundred (100) foot radius of the primary building entrance.
- 5. Racks and other fixtures used to provide required

parking must be affixed securely to the ground or a building, to which a bicycle may be locked or chained.

40:8-8. Driveway Design Standards

40:8-8-1. Design Standards

1. Complete Streets Policy.

a. The design of the driveway shall provide safe pedestrian movement along the public right-of-way and shall comply with the Complete Streets standards outlined in the "Urban Street Design Guide" by the National Association of City Transportation Officials (NACTO).

2. The dimensions of entrances and exit driveways and interior roads shall be adequate to accommodate the volume and character of vehicles anticipated to be using the site, but not wider than necessary to accommodate the volume and character of vehicles anticipated to be using the site, but not wider than necessary to accommodate the expected traffic, at a speed of fifteen (15) miles per hour.

3. All entrance and exit driveways shall be located so as to afford maximum safety to, and minimum disruption of, traffic on the street.

4. Where the frontage of the lot is too narrow to permit the above distance, the driveway shall be located as far from the intersection as possible but in no case any closer than twenty-five (25) feet from a public pedestrian crosswalk.

5. All driveways shall require depressed curb construction.

6. All driveways shall conform to all applicable Newark standards. Driveway pavement shall extend to the curb of the street with which it connects.

7. For driveway construction and design, the standards shall apply as given in Table 8-1, set forth hereinafter:

40:8-9. Buffer Zones

Buffer areas shall be required along the entire linear footage of lot lines where a non-residential use or district line abuts a residential use except that where a new residential use is proposed on a lot adjoining an existing non-residential use or district line, the proposed residential use shall provide the buffer. Buffering requirements shall be as follows.

40:8-9-1. Design Standards

Buffer zones shall provide a year-round visual screen

Table 8-1: Driveway Dimensions And Locations

	Commercial	Residential
<i>Driveway Width (feet)</i>		
Minimum, one-way	12	10
Minimum, two-way	24	20
Maximums	24 (Two-way)	10 (One-way); 20 (Two-way)
<i>Minimum Driveway Spacing (feet)</i>		
From Street Corner		
Signalized	50	50
Not Signalized	25	25
<i>Number of Driveways</i>		
Properties with a frontage of less than 100 feet. should have only ONE driveway. Properties with a frontage of more than 100 feet. TWO (2) driveways shall be permitted on different streets.		

in order to minimize adverse impacts from a site on adjacent property or from adjacent areas.

1. Within a buffer area, a solid and continuous landscape screen shall be planted and maintained. Planted materials in the buffer zone shall be placed within the buffer and shall be sufficiently large and planted in such a fashion that a screen at least eight (8) feet high, occupying 50% of the width of the buffer shall be produced within three growing seasons. The buffer may consist of evergreen and deciduous plants, natural features, berms, fencing, mounds or combinations to achieve objectives. A variety of plant material providing seasonal color and interest should be provided. Possible arrangement of plant material include plantings in parallel, serpentine or broken rows. If planted berms are used, the minimum top width shall be four feet (4) and the maximum side slope shall be 2:1. The intense density of the buffer screen may be reduced by the Board if it is found that the proposed use is visually attractive and not detrimental to the appearance of the neighboring uses.
2. Within any buffer zone, no use, activity or sign shall be established.
3. Any school use, which shall be required by this article or requested by the governing Board to provide a buffer zone to separate such use from a residential use, shall provide a buffer area, consisting of a strip of land sufficient in width, which shall be landscaped in accordance with the regulations herein set forth and in accordance with the shade tree planting specifications for buffers and with a minimum row of massed evergreens, deciduous trees and shrubs.
4. In all areas where a buffer zone is required by this article, permanent curbing shall be installed simultaneously with the installation of landscaping and screening for the protection of the buffer zone.
5. Residential sites. Landscaping, grass and shade tree installation shall be installed in the course of the development of any residential site in accordance with the requirements of this article, and in accordance with the planting specifications.

6. Prior to the issuance of a certificate of occupancy, the applicant or developer of any tract of land or building site shall be required to post a performance bond to cover the cost of such landscaping which may not have been completed prior to such time as the building erected on such tract or site is ready to be occupied. The amount of such performance bond shall be established by the Newark Department of Engineering and the Urban Forester. Said bond shall be released only after the total landscaping plan as previously approved has been completed.

7. All buffer zones and other areas subject to the landscaping requirements of this article, including all trees, shrubbery, grass and fences located therein, shall be properly maintained for a period of 12 months. The applicant or developer shall post with the City a maintenance bond in an amount equal to 1/2 of the total cost of the installation of all landscaping required by this article. Said maintenance bond shall be in addition to any performance bond required. All plantings which shall fail to survive for a period of 24 consecutive months shall be replaced by the applicant or developer at their expense. Such replacement shall be made within 60 days following a written demand for replacement or within such extended period of time as may be specified. Such replacement plantings shall conform to the standards applicable to original plantings as set forth in this article.

Chapter 9. Signs

40:9-1. Regulations

1. Exemptions. The following signs shall be exempt from all signage requirements:
 - a. Any public notice or warning required by a valid and applicable Federal, State, County or local law, regulation or ordinance.
 - b. Any sign which is inside a building, not attached to a window or door, and is not readable from a distance of more than ten (10) feet beyond the lot line of the lot or parcel nearest to where such sign is located.
 - c. Seasonally appropriate holiday lights and decorations with no commercial message. However, such lighting can only remain for no more than three (3) months.
 - d. Traffic control signs on private property, which meet Department of Transportation standards, and which contain no commercial message of any sort.
 - e. Flags of the United States, New Jersey, the City of Newark, flags of any foreign nation, or other flags with purely non-commercial purposes.
 - f. Pump mounted fuel price informational signs subject to the following:
 - i. Only one (1) fuel price informational sign shall be permitted per fuel pump nozzle.
 - ii. Fuel price informational signs shall be limited in size to an area of two hundred sixteen (216) square inches in accordance with State and Federal regulations.
 - iii. Each fuel price informational sign shall be affixed directly and firmly to a fuel pump and shall be stationary.
 - iv. Nothing herein shall be construed to prohibit the advertisement of fuel prices on any other sign meeting the requirements of this section.
 - g. US Postal Regulation mailboxes.
 - h. Political signs provided that they fully comply with Section 29:22-1 et seq. of the Revised General Ordinances of the City of Newark.
 - i. One (1) sign advertising the sale or rental of the

premises upon which they are located provided that the sign is no more than eight (8) square feet and removed within one (1) week of the date of sale or rental of the property.

2. The following methods of measurement shall be utilized for the purposes of calculating permissible signage:

- a. Individual Sign Area Measurements.
 - i. The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, graphic illustration, picture, symbol or other display, together with any material or color forming an integral part of the background of the sign. For purposes of calculating sign area, any illuminated border including those which may frame the signage within a window shall be included in the sign area calculation and used to differentiate the sign from the backdrop or structure against which it is placed. This does not include any framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly incidental to the sign itself.
 - ii. No wall or canopy sign shall have more than two (2) display faces. When a sign has two (2) display faces such that both faces cannot be viewed from any one (1) point at the same time, the sign's area shall be computed by the measurement of the larger of the two (2) faces.
- b. Glazed Area. Any glazing in doorways shall be considered part of the glazed area. For purposes of calculating window signs, a window shall be considered the glazed area. Signs which are required by County, State, or Federal agencies shall be exempt from calculation of permanent signage.
- c. Measurement of Height. The height of a monument sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be considered to be the lower of the existing grade prior to construction of the newly

established grade after construction, exclusive of any filing, berthing, mounding or excavation solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, the sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

3. Sign Prohibitions for All Districts:

- a. Billboards shall be prohibited except as permitted by conditional use in Section 40:4-8 of the Municipal Code of the City of Newark.
 - b. No signs shall be placed on municipal fences, walls, railway or road bridges, bridge supports or abutments, retaining walls, parking meters or water towers unless approved by the City Council. Signs on trees and utility poles are prohibited.
 - c. No roof signs, also known as "sky signs," mounted above the roofline of a building shall be permitted.
 - d. Office buildings of twelve (12) stories or more with signs indicating the address or owning company's name or trademark image may be placed below the parapet line and above the top floor row of windows and shall be no more than fifty (50%) percent of the building width. Such signs shall be limited to business identification for the principal tenant or owner, who must occupy at least forty (41%) percent of the building's total floor area. Such signs shall be limited to one (1) tenant/owner per building and one (1) sign per building elevation. Such signs shall be prohibited in the Downtown Business District on buildings under one hundred ten (110) feet in height. Such signs shall be prohibited on key and contributing historic buildings in historic districts as well as on individually landmarked buildings in all districts. Such signage shall not have a negative effect on any historic structure.
 - e. No sign shall be placed on an accessory building.
 - f. No sign shall be lighted by means of a varied illuminated light, nor shall any sign be in whole or in any part moving, mobile, revolving and/or electrically or mechanically activated.
 - g. No sign shall be allowed with the optical illusion of movement by means of a design which presents a pattern capable of reverse perspective, or giving the illusion of motion or changing copy.
 - h. No signs shall be allowed that are placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way, where the apparent purpose is to advertise a product, service or activity or direct people to a business or activity. This is not intended, however, to prohibit signs placed on or affixed to vehicles, buses or trailers where the sign is incidental to the primary use of the vehicle or trailer. The vehicle shall remain in fully operable condition and be driven or moved by its own power at least once per week.
 - i. No sign shall be allowed which obstructs any window or door opening to the point of jeopardizing public safety. Additionally, no sign shall obstruct the view of any building's existing decorative architectural features.
 - j. No sign shall be allowed which obstructs the view of vehicle operators or pedestrians entering a public roadway from any parking area, service drive, public driveway, alley or other thoroughfare.
 - k. No building sign shall project more than four (4) feet from the building face.
 - l. Awnings made of translucent material of any type are prohibited.
- 4. The following signs and standards and conditions that govern such signs are set forth in the sign matrix. All other signs are expressly prohibited. The following design standards shall apply:**
- a. Signs shall be in harmony and consistent with the architecture of the building and related to the features of the building in terms of location, scale, color, lettering, materials, texture and depth. Signs shall not be dominant but shall be proportionate and

shall complement the building, existing signs and surroundings.

b. There shall be consistent sign design throughout a particular project. The design elements include style of lettering, construction materials, size and illumination.

c. Building signs shall not obscure, conflict with, or cover any architectural element and must be aligned with major building elements such as windows, trim and structure lines.

d. No sign shall extend or project above the highest elevation of the wall to which it is attached or above the lowest part of the roofline of the building, whichever is less.

e. Illuminated Signs

i. Channel lettering is permitted in all business and industrial districts. Other types of internally illuminated signs shall only be permitted in the C3 Regional Commercial zoning areas.

ii. Signs lit by external sources shall be allowed, but shall be located in such a manner so as to avoid any glare on adjacent properties. Sources of sign illumination shall consist of spotlamps or "gooseneck" lamps, or similar lighting fixture.

iii. External lights used for the illumination of any sign mounted on a building, whether or not such light fixtures are attached to or separate from the building, shall comply with the relevant lighting standards enumerated in Section 40:16-6-2.

h. Signs and sign structures of all types shall be located to allow a clear, unobstructed line of sight for three hundred (300) feet from the stop line of any intersection of streets and/or driveways, traffic signal or traffic directional sign in the intersection.

i. The width of signs mounted on the ground floor for any nonresidential or non-industrial use may be one hundred (100%) percent of the width of the portion of the wall area dedicated to the applicable use if that width is less than thirty (30) feet, or seventy-five (75%) percent if the relevant width is thirty (30) feet or greater.

5. Nonconforming Signs

a. No nonconforming sign may be enlarged or altered in a way which would increase its nonconformity. Existing nonconforming permanent signs may continue to exist; however, when the sign is modified in either shape, size, illumination, material, or structure, the sign shall be altered to conform to the provisions of this section.

b. Should any nonconforming sign be damaged for any reason by any means to an extent of more than fifty (50%) percent of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this section. (Ord. 6 PSF-A(S), 7-14-09 Exh. A; Ord. 6 PSF-F, 3-17-10 § 1)

40:9-2. Signage design and measurement requirements

1. All signs shall comply with the standards enumerated in the table below:

Table 9-2: Signage Design And Measurement Requirements				
Signage Type	Maximum Total Area (SF)	Maximum Number	Maximum Height of sign (feet)	Other Requirements
Single-, Two-, and Three-Family Dwelling				
Wall Sign	1	1	Not to be located above the first floor on the building.	Home occupation or profession only. (Address numbers are exempt.)
Town Houses and Row Houses; Low-, Mid- and High-Rise Residential				
Wall Sign	20 SF	1 per street frontage for complex	Not to be located above the first floor on the building.	Identification only.
OR				
Monument	25 SF	1 per street frontage	5 feet including base	Monument signs shall only be permitted in front of principal structures with a minimum 25 foot setback. Allowable signs shall be set back at least 5 feet from property line.

Table 9-2: Signage Design And Measurement Requirements

Signage Type	Maximum Total Area (SF)	Maximum Number	Maximum Height of sign (feet)	Other Requirements
Ground-floor commercial with commercial or residential above				
Wall Sign	10% of the wall area but no greater than 70 square feet.	1	Not to be located more than 4 feet above the lintel line on the building.	
Projecting	6 SF	1	n/a	May project a maximum of 4 feet from the building. Minimum distance between the ground and the bottom of the sign is 8 feet; Sign must be hung by brackets at right angles to the façade.
Window	No more than 10% of glazed area for signs.	n/a	n/a	
Awnings	To be used in lieu of wall signs, subject to same conditions.	n/a	n/a	Awnings, which are not internally lit, may be used to display signage in lieu of a wall sign. However, an awning with no signage but for the name, address and phone number on the fringe of the awning with lettering no greater than 8 inches high may be used in addition to a wall sign. A minimum letter height of 12 inches shall be used.
Secondary façade on corner lots	May have one wall, projecting or awning sign of prescribed dimensions.	n/a	n/a	A minimum letter height of 12 inches shall be used.
Window sign (above ground level)	25% of the total glazed area of the windows applicable to the use.	1 per street frontage	Signs may be located in the windows of the second or third levels of a building.	A sign for a commercial use above first level may be installed at the second or third level.

Table 9-2: Signage Design And Measurement Requirements

Detached Commercial				
Signage Type	Maximum Total Area (SF)	Maximum Number	Maximum Height of sign (feet)	Other Requirements
Wall Sign	10% of the wall area but no greater than 70 square feet.	1	Not to be located more than 4 feet above the lintel line on the building.	
Projecting	6 SF	1	n/a	May project a maximum of 4 feet from the building. Minimum distance between the ground and the bottom of the sign is 8 feet; Sign must be hung by brackets at right angles to the façade.
Window	No more than 10% of glazed area for signs.	n/a	n/a	
Awnings	To be used in lieu of wall signs, subject to same conditions.	n/a	n/a	Awnings, which are not internally lit, may be used to display signage in lieu of a wall sign. However, an awning with no signage but for the name, address and phone number on the fringe of the awning with lettering no greater than 8 inches high may be used in addition to a wall sign.
Monument	25 SF	1 per street frontage	5 ft including base	Monument signs shall only be permitted in front of principal structures with a minimum 25 foot setback. Allowable signs shall be set back at least 5 feet from property line. A minimum letter height of 12 inches shall be used.
Secondary façade on corner lots	May have one wall, projecting or awning sign of prescribed dimensions.	n/a	n/a	A minimum letter height of 12 inches shall be used.
Wall Sign	100 SF	1 per street frontage	n/a	

Table 9-2: Signage Design And Measurement Requirements

Signage Type	Maximum Total Area (SF)	Maximum Number	Maximum Height of sign (feet)	Other Requirements
Supplemental Wall Sign	4 SF	1 per entryway	No higher than 3 feet above the top of the door at the entrance to the building.	Subject to historic district requirements, in addition to a wall sign or monument sign, one supplemental wall sign at each entrance to the primary structure may be installed. A minimum letter height of 12 inches shall be used.

Mixed-Use Building up to Three Stories

Window sign (above ground level)	25% of the total glazed area of the windows applicable to the use.	1 per street frontage	Signs may be located in the windows of the second or third levels of a building.	A sign for an office use above first level may be installed at the second or third level.
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Funeral Home or Mortuary

Wall Sign	10 SF	1 per street frontage	Not to be located more than 4 feet above the lintel line on the building.	One wall sign or monument sign per street frontage may be installed.
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Automotive Service; Automotive Sales and Repair

Wall Sign	10% of the wall area but no greater than 50 square feet.	1 per street frontage	Not to be located more than 4 feet above the lintel line on the building.	
Monument	25 SF	1 per street frontage	5 feet	Monument signs shall only be permitted for buildings with a minimum 25 foot setback. Allowable signs shall be set back at least 5 feet from property line.

Table 9-2: Signage Design And Measurement Requirements

Signage Type	Maximum Total Area (SF)	Maximum Number	Maximum Height of sign (feet)	Other Requirements
Self Storage				
Wall Sign	10% of the wall area but no greater than 50 square feet.	1 per street frontage	n/a	
Monument	25 SF	1 per street frontage	n/a	Monument signs shall only be permitted for buildings with a minimum 25 foot setback. Allowable signs shall be set back at least 5 feet from property line..
All other industrial uses				
Wall Sign	10% of the wall area but no greater than 50 square feet.	1 per street frontage	n/a	
Monument	25 SF	1 per street frontage	5 feet	Monument signs shall only be permitted for buildings with a minimum 25 foot setback. Allowable signs shall be set back at least 5 feet from property line.

Chapter 10. Historic sites & districts

40:10-1. Title

This Chapter shall be known as and may be cited as the Newark Landmarks and Historic Preservation Regulations.

40:10-2. Definitions

Administrative Officer shall mean the Historic Preservation Officer. In the event that the Historic Preservation Officer is not appointed, the Director of City Planning or his/her designee shall serve as the Administrative Officer.

Alteration shall mean any act or process that in any way effects a change in the design or outer appearance of a building, structure, object or site, or any part thereof.

Application shall mean an application form and all accompanying documents submitted for approval of a permit for alteration, repair, reconstruction, demolition or relocation of a designated historic site, building, structure or object, or improvement within a designated historic district or review of a development application concerning same.

Archaeological shall mean the science or study of the material remains of past life or activities and the physical site, location, or context in which they are found, as delineated in the Department of Interior's Archaeological Resources Protection Act of 1979.

Architectural shall mean relating or conforming to the rules of Architecture; having or conceived as of having a single unified overall design, form, or structure.

Architectural Feature shall mean the architectural style, design, general arrangement and components of all the surfaces, including but not limited to the kind, texture and color of the building material, and the type and style of all windows, doors, lights, signs and other features appurtenant to such improvement.

Building shall mean any structure, part of a structure, extension thereof, or addition thereto having a roof supported by columns, posts, piers, or walls and

intended for the shelter, business, housing or enclosing of persons, animals, or property.

Certificate of Appropriateness shall mean a document attesting that proposed work within a historic district or affecting a landmark building, structure, object, site or landscape feature has been reviewed and deemed appropriate and consistent with the purpose of this Chapter by the Newark Landmarks and Historic Preservation Commission.

Certificate of No Effect shall mean a document attesting that proposed work within a historic district or affecting a landmark building, structure, object, site or landscape feature has been reviewed by the Historic Preservation Officer and has been deemed not detrimental to the historic district or landmark on which the work is to be done or neighboring buildings, structures, objects, sites or landscape features.

Commission shall mean the Newark Landmarks and Historic Preservation Commission.

Construction shall mean the act of: (a) adding an addition to an existing building or structure; (b) the erection of a new principal or accessory building or structure on a lot or property; or (c) alterations.

Days shall mean calendar days.

Demolition shall mean the dismantling or razing of all or part of any historic site or landscape feature or any improvement in a historic district.

Development shall mean the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining excavation or landfill, and any use or change in the use of any building or structure, or land or extension of use of land, for which permission may be required pursuant to this Title.

Historic District shall mean one (1) or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and

character of the historic site or sites.

Historic Tree shall mean a tree that has been found to be of notable historic interest to the City because of its age, type, size or historic association and which has been so designated and that designation has been officially made and promulgated as part of the official records of the municipality, county, or state.

Historic Registry shall mean a listing of all historic sites, buildings, districts or structures within the City of Newark as recorded by the City Clerk.

Historic Site shall mean any real property, building, manmade structure, natural object or configuration or any portion or group of the foregoing of historical, archaeological, cultural, scenic or architectural significance.

Improvement shall mean any building, structure, work of art or other object installed upon real property or any part of such improvement.

Minor Application shall mean an application for approval of actions on a designated historic site, building, structure or object which consists of ordinary maintenance and repair as defined herein.

Object shall mean anything constructed, fabricated or created, the use of which does not require permanent or semi-permanent location on or in the ground.

Ordinary Maintenance shall mean the repair or renewal of deterioration, wear or damage to a structure or improvement in order to return same, as nearly as practicable, to its condition prior to the occurrence of such deterioration, wear or damage with materials and workmanship of the same quality and appearance of the structure or improvement.

Reasonable Return shall mean on the average rate of return for properties similar to and in the same area as the improvement parcel under consideration for the purposes of this Chapter for the year proceeding the application as arrived at through certified appraisals, records of sale, and any other research.

Reconstruction shall mean the act or process of reproducing by new construction the exact form and details of a vanished building, structure, or object or part thereof, as it appeared at a specific period of time.

Rehabilitation shall mean the act or process of returning an improvement to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those orations or features of the improvements which are significant to historical, architectural and cultural values.

Relocation shall mean any removal or relocation of a structure or improvement on its site or to another site.

Responsible Person shall mean any person or persons having such right to, title to, or interest in any property or improvement so as to be legally entitled, upon obtaining the required permits and approvals from City agencies, to perform with respect to such property or improvement any demolition, construction, reconstruction, alteration, restoration or other work as to which such person seeks the authorization or approval of the Commission.

Restoration shall mean the act or process of accurately recovering the form and details of an improvement by the removal of later work and/or by the reconstruction of missing earlier work.

Stabilization shall mean the act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated building, object, site, structure or landscape feature while maintaining the essential form as it exists at present.

Structure shall mean a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land. Structure includes, but is not limited to, buildings, signs, fences, tanks, towers, poles, walkways, driveways, streets and roads.

40:10-3. Criteria For Designation

40: 10-3-1. As stated in the U.S. Department of the Interior's National Register Criteria for Evaluation, promulgated pursuant to 16 U.S.C.A. Sec. 470a, the following criteria shall be used by the Commission for its review for designation of historic sites, buildings and districts: the quality of significance in National, State or municipal history, architecture, archaeology, and culture if present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feelings, and association and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
2. That are associated with the lives of persons significant in the past; or
3. That embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. That has yielded, or may be likely to yield, information important in prehistory or history.

40: 10-3-2 Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty (50) years shall not be considered eligible for nomination; however, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

1. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
2. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure

most importantly associated with a historic person or event; or

3. A birthplace or grave of a historical figure of outstanding importance if there is not other appropriate building, structure or site directly associated with his or her productive life; or
4. A cemetery which derives its primary significance from graves of persons of transcendent importance, from distinctive design features, or from association with historic events; or
5. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
6. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
7. A property achieving significance within the past fifty (50) years if it is of exceptional importance.

40:10-4. Procedures Of Designation

40: 10-4-1. Any interested party may nominate a historic landmark or district for local designation. All applications for nomination shall be submitted to the Division of City Planning. The application form shall be the National Register of Historic Places Registration Form, including all necessary attachments. The Administrative Officer shall review the application for completeness.

40: 10-4-2. The nomination shall be presented initially to the Historic Preservation Commission, followed by the Central Planning Board and then the City Council; however, in any case, a nomination must be reviewed and approved by all these bodies in order to be designated as a local landmark.

40: 10-4-3. Districts and landmarks already listed on the National or State Register of Historic Places as of May 30, 2007 shall automatically be designated a local landmark. The complete list is included as Exhibit A.¹

¹Editor's Note: Exhibit A, referred to herein, may be found on file in the office of the City Clerk.

40:10-5. Uses Of Designated Properties

40: 10-5-1. Nothing contained herein shall affect the present legal use of the designated property.

40: 10-5-2. Use classifications and bulk restrictions as to all such property shall continue to be governed by the general zoning ordinance of the City of Newark and the procedures established therein.

40: 10-5-3. In no case, however, shall any use be permitted which requires demolition, relocation, or alteration of a designated historic building, structure, site or within a designated district so as to adversely affect its character except upon compliance with the terms of this Article.

40: 10-5-4. Each designated historic site or district may be marked by an appropriate plaque in such form as the Commission shall promulgate by regulation.

40:10-6. Removal Of Designation

40: 10-6-1. Upon recommendation of the Commission based upon new and compelling evidence and negative evaluation according to the same criteria and following the same procedures set forth herein for designation, a determination may be made by the Commission to remove designation of a historic site or district.

40: 10-6-2. Such a determination must receive five (5) favorable votes, i.e., the majority of the Commission membership.

40: 10-6-3. A historic site or district shall not be removed from the historic registry of the City of Newark without consideration of the recommendation by the Commission and must be effected by ordinance adopted by simple majority of the Municipal Council.

40:10-7. Actions Requiring Review

40: 10-7-1. No building permit shall be issued or amended nor shall any construction, alteration, ordinary maintenance or repairs, or repairs or demolition be started on a designated historic building, structure or site, or within a designated historic district, prior to review by the Commission.

40: 10-7-2. A permit issued by the Administrative Officer shall be required for any of the following actions to proceed regarding a designated historic site or for any improvement within a designated historic district:

1. Rehabilitation, restoration, reconstruction, repair or alteration or change to any part of the exterior of a building, structure or site, including repainting and residing, if visible from a public street;
2. Additions to a building, structure or site, or within a district if visible from a public street;
3. Relocation of a historic site or within a district;
4. Demolition of a historic site or within a district;
5. New construction on a historic site or within a district;
6. Change in use of a historic site or within a district if such change effects a change in the exterior appearance of the site or improvement.
7. Work within the root zone of an Historic Tree without preservation methods.

40: 10-7-3. All applications for permits pertaining to designated historic sites or improvements in designated Historic Districts shall be referred to the Commission for a written report and decision on the application of the provisions of this Chapter thereto.

40:10-8. Actions Not Requiring Review

40: 10-8-1. Changes to the interior of structures;

40: 10-8-2. Changes not visible to the public from a public street.

40:10-9. Emergency Repairs

40: 10-9-1. In the event an Act of God or any other unexpected event shall cause the responsible person the need for immediate issuance of a permit to commence to stabilize, secure, repair or protect a designated historic site or any improvement in a designated historic district damaged from such event, and the Construction Code Official certifies the

immediate necessity for such issuance, an approval of a permit may be issued in accordance herewith.

40: 10-9-2. Upon notice to the full Commission by telephone, personal contact or other appropriate means of communication, at least three (3) members of the Commission shall convene as soon as possible and such convening members shall proceed to review the current conditions for which the emergency powers of this Chapter have been invoked. Subsequent to review, an approval may be issued upon a majority vote of the members convened. This approval will only apply to work which is deemed necessary for stabilization, securing, repair or protection of the historic site or improvement in a historic district.

40: 10-9-3. All other work subsequent to this must be submitted for review by the Commission under the application procedures found in Section 40:9-11, et seq., of this Chapter.

40:10-10. Informal Review

If work which would require a permit is to take place on a building, structure or site, or within a district, which has already undergone a Commission hearing and has been recommended for designation as a historic site or district, but has yet to be reviewed by the Municipal Council, the applicant shall follow the same procedure herein set forth for property already designated at which point the Commission may make recommendations as to the appropriateness of the work and its impact on this historic fabric of the site or district.

40:10-11. Application Procedures

40: 10-11-1. Persons seeking to undertake actions requiring review as per the provisions of this Chapter must submit a completed application to the Commission.

40: 10-11-2. A complete application shall consist of:

1. A completed application form.
2. For all structures and additions thereto, architectural drawings or rendering of details of the exterior of the structure, including but not limited to: cornices, brackets, windows/fenestration, brickwork, mortar, window trim and moldings, heads and sills, porches,

balusters, porch frieze, projecting elements, doors and bays shall be included with the application if available.

3. If such drawings are not available, the Commission shall have the right to require whatever documentation of the work to be performed as is necessary to make an informed decision.

4. For all structures, a detailed narrative description of the proposed scope of work (construction, alterations, repair, restoration, etc.).

5. Current photographs of the improvement.

6. Specification sheets listing all materials to be used including catalogue lot sheets, sample paint chips, etc.

40: 10-11-3. The Historic Preservation Officer shall forward the complete application to the Commission for its report, except in those instances described herein where the Chairperson of the Commission may issue the approval.

40:10-12. Commission Review Of Development And Zoning Applications

40: 10-12-1. The Central Planning Board and Board of Adjustment shall make available to the Commission every application for development submitted to either board for development in historic zoning districts or on historic sites designated on the zoning or official map or identified in any component element of the master plan.

40: 10-12-2. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner.

40: 10-12-3. The Commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.

40: 10-12-4. If a recommendation of the Commission is rejected, the Central Planning Board or Board of Adjustment, as the case may be, shall include the reasons for rejecting the recommendation in the findings of its decision on the application.

40:10-13. Commission Review Of Application For Permits

40: 10-13-1. At the request of any person seeking to undertake actions requiring review as per the provisions of this Chapter, the Commission shall schedule a hearing on his or her application. The applicant shall not be required to appear or to be represented at the meeting in which the application is being considered.

40: 10-13-2. Completed applications for approval of a permit shall be submitted to the Administrative Officer a minimum of fourteen (14) days prior to a Commission's regularly scheduled meeting.

40: 10-13-3. Applications for minor alterations and ordinary maintenance and repair may be reviewed by the Historic Preservation Officer who, at his or her discretion may issue a Certificate of No Effect, may require additional submittal information and/or refer the application to the Commission upon being deemed complete. In making such a determination the Historic Preservation Officer shall consider factors, including, but not limited to the effect of the proposed work in creating, altering, destroying or affecting the architectural features of the landmark building, structure, object, site or landscape feature upon which such work is to be done and the relationship between the results of such work and the architectural features of neighboring buildings, structures, objects, sites and landscape features. In appraising such effects and relationships, factors of aesthetic, historical and architectural values and significance, architectural style, design, arrangement, texture, material and color in addition to any other pertinent matters shall be considered.

40: 10-13-4. For all applications not issued a Certificate of No Effect, the Commission shall render a decision within forty-five (45) days the application is deemed complete. If approved, such approval shall be known as a Certificate of Appropriateness.

40: 10-13-5. If the Commission should fail to act within forty-five (45) days, the permit shall be deemed approved. Nothing herein shall prohibit an extension of time by mutual agreement between the applicant and the Commission.

40: 10-13-6. The Commission may advise the Administrative Officer or the applicant, as the case may be, and make recommendations with regard to the appropriateness of the proposed action. These recommendations may become part of the conditions for approval of an application or the basis for the rejection of an application.

1. If an application is approved with or without the imposition of conditions, a permit shall be issued promptly.

2. If the Commission disapproves an application, the Administrative Officer shall issue the permit and the Commission shall state its reasons in writing to the applicant within fourteen (14) days of such decision.

40: 10-13-7. An approval shall be valid for a period of one (1) year from the date of issue unless reasonable extensions are granted by the Commission. Requests for extensions shall be made by written request and shall rest in the sound discretion of the Commission.

40:10-14. General Standards

40: 10-14-1. The following standards, The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, promulgated pursuant to 16 U.S.C.A. Sec. 470a, shall guide the Commission's and Central Planning Board's decision/making concerning all applications and approvals described herein.

1. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

2. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the designated historic property and its environment would be unimpaired.

3. Construction of historic designs that were never built shall not be undertaken.

4. New additions, alterations or new construction in a historic landscape shall be visually differentiated from the old and shall be compatible with the historic character of the landscape.

5. Replacement of missing historic plant material or vegetation features shall be substantiated by documentary or physical evidence. The replacement plant material or features shall match the historic appearance, function and where possible, species or variety.

6. A property shall be used for its historic purpose, or shall be placed in a new use that requires minimal change to the defining characteristics of the property and its environment.

7. The historic character of a property shall be retained and preserved. The removal of historic materials, vegetation, or alteration of features and spaces that characterize a property shall be avoided.

8. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or historic features from other properties shall be avoided.

9. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

10. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

11. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary or physical evidence.

12. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials or vegetation shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

13. Significant archaeological resources shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

40:10-15. Standards For Protection

40: 10-15-1. Before applying protective measures, which are generally of a temporary nature and imply future historic preservation work, an analysis of the actual or anticipated threats to the property shall be made.

40: 10-15-2. Protection shall safeguard the physical condition or environment of a property or archaeological site from further deterioration or damage caused by weather or other natural, animal or human intrusions.

40: 10-15-3. If any historic material or architectural features are removed, they shall be properly recorded, and, if possible, stored for future study or reuse.

40:10-16. Standards For Stabilization

40: 10-16-1. Stabilization shall reestablish the structural stability of a property through the reinforcement of load bearing members or by arresting material deterioration leading to structural failure. Stabilization shall also reestablish weather resistant conditions for a property.

40: 10-16-2. Stabilization shall be accomplished in such a manner that it detracts as little as possible from the property's appearance. When reinforcement is required to reestablish structural stability, such work shall be concealed wherever possible so as not to intrude upon or detract from the aesthetic and historical quality of the property, except where concealment would result in the alteration or destruction of historically significant material or spaces.

40:10-17. Standards For New Construction

40: 10-17-1. In considering whether to approve or disapprove an application for new construction on a designated historic site or in a designated historic district, the Commission shall be guided by standards of the Secretary of the Interior and the following visual compatibility standards.

40: 10-17-2. New construction need not replicate historic older buildings or structures, but may reflect contemporary design standards so long as the design and construction is compatible with surrounding historic structures. Building height, width, mass and proportion affect the degree of compatibility between the old and the new.

1. Site and Setting: A developer intending to utilize historic resource as a part of a development must consider the context of the resource's original site by honoring the original historic intention of the resource and integrating it respectfully into the new development.

2. Building Height: Height should be visually compatible with adjacent buildings. The apparent physical size, scale and height should relate to existing resources.

3. Openings on Frontal Façades: The width and height of windows, doors, and entries must harmonize in scale and proportion with the width and height of windows, doors, and entries of buildings and structures of historic significance in the surrounding environment.

4. Relationship of Unbroken Planes to Void (i.e. Punctured Planes) in Front Façades: The relationship of unbroken planes (i.e. walls) to voids (i.e. windows and doors) on the façade of a building or structure should be aesthetically harmonious with that of buildings and structures of historic significance in the surrounding environment.

5. Relationship of Vacant Land to Buildings/Structures: The relationship of a building or structure to the vacant land between and adjoining buildings or structures should not violate the existing paradigmatic spatial relationship of historically significant structures to the vacant land between said structural projects can be varied in form by using setbacks to create open spaces and landscaping when desirable to provide harmonious visual transitions between new construction and the adjacent historic properties.

6. Relationship of Exterior Projections to the Street: The relationship of exterior projections to the street in new construction should be aesthetically harmonious with the relationship of exterior projections to the street in the surrounding existing buildings of historic

significance.

7. Relationship of Major Exterior Building Materials: The major exterior building materials on the façade of a building or on a structure should reflect the predominant major building materials existent on the façades of historically significant buildings and on structures in the surrounding environment.

8. Roof Forms: The roof form and slope of a building or structure is a major element in the visual image of the building. Therefore designers must take care to honor paradigmatically in new construction the existing historic roof forms and slopes so as not to violate the aesthetic harmony of the whole.

9. Rooftop Mechanical Structures and Rooftop Structures. Applications for the addition of rooftop mechanical structures, egress, mechanical bulkheads, utilitarian skylights or additions consisting of living space shall only be granted if such structures comply with the historic zoning regulations contained in Chapter 40:9 of this Title, as well as with the following requirements:

- a. If the roof of the subject building on which such an addition is being proposed is not a significant feature of its design;
- b. If the addition is not visible from a public thoroughfare or right-of-way;
- c. If the building on which the addition is proposed does not possess a significant roof silhouette and where such addition does not interrupt the roof or skyline;
- d. If the materials of the addition are not in the nature of utilitarian rooftop additions and if they are architecturally consistent with the existing roofscape;
- e. The addition does not adversely affect the unified aesthetic of historic buildings in the district of which the subject building is a part;
- f. Where the historic building on top of which the addition proposed is located is in or adjacent to a historic residential district such features shall be set back from the edge of the roof at least one (1) foot for each one (1) foot by which such features project above the roofline. However, no setback shall be required where the parapet wall is at least as tall as the rooftop mechanical structure.

10. Continuity in Visual Imagery of Appurtenances: Appurtenances of a building or structure such as walls,

fences and landscaping shall honor the relationship of appurtenances to buildings of historic significance in the surrounding environment.

11. Scale of Buildings: Scale of buildings and structures shall be in scale with the buildings and structures of historic significance.

12. Signage: Signs which are out of keeping with the character of the environment in question should not be used. Excessive size and inappropriate placement on buildings result in visual clutter. A sign should be designed to relate harmoniously to exterior building materials and colors. A sign should express a simple clear message with wording kept to a minimum.

13. Site Planning: The site planning of landscaping, parking facilities, utility and service areas, walkways, and appurtenances must reflect the site planning of landscaping, parking facilities, utility and service areas, walkways and landscape feature reticulate to buildings or structures of historic significance.

40:10-18. Standards For Relocation

40: 10-18-1. A permit to relocate a designated historic site or an improvement in a designated historic district, must receive five (5) favorable votes, i.e., the majority of the Commission membership.

40: 10-18-2. In considering whether to approve or disapprove an application for a permit for the relocation of a designated historic site or improvement in a designated historic district, the Commission shall be guided by the following considerations:

1. Whether the historic character and aesthetic interest in the building, structure or object contributes to its present setting;

2. Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;

3. Whether the building, structure, or object can be moved without significant damage to its physical integrity; and

4. Whether the proposed relocation area is compatible with the historical and architectural character of the building, object or structure.

40:10-19. Standards For Demolition

40: 10-19-1. A permit to demolish a designated historic site or an improvement in a designated historic district must receive five (5) favorable votes, i.e., the majority of the Commission membership.

40: 10-19-2. In considering whether to approve or disapprove an application for a permit to demolish a designated historic site, historic tree, or an improvement in a designated historic district, the Commission shall be guided by the following considerations:

1. Its historic architectural and aesthetic significance;

2. Its use;

3. Its importance to the City and the extent to which its historic or architectural value is such that its removal would be detrimental to the public interest;

4. The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty;

5. The probable impact of its removal upon the ambience of the historic district;

6. The structural soundness and integrity of the building so as to comply with the requirements of the State Uniform Code;

7. The effect on the remaining portion of building, structure, site, object or landscape feature in cases of partial demolition.

40: 10-19-3. In the event that a structure is unsafe or unsound so as to pose a danger to health or safety, the power and authority of the City of Newark to demolish the structure, as otherwise provided by law, shall not be impaired or altered in any way by the provisions of this Chapter. The City shall be exempt from making an application to the Commission but shall notify the Commission prior to the demolition.

40: 10-19-4. If an application to demolish is denied, the applicant shall follow the appeal process detailed herein for denial of a permit.

40:10-20. Local Guidelines

The Commission shall utilize locally generated guidelines or historic preservation aids in addition to the Secretary of the Interior's Standards.

40:10-21. Effect Of Project Approval Or Denial; Appeals

40: 10-21-1. If a permit is approved, then the applicant may proceed to perform the work approved in the permit in compliance with the conditions attached.

40: 10-21-2. If a permit is denied, the applicant is precluded from undertaking the activity applied for.

40: 10-21-3. An applicant dissatisfied with the action of the Commission relating to the issuance or denial of a permit shall have the right to appeal to the Board of Adjustment pursuant to NJSA 40:55D-70a within twenty (20) days after receipt of notification of such action.

40: 10-21-4. The applicant shall be advised by the Clerk of the Board of Adjustment of the time and place of the hearing at which the appeal will be considered, and shall have all rights defined under N.J.S. 40:55D-70a.

40: 10-21-5. If the Board of Adjustment affirms the Commission's denial, the applicant may seek legal remedies as afforded by law.

40: 10-21-6. If, in the case of an appeal, the Board of Adjustment determines there is an error in any order, requirement, decision or refusal made by the Administrative Officer pursuant to a report submitted by the Commission, the Board of Adjustment shall include the reasons for its determination in the findings of its decision thereon.

40:10-22. Enforcement

40: 10-22-1. If any person shall undertake any activity vis-a-vis a historic building, structure, tree, or site, or within a historic district, without first having obtained a permit to do so, such person shall be deemed to be in violation of this Chapter.

40: 10-22-2. Upon learning of the violation, the Administrative Officer shall serve upon the owner or responsible party of the lot whereon the violation is occurring a notice describing the violation in detail and giving the owner fourteen (14) business days to abate the violation by restoring the historic site or improvement to its status quo ante. If the owner cannot be personally served within the municipality, the notice shall be deemed to have been officially served if a copy has been posted on site and a copy sent by certified mail, return receipt requested, to the owner at his last known address as it appears on the municipal tax rolls.

40: 10-22-3. In the event that the violation is not abated within fourteen (14) days of service or posting on site, whichever is earlier, the Administrative Officer shall cause to be issued a summons and complaint, returnable in the Municipal Court, charging violation of this Chapter.

40: 10-22-4. Any person violating any of the provisions of this Historic Preservation Ordinance of the City of Newark shall, upon conviction thereof, be subject to the penalties set forth for violation of the zoning ordinance.

40: 10-22-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

40: 10-22-6. Fines not paid within the time period set by law shall convert to a tax lien placed against the property and shall be recorded with the City of Newark Property Tax Office and the Essex County Register of Deeds and Mortgages.

40: 10-22-7. The Administrative Officer shall inspect work approved by a permit and report to the Commission the results of such inspections.

40:10-23. Preventive Maintenance

40: 10-23-1. The structural integrity of all historic sites and improvements in historic districts shall be preserved against decay and deterioration by being kept free from the following structural defects by the responsible person:

1. Deteriorated or inadequate foundation.

2. Defective or deteriorated floor supports or any structural members of insufficient size to carry imposed loads with safety.
3. Members of walls, partitions or vertical supports that split, lean, list or buckle due to defective material or deterioration.
4. Structural members of ceilings and roofs, or other horizontal structural members, which sag, split or buckle due to defective materials or deterioration or are of insufficient size to carry imposed loads with safety.
5. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient strength to carry imposed loads with safety.
6. Lack of weather protection.

40: 10-23-2. The responsible person shall repair the improvement within a specified period of receipt of a written order to correct defects or repairs to any improvement as provided in paragraph a. above, so that such improvement shall be preserved and protected in accordance with the purposes of this Article.

40: 10-23-3. Any such order shall be in writing, state the actions to be taken with reasonable particularity and shall specify dates for compliance which may be extended for a reasonable period of time upon request to allow the responsible person to secure financing, labor and/or materials. Any such order may be appealed to the Board of Adjustment within twenty (20) days of receipt of same.

40: 10-23-4. That taking of an appeal or the commencement of any court action hereunder shall not operate to stay any order requiring structures to be secured or requiring temporary support unless the Board of Adjustment or a court expressly stays such order.

40:10-24. Municipal Responsibility

40: 10-24-1. It is recognized that the intent and purposes of this Article would not be fully served if the City were to control the actions of others but fail to apply similar constraints to itself. Accordingly, a permit shall be required before final approval of any

City actions on public as well as private lands, streets, easements and rights-of-way for actions affecting designated historic sites, buildings, trees, or districts.

40: 10-24-2. This requirement shall be deemed to include any action by any party which requires the approval or concurrence of the City or any City agency and which is not otherwise covered by the provisions of the Article.

40:10-25. Rules Of Interpretation

40: 10-25-1. This Article shall be liberally construed to effect the purposes set forth herein. In the event that this Chapter conflicts with State law, State law shall take precedence.

40: 10-25-2. In the event that any portion of this Article is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Article actually adjudged invalid and shall not be deemed to affect the operation of any other portion hereof.

40:10-26. General

40: 10-26-1. No duties or powers of the Commission shall supersede or infringe on the powers of other City boards.

40: 10-26-2. All ordinances and all provision thereof inconsistent or conflicting with the provisions of this Article are hereby repealed to the extent of such conflict or inconsistency.

40:10-27. Injunctive Relief

In the event that any action which would permanently change adversely the historic building, structure, site or district, such as demolition or removal, is about to occur without an approval having been issued, the Administrative Officer shall apply to the Municipal Council for such injunctive relief as is necessary to prevent the destruction.

40:10-28. Newark Landmarks & Districts Maps

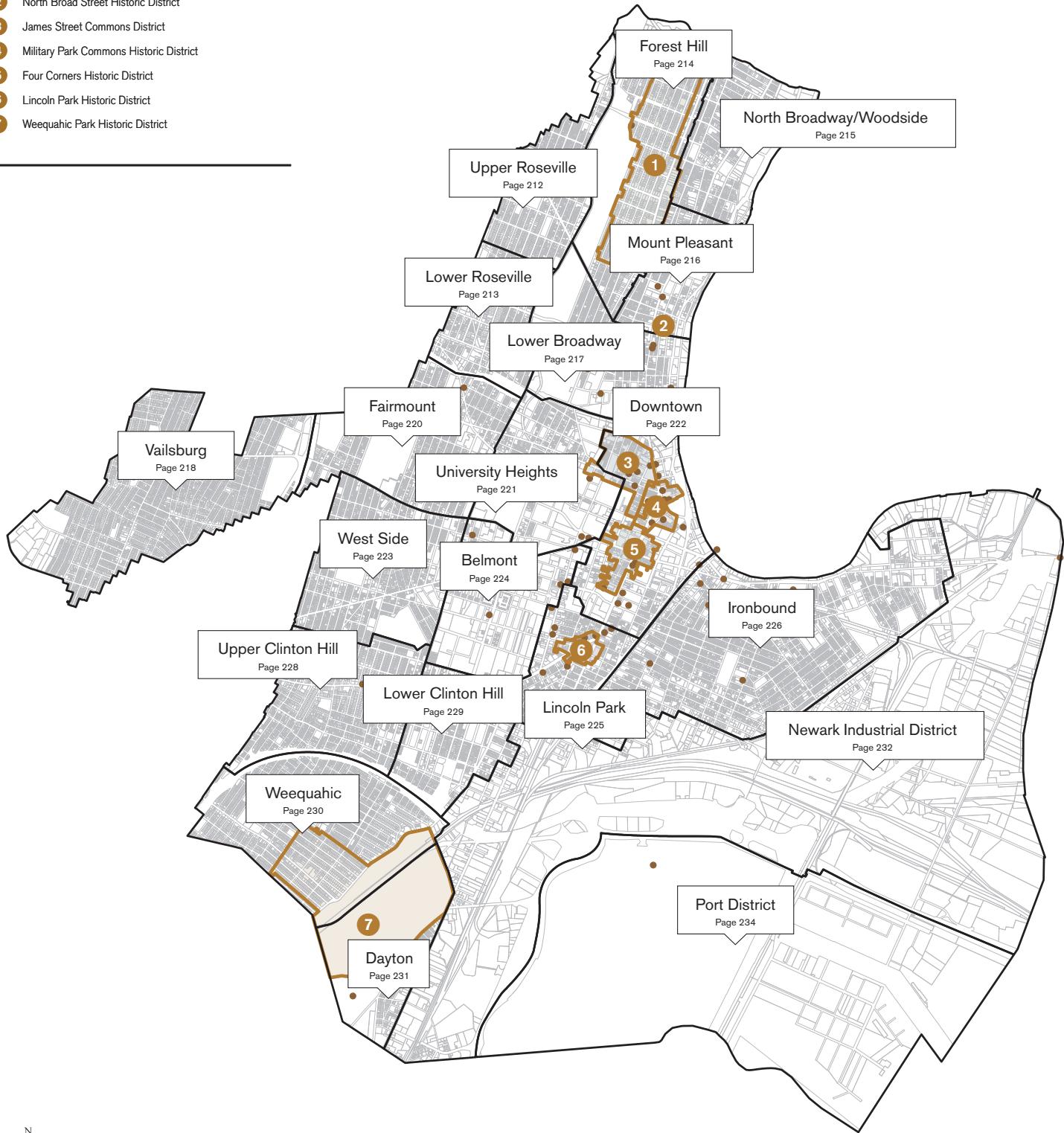
See maps on pages 211–235.

Newark Historic Landmarks & Landmark Districts

● Historic Landmark

■ Landmark District

- 1 Forest Hill Historic District
- 2 North Broad Street Historic District
- 3 James Street Commons District
- 4 Military Park Commons Historic District
- 5 Four Corners Historic District
- 6 Lincoln Park Historic District
- 7 Weequahic Park Historic District

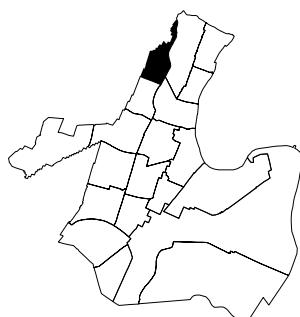


0 $\frac{1}{4}$ $\frac{1}{2}$ 1 Mile

Upper Roseville

- Historic Landmark
 - Landmark District
 - 1 Forest Hill Historic District
 - 2 North Broad Street Historic District
 - 3 James Street Commons District
 - 4 Military Park Commons Historic District
 - 5 Four Corners Historic District
 - 6 Lincoln Park Historic District
 - 7 Weequahic Park Historic District

Bloomfield Township



Lower Roseville

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Lower Broadway

Page 217

Forest Hill
Page 214

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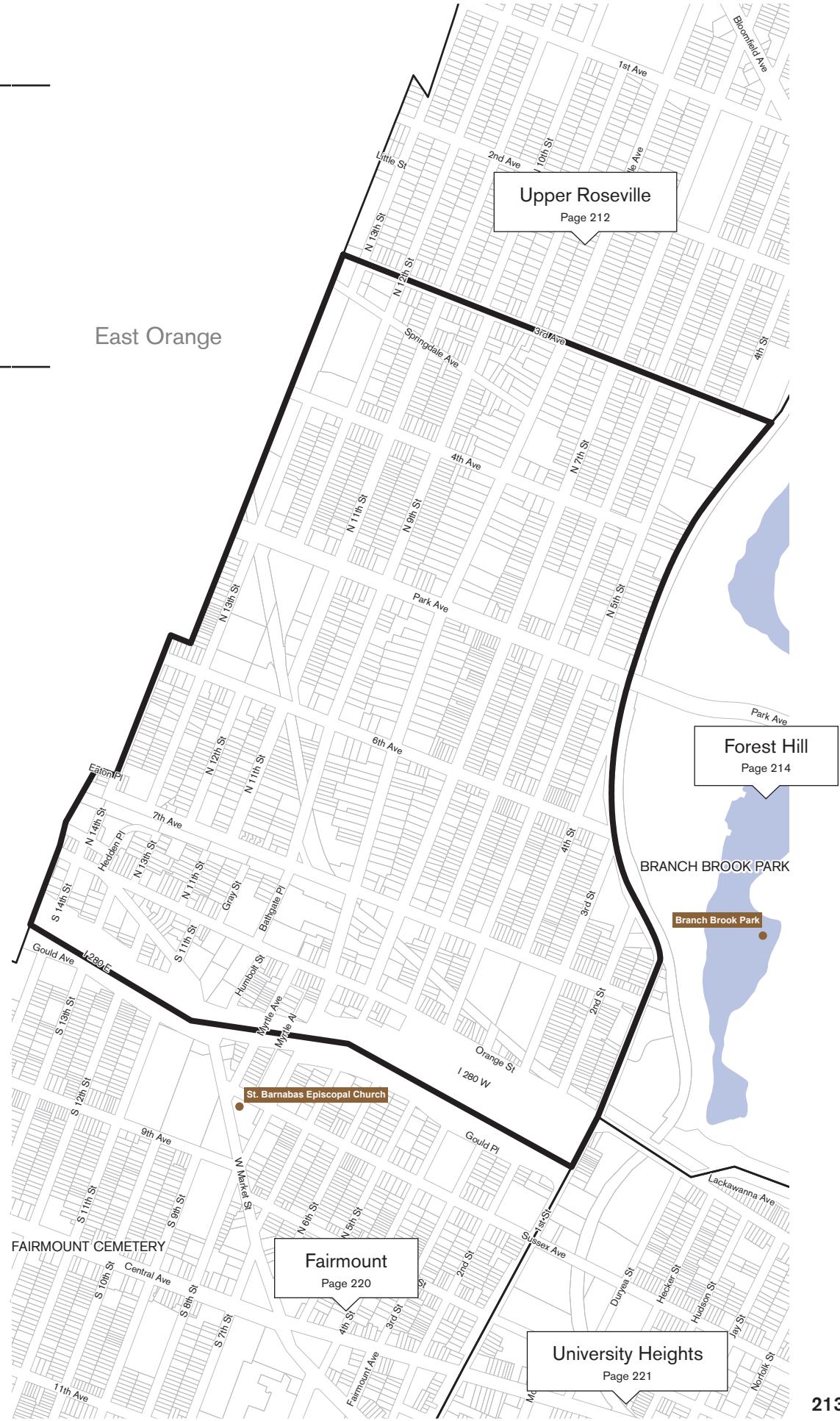
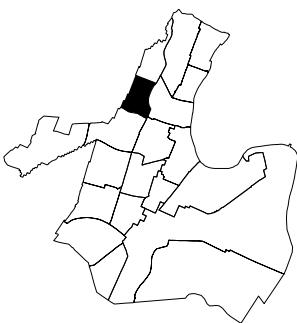
BRANCH BROOK PARK

8

Lower Roseville

- Historic Landmark
 - Landmark District
 - ① Forest Hill Historic District
 - ② North Broad Street Historic District
 - ③ James Street Commons District
 - ④ Military Park Commons Historic District
 - ⑤ Four Corners Historic District
 - ⑥ Lincoln Park Historic District
 - ⑦ Weequahic Park Historic District

East Orange



Forest Hill

Belleville Township

● Historic Landmark

■ Landmark District

- 1 Forest Hill Historic District
- 2 North Broad Street Historic District
- 3 James Street Commons District
- 4 Military Park Commons Historic District
- 5 Four Corners Historic District
- 6 Lincoln Park Historic District
- 7 Weequahic Park Historic District

Upper Roseville

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BRANCH BROOK PARK

North Broadway/Woodside

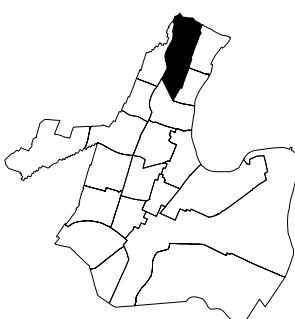
Page 215

Mount Pleasant

Page 216

Lower Broadway

Page 217



Park Ave

4th Ave

Kearney St

Taylor St

Mt Pleasant Ave

Broad St

Van Wagenen St

3rd Ave

Garrison St

2nd Ave

Treadwell St

Ridge St

Cross St

Lake St

Highland Ave

Clifton Ave

Berkeley Ave

1st Ave

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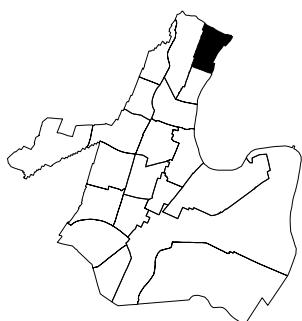
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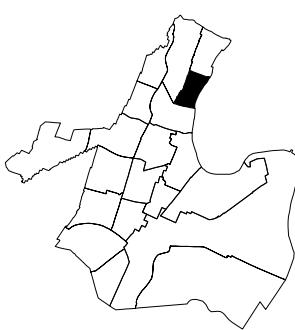
North Broadway/Woodside

- Historic Landmark
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- 6 Lincoln Park Historic District
- 7 Weequahic Park Historic District



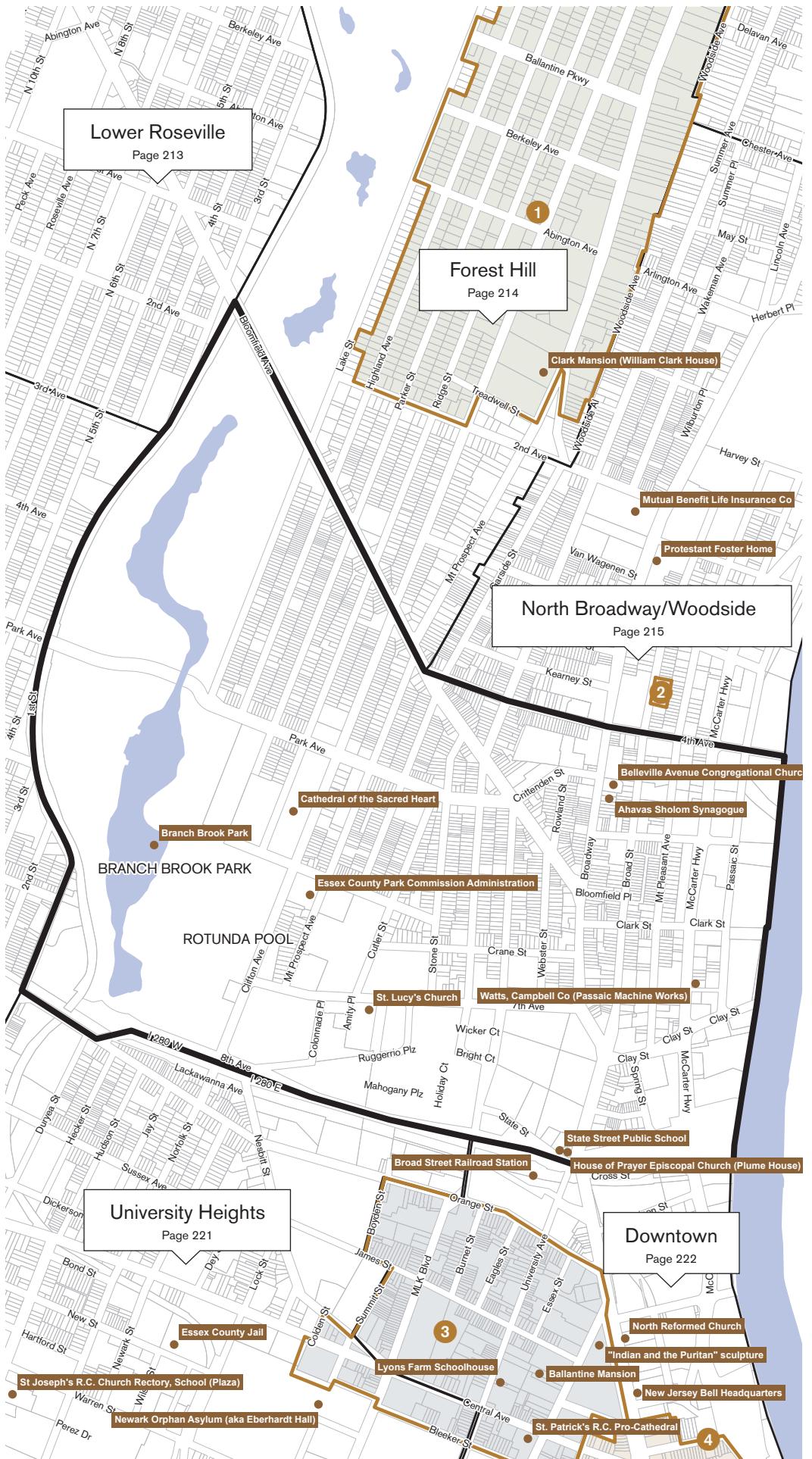
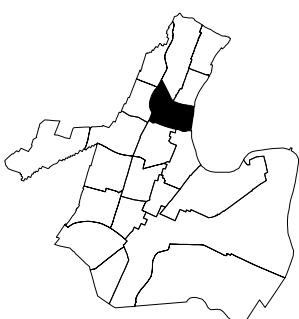
Mount Pleasant

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Lower Broadway

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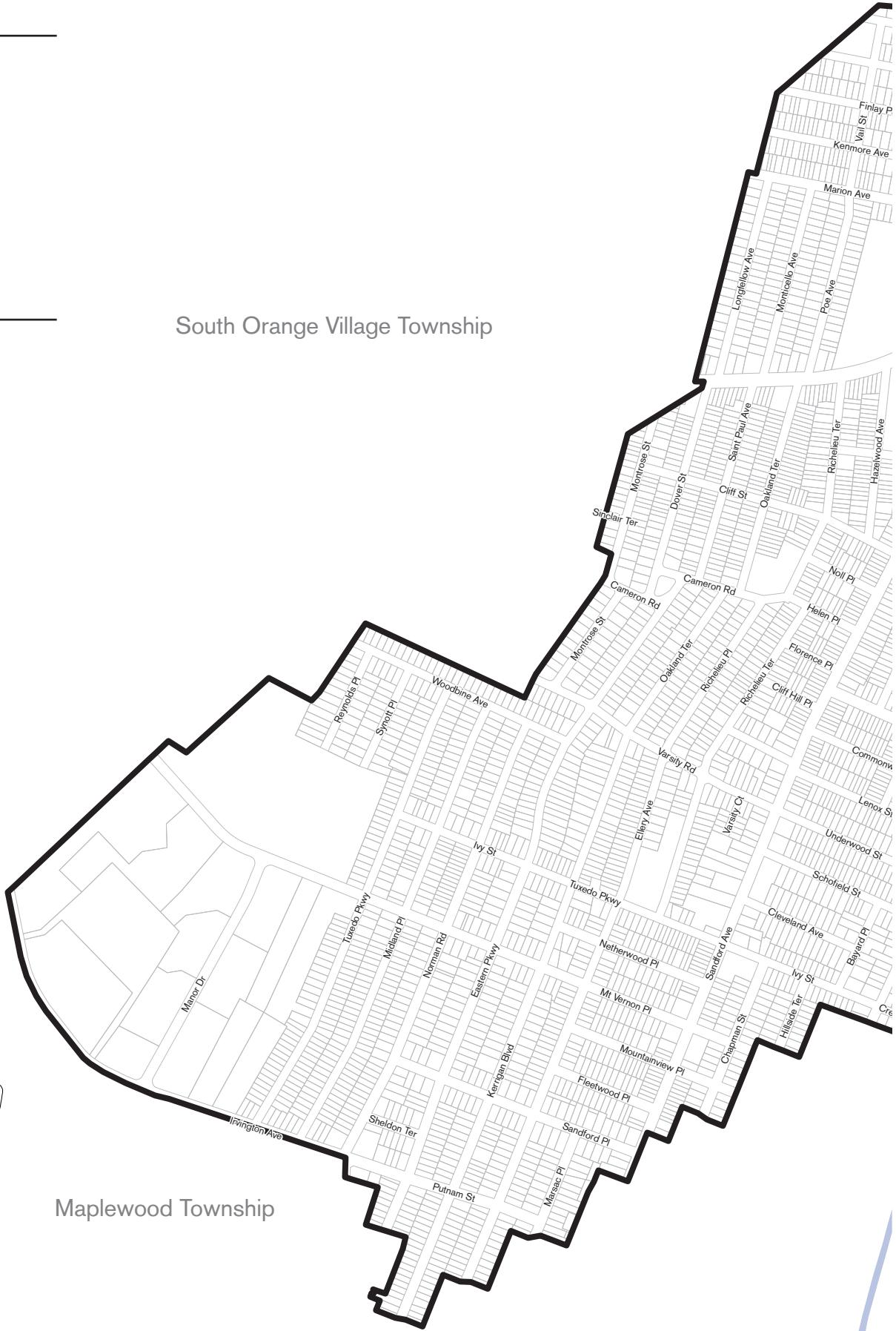
Vailsburg

● Historic Landmark

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South Orange Village Township

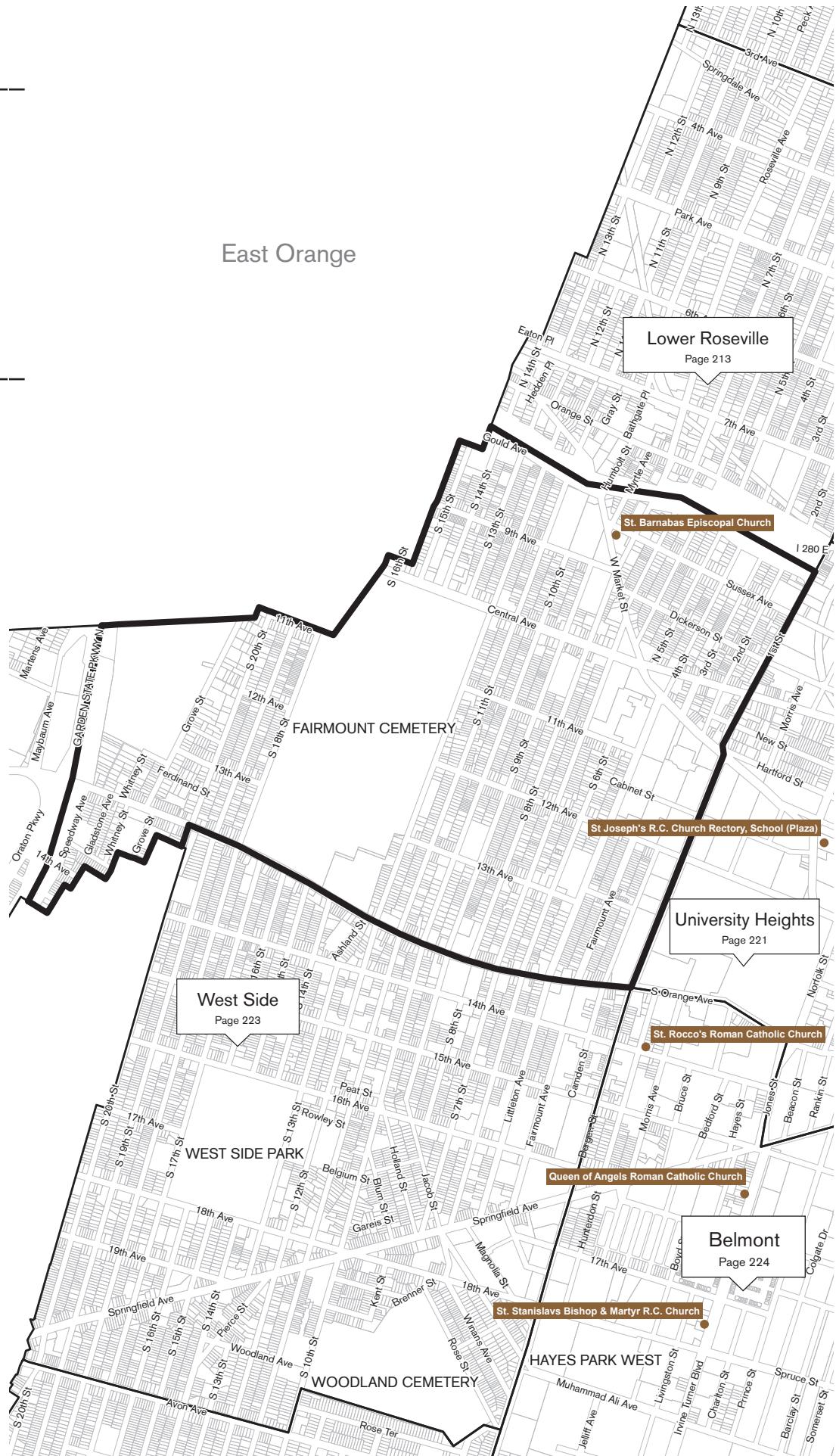


Maplewood Township



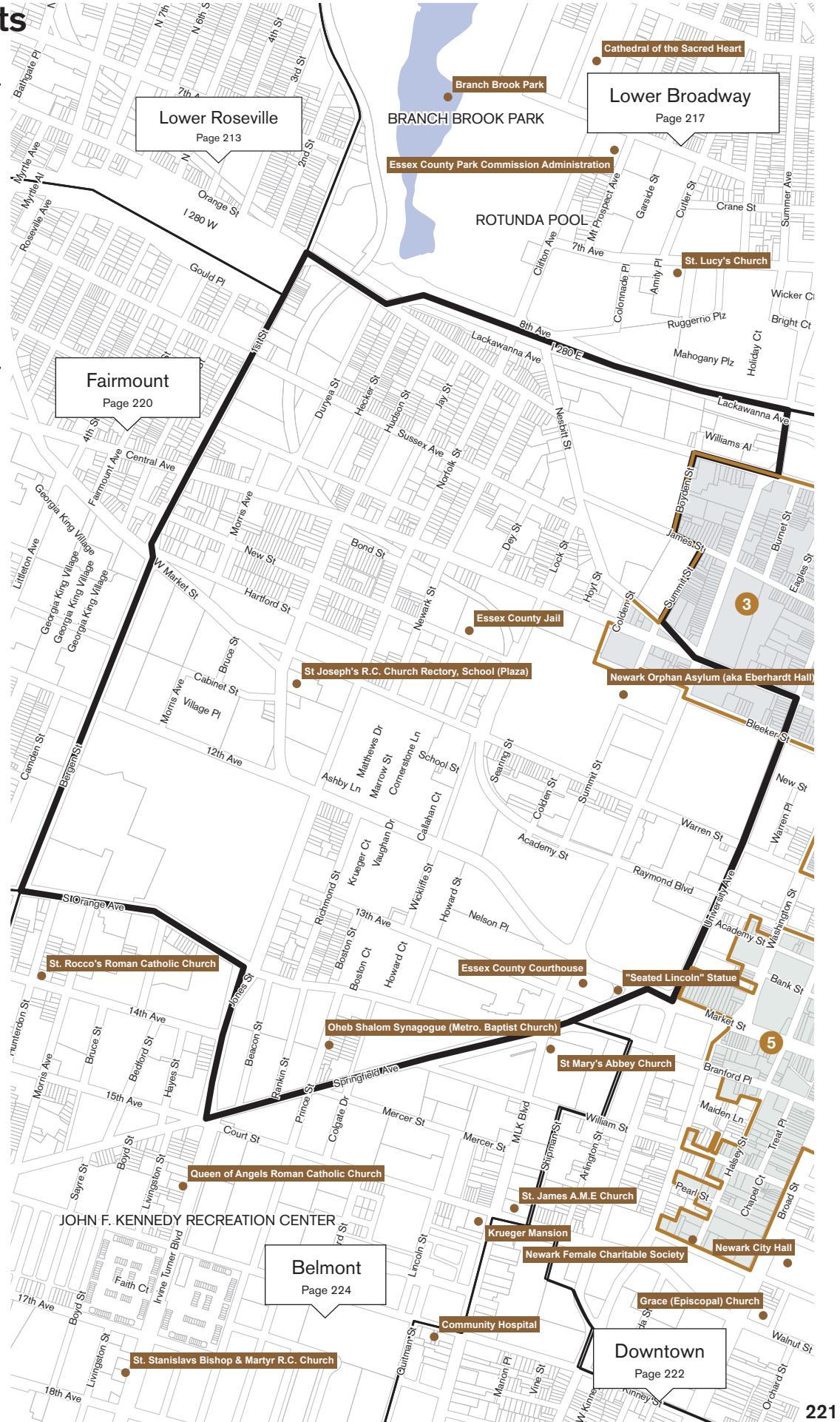
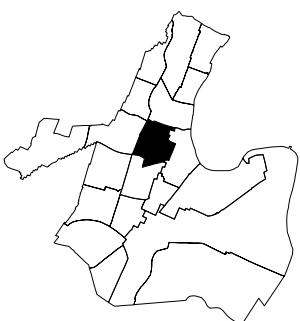
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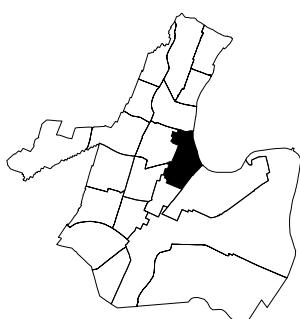
University Heights

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 - ⑦ Weequahic Park Historic District



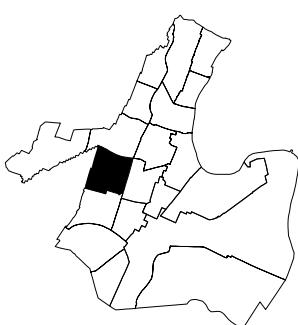
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West Side

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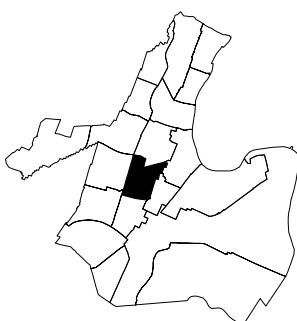


East Orange



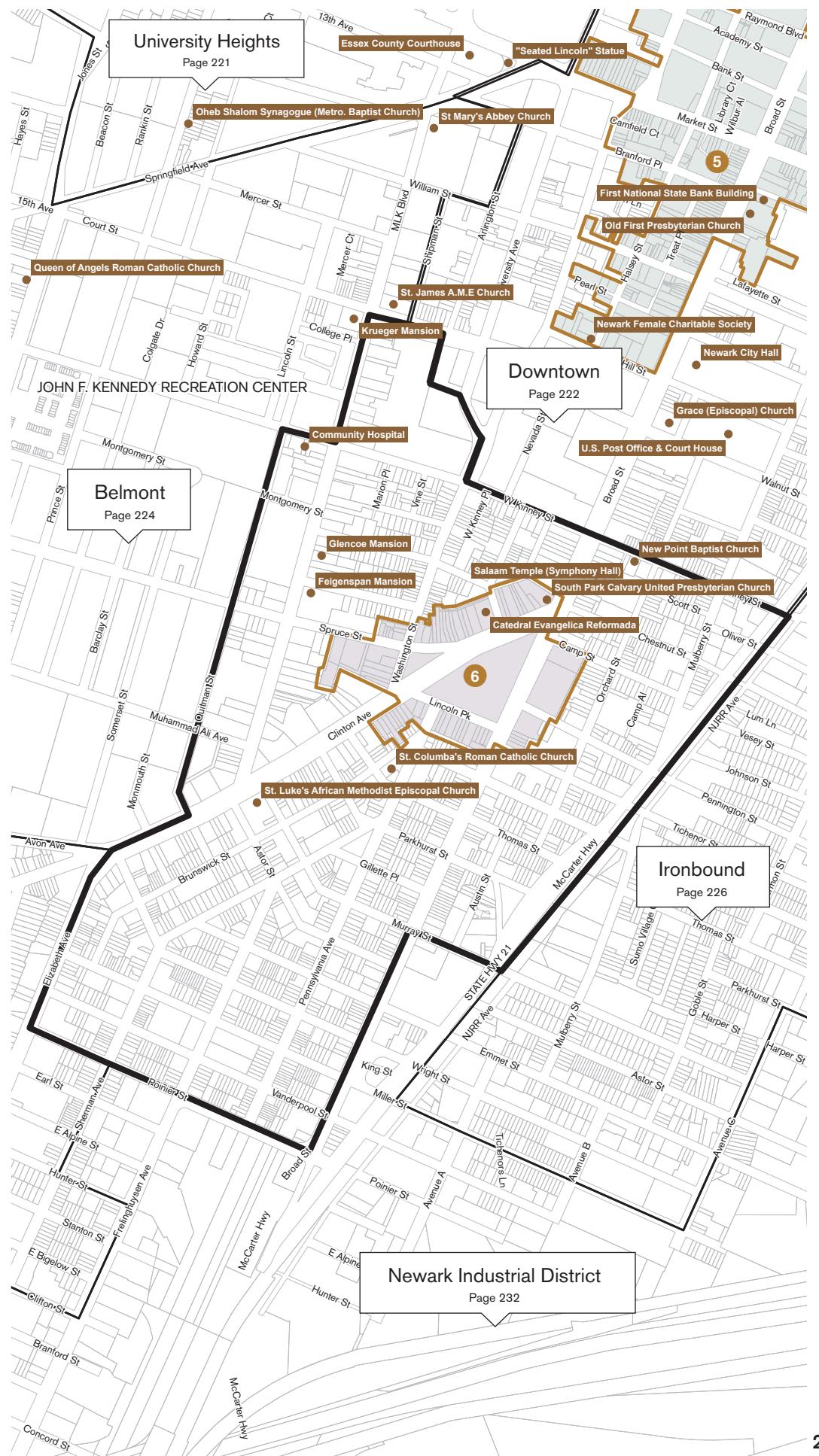
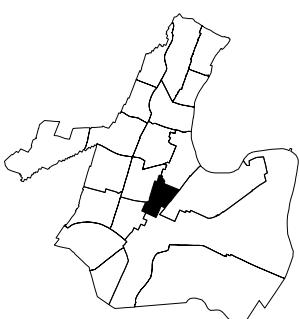
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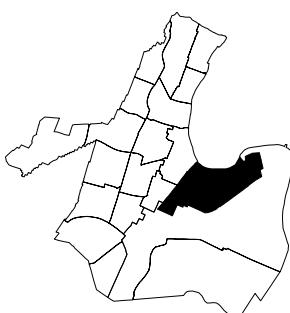
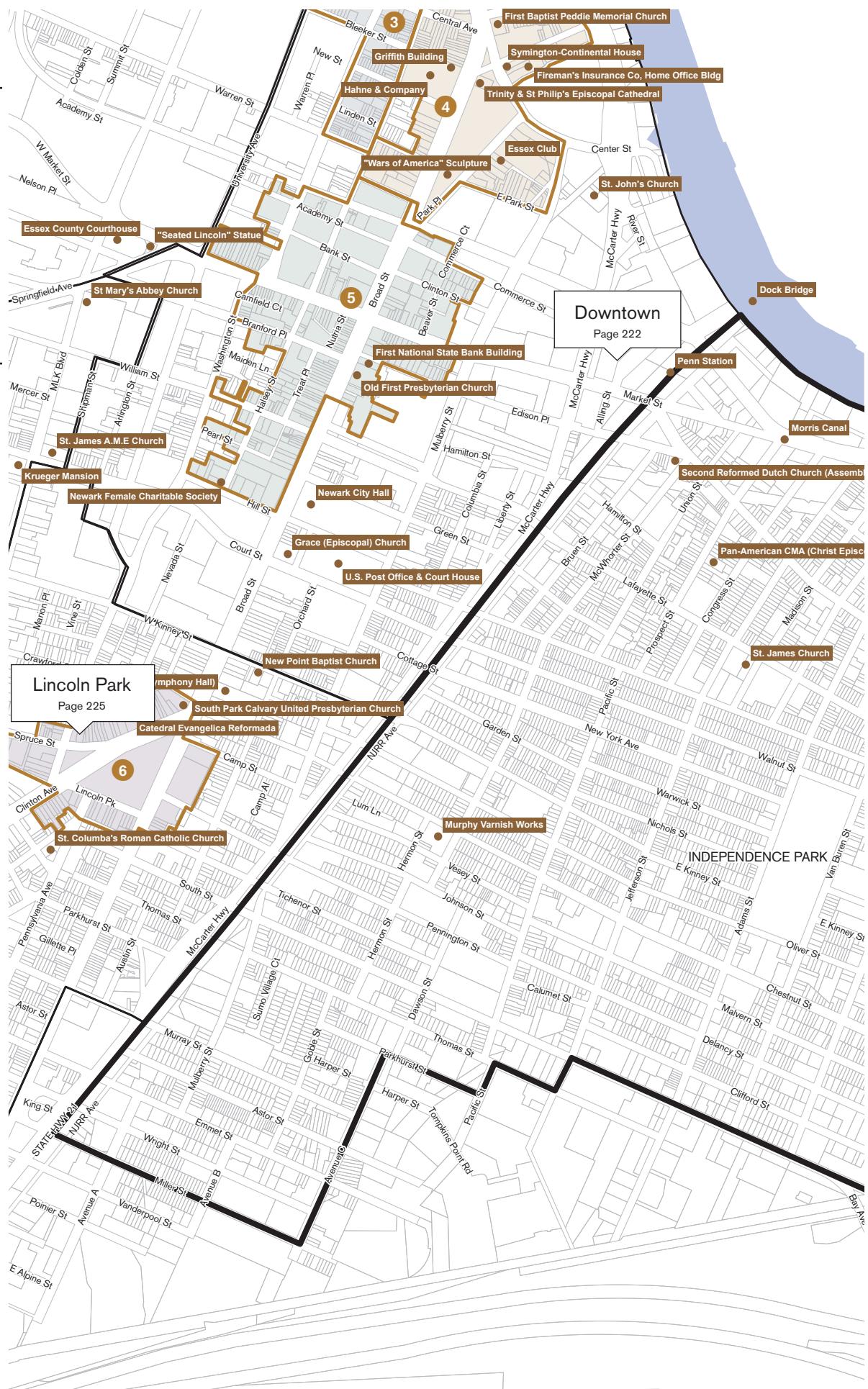
Lincoln Park

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Ironbound

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Upper Clinton Hill

● Historic Landmark

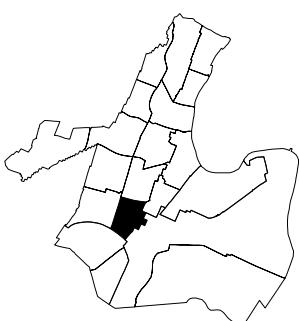
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Lower Clinton Hill

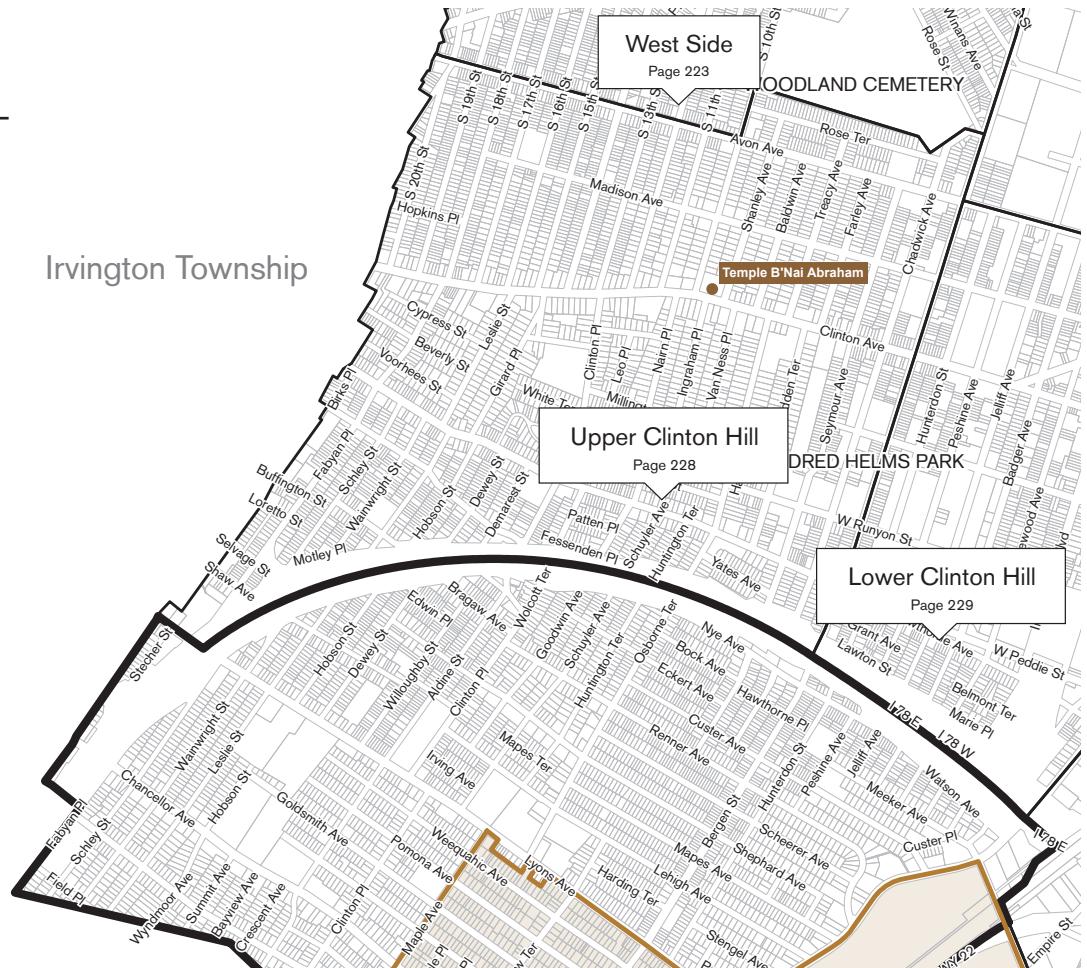
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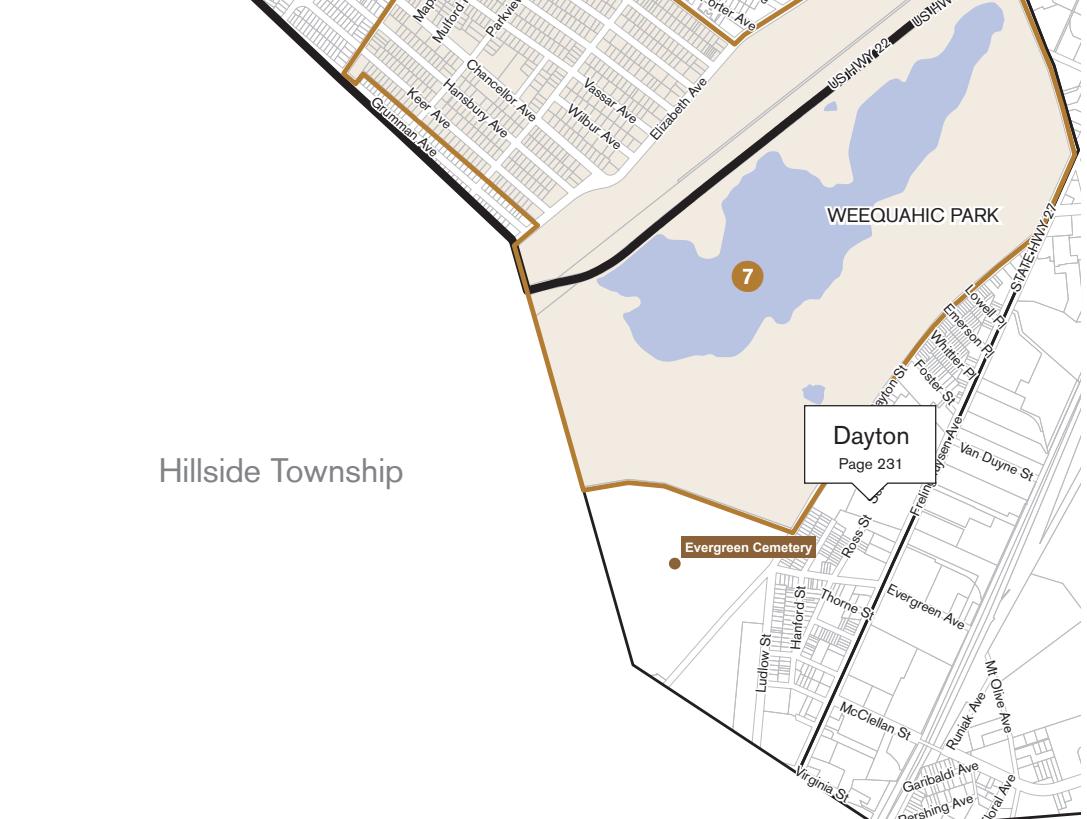
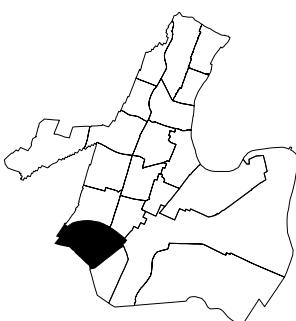
Weequahic

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Irvington Township



Hillside Township



Elizabeth

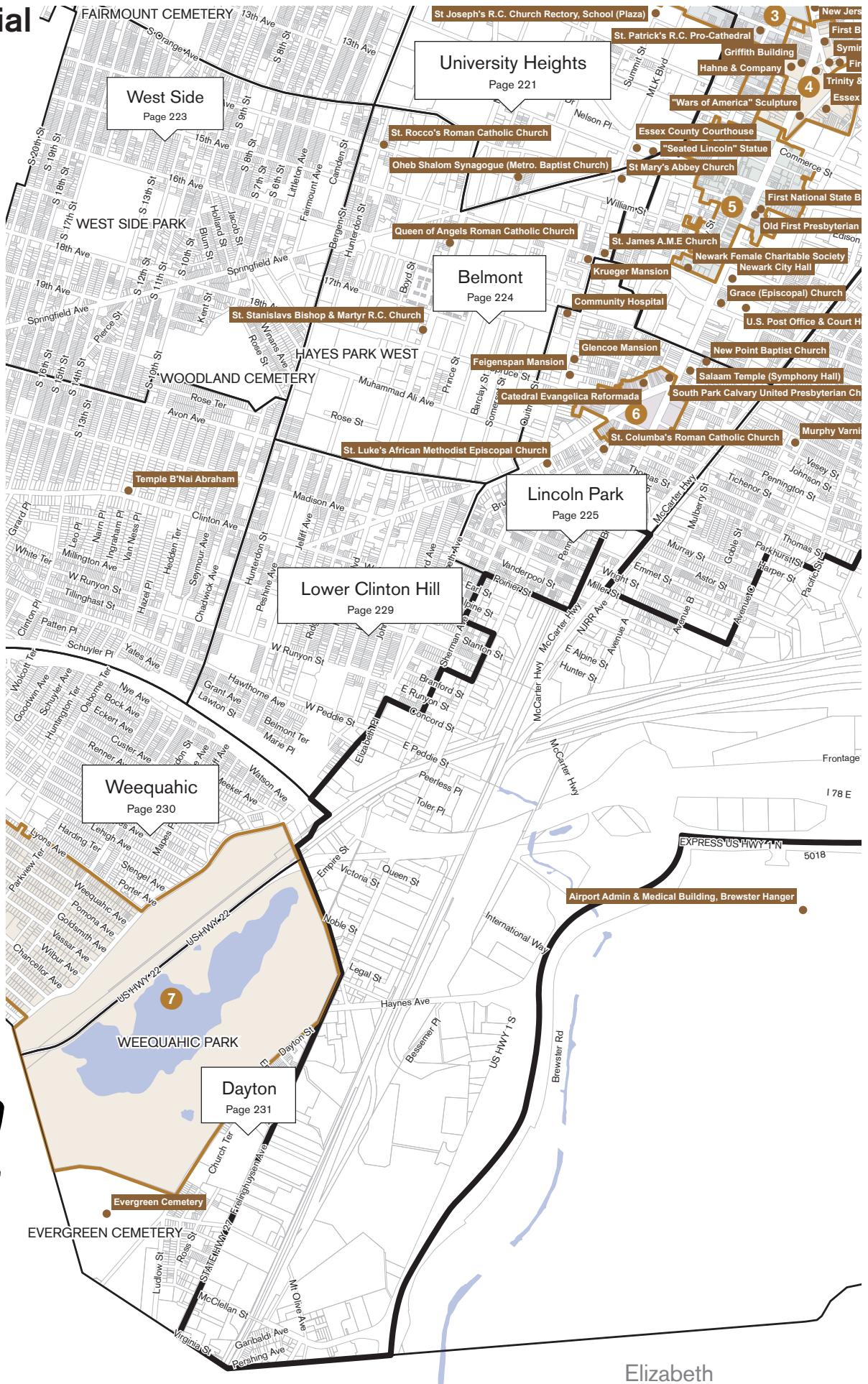
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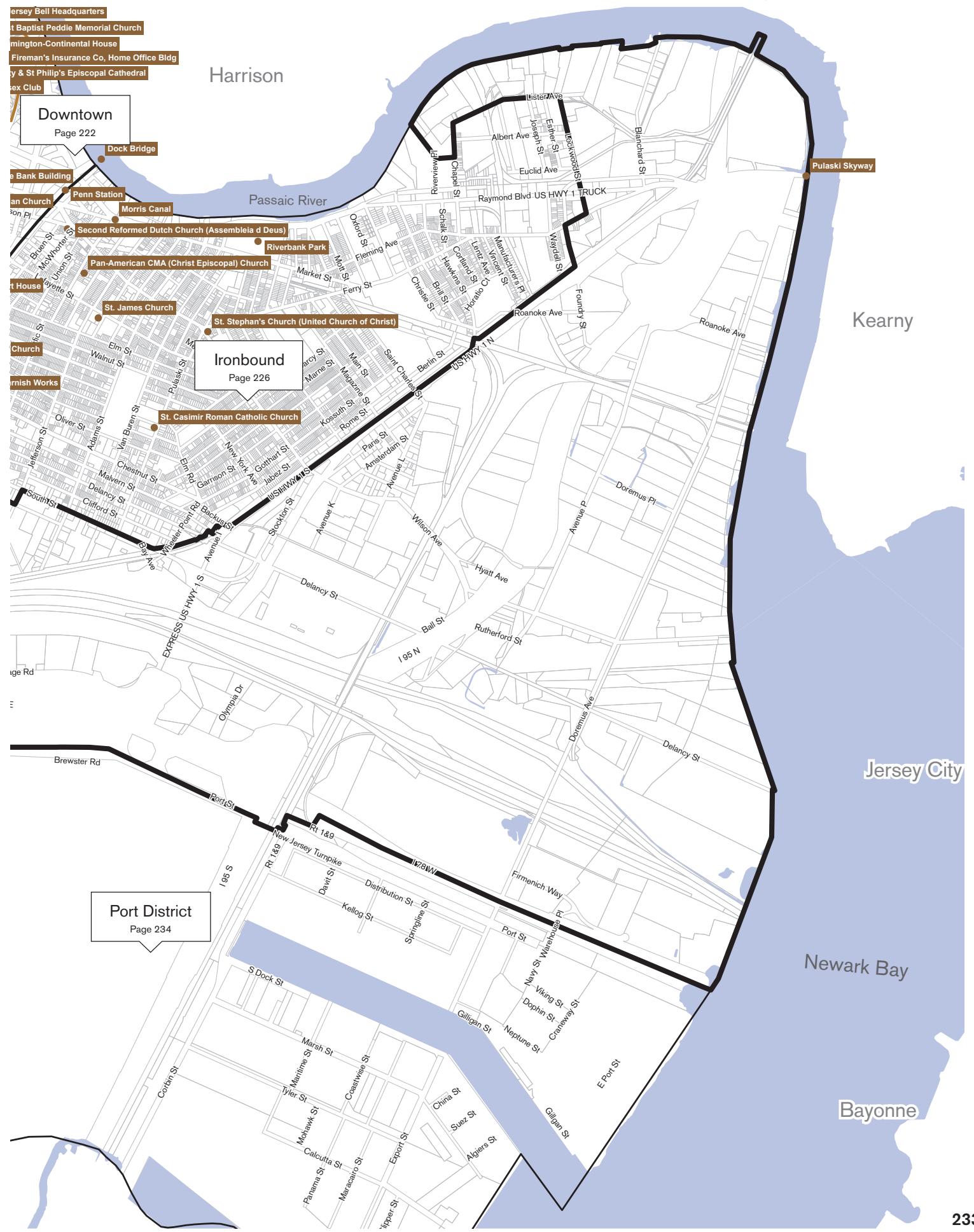
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Newark Industrial District

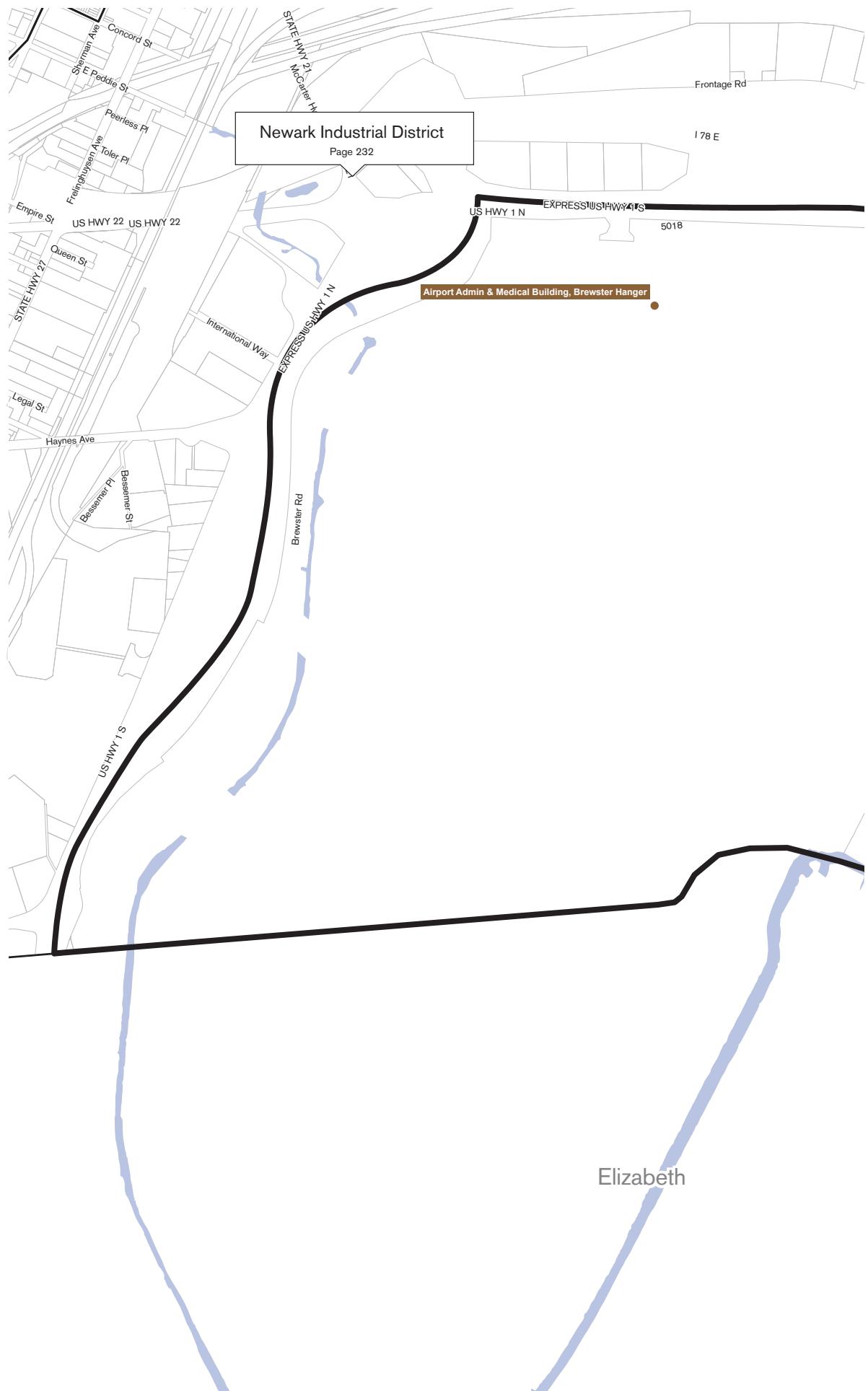
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Chapter 11. Central Planning Board

40:11-1. Establishment; Membership

There is hereby established, pursuant to the provisions of NJSA 40:55D-1 et seq., in the City of Newark, the Central Planning Board of nine (9) members and two (2) alternates, who shall all be residents of the City of Newark and consist of the following four (4) classes:

40:11-1-1. Class I

The mayor or the Planning Director in the absence of the mayor.

40:11-1-2. Class II

One (1) of the officials of the municipality, other than a member of the governing body, to be appointed by the mayor; provided that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by NJSA 40:56A-1 shall be deemed to be the Class II Planning Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV members.

40:11-1-3. Class III

A member of the governing body to be appointed by it.

40:11-1-4. Class IV

Six (6) other citizens of the municipality, to be appointed by the mayor. The members of Class IV shall hold no other municipal office, position or employment except that one (1) member may be a member of the Zoning Board of Adjustment and one (1) member may be a member of the Board of Education. A member of the Environmental Commission who is also a member of the Central Planning Board as required by NJSA 40:56A-1 shall be a Class IV Planning Board member unless there be among the Class IV members of the Central Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class II member of the Planning Board. For the purpose of this Section, membership on a City board or commission whose function is advisory in nature, the establishment of which is discretionary and not required by statute, shall not be considered the holding of City office.

40:11-1-5. Alternate Members

There shall be appointed two (2) alternate members of the Central Planning Board. Alternate members shall be appointed by the mayor and shall meet the qualifications of Class IV members of a nine (9) member Planning Board. Alternate members shall be designated at the time of appointment by the mayor as "Alternate No. 1" and "Alternate No. 2." Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

40:11-2. Terms of Office; Vacancies

40:11-2-1. The term of the member composing Class I shall correspond to the mayor's official tenure or if the member is the mayor's designee in the absence of the mayor, the designee shall serve at the pleasure of the mayor during his or her official tenure.

40:11-2-2. The terms of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or a Class IV member who is also a member of the Environmental Commission shall be for three (3) years or terminate at the completion of his or her term of office as a member of the Environmental Commission, whichever first occurs.

40:11-2-3. The term of a Class IV member who is also a member of the Zoning Board of Adjustment shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first.

40:11-2-4. The terms of all Class IV members first appointed pursuant to this Chapter shall be so determined that, to the greatest practicable extent, the expiration of such term shall be distributed evenly

over the first four (4) years after their appointments, provided that the initial Class IV term of no member shall exceed four (4) years. Thereafter, all Class IV members shall be appointed for terms of four (4) years. If a vacancy in any class shall occur otherwise than by the expiration of the Central Planning Board term, it shall be filled by appointment, as provided above, for the unexpired term.

40:11-2-5. All terms shall run from January 1 of the year in which the appointment is made.

40:11-2-6. The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one (1) alternate member shall expire in any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years.

40:11-2-7. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

40:11-2-8. Any member other than a Class 1 member, after a public hearing, if requested, may be removed by the Municipal Council for cause.

40:11-2-9. No member of the Central Planning Board shall be permitted to act on any matter in which he or she has any personal or financial interest, either directly or indirectly.

40:11-2-10. If the Central Planning Board lacks a quorum because any of its members are prohibited by this Chapter below from acting on a matter due to the member's personal or financial interest, regular members of the Zoning Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Central Planning Board in order of seniority of continuous service to the Zoning Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest. If a choice has to be made between regular members with equal seniority, the Chairperson of the

Zoning Board of Adjustment shall make the choice.

40:11-2-11. Organization of Board

The Central Planning Board shall elect a Chairperson and Vice Chairperson from the members of Class IV and select a Secretary who may or may not be a member or alternate member of the Board or a City employee.

40:11-3. Appointment of Attorney

40:11-3-1. The Central Planning Board shall have and exercise the power and authority conferred by the Municipal Land Use Law, NJSA 40:55D-24, to appoint an attorney on a part-time basis, other than a municipal attorney, to the Board. The appointee shall be member of the New Jersey Bar in good standing.

40:11-3-2. The term of the appointment shall be for a period of not more than one (1) year; which commences after January 1st of each year and expires December 31st of the same year. Any appointment which commences after January 1st of any year shall be for the remaining period of the year; thereby expiring on December 31st of the same year. The appointment of an attorney to the Central Planning Board shall in no way obligate the City of Newark to finance the position of Attorney within the City Budget in any particular fiscal year.

40:11-3-3. The attorney shall receive a salary to be ordained by the Municipal Council.

40:11-3-4. It shall be the duty and responsibility of the attorney to advise and counsel the Central Planning Board on all matters and functions of the Board. The attorney shall appear on behalf of and before the Newark Central Planning Board at its scheduled meetings.

40:11-3-5. No provisions of this Section shall be construed to confer upon the attorney, the authority or right to vote on any matters which come before the Board.

40:11-4. Experts and Staff

The Central Planning Board may employ or contract

for the services of experts and other staff and services as it may deem necessary. The Board shall not however exceed, exclusive of gifts or grants, the amount appropriated by the Municipal Council for its use.

40:11-5. Powers and Duties

The Central Planning Board shall have the following powers and duties:

40:11-5-1. Mandatory Powers

The Central Planning Board shall exercise its powers in accordance with the Municipal Land Use Law in regard to:

1. The City Master Plan pursuant to NJSA 40:55D-28. Subdivision ordinance and site plan review pursuant to the provisions of the Ordinance of the City of Newark and the Municipal Land Use Law, NJSA 40:55D-1 et seq.
2. The Official Map in accordance with the provisions of the ordinances and NJSA 40:55D-32 et seq.
3. The zoning ordinance, including conditional uses, pursuant to this Chapter.
4. Municipal capital improvement projects projected over a term of six (6) years, and amendments thereto, and recommend same to the Municipal Council, pursuant to NJSA 40:55D-29 et seq.
5. Variances and certain building permits in conjunction with subdivision, site plan and conditional use approval pursuant to the Board's ancillary powers.

40:11-5-2. Other Powers

The Central Planning Board may:

1. Participate in the preparation and review of programs or plans required by State or Federal law or regulations.
2. Assemble data on a continuing basis as part of a continuous planning process.
3. Perform other such advisory duties as are assigned to it by ordinance or resolution of the Municipal Council.

40:11-5-3. Ancillary Powers

1. Central Planning Board review in Lieu of Board of Adjustment. Whenever the proposed development requires approval of a subdivision, site plan or conditional use, but not a use variance, the Central Planning Board shall have the power to grant to the same extent and subject to the same restrictions as the Board of Adjustment:
 - a. Bulk and dimensional variances pursuant to this Chapter.
 - b. Direction pursuant to NJSA 40:55D-34 for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to NJSA 55D-32.
 - c. Direction pursuant to NJSA 40:55D-36 for issuance of a permit for a building or structure not related to a street.
2. Whenever relief is requested pursuant to this Subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit as the case may be.
3. The developer may elect to submit a separate application requesting approval of the variance or direction of the issuance of a permit and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of a variance or direction of the issuance of a permit shall be conditioned upon grant of all required subsequent approvals by the Central Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial impairment of the intent and purpose of the Zone Plan and Zoning Ordinance.

40:11-5-4. Referral Powers

1. Prior to the adoption of a development regulation, revision or amendment thereto, the Central Planning Board shall make and transmit to the Municipal Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed development regulation which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and other matters as the Board deems appropriate. The Municipal Council, when considering the adoption of a development regulation, revision or amendment

thereto, shall review the report of the Central Planning Board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations. Failure of the Central Planning Board to transmit its report within the thirty-five day period provided herein shall relieve the Municipal Council from the requirements of this Subsection in regard to the proposed development regulation, revision or amendment referred to the Central Planning Board. Nothing in this Section shall be construed as diminishing the application of the provisions of NJSA 40:55D-32 to any official map or an amendment or revision thereto or of NJSA 40:55D-62 to any zoning ordinance or any amendment or revision thereto.

40:11-6. County Approval

Whenever review or approval of an application by the County Planning Board is required pursuant to NJSA 40:27-6.3 or NJSA 40:27-6.6, the Central Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period. Whenever County Planning Board review or approval is required, the applicant shall be responsible for filing all necessary applications, plans, reports and other documents directly with the County Planning Board.

Chapter 12. Zoning Board Of Adjustment

40:12-1. Establishment; Membership

40:12-1-1. There is hereby established, pursuant to the provisions of NJSA 40:55D-1 et seq., in the City of Newark, the Zoning Board of Adjustment of seven (7) members and two (2) alternates who shall all be residents of the City of Newark, shall be appointed by the Municipal Council and who shall not hold any elective office or positions under the municipality.

40:12-1-2. There may be two (2) alternate members of the Zoning Board of Adjustment, appointed by the governing body, who shall be designated by the Chairperson as "Alternate No. 1" and "Alternate No. 2". Alternate members may participate in discussions of the proceedings but may not vote, except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made to which alternate member is to vote, Alternate No. 1 shall vote.

40:12-2. Terms of Office; Vacancies

40:12-2-1. All regular members appointed shall serve for terms of four (4) years beginning January 1 of the year of their appointment.

40:12-2-2. Alternate members shall be appointed for a term for two (2) years.

40:12-2-3. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

40:12-2-4. A member, after public hearing if requested, may be removed by the Municipal Council for cause.

40:12-2-5. No member of the Zoning Board of Adjustment shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest.

40:12-2-6. If the Zoning Board of Adjustment lacks a quorum because its regular or alternate members are prohibited by NJSA 40:55D-69 from acting on a matter

due to the member's personal or financial interest, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Zoning Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum numbers of members necessary to constitute a quorum to act upon the matter without any personal or financial interest. If a choice has to be made between a Class IV members of equal seniority, the Chairperson of the Central Planning Board shall make the choice.

40:12-3. Organization of Board

The Zoning Board of Adjustment shall elect a Chairperson and Vice Chairperson from its members and shall select a Secretary who may or may not be a member of the Board.

40:12-4. Experts & Staff

The Zoning Board of Adjustment may employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the Municipal Council for its use.

40:12-5. Powers & Duties

The Zoning Board of Adjustment shall have the following powers and duties:

40:12-5-1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the Zoning Ordinance.

40:12-5-2. To hear and decide requests for interpretation of the Zoning Map or Ordinance, or for decisions upon other special questions upon which such Board is authorized by the Zoning Ordinance to pass in accordance with the Municipal Land Use Law.

40:12-5-3. Bulk & Dimensional Variances

1. Where: (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property;

(b) or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property; or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation in the Zoning Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, the Board may grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; or

2. Where in an application or appeal relating to a specific piece of property the purposes of zoning set forth in NJSA 40:55D-2 would be advanced by a deviation from the Zoning Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, the Board may grant a variance to allow departure from regulations in the Zoning Ordinance; provided, however, that no variance from those departures enumerated in Subsection D below of this Section shall be granted under this Subsection; and provided further that the proposed development does not require approval by the Central Planning Board of a subdivision, site plan or conditional use in conjunction with which the Central Planning Board has power to review a request for a variance pursuant to NJSA 40:55D-60(a).

40:12-5-4. Use Variances

1. In particular cases and for special reasons, the Board may grant a variance to allow departure from the Zoning Ordinance to permit: (a) a use or principal structure in a district restricted against such use or principal structure; (b) an expansion of a non-conforming use; (c) deviation from a specification or standard pursuant to NJSA 40:55D-67 pertaining solely to a conditional use; (d) an increase in the permitted floor area ratio as defined in NJSA 40:55D-4; (e) an increase in the permitted density as defined in NJSA 40:55D-4 except as applied to the required lot area for a lot or lots for detached one (1) or two (2) dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision; or (f) a height of a principal structure

which exceeds by ten (10) feet or ten (10%) percent the maximum height permitted in the district for a principal structure. A variance under this Subsection shall be granted only by affirmative vote of at least five (5) members of the Board.

2. If an application for development requests one (1) or more variances but not a variance for a purpose enumerated in this Subsection, the decision on the requested variance or variances shall be rendered pursuant to Section 57 of P.L. 1975, c.291 (NJSA 40:55D-70c). No variance or other relief may be granted under the terms of this Section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the Zone Plan and Zoning Ordinance. In respect of any airport hazard areas delineated under the Air Safety and Hazardous Zoning Act of 1983, C. 6:1-80 et seq., no variance or other relief may be granted under the terms of this Section permitting the creation or establishment of a non-conforming use which would be prohibited under the standards promulgated pursuant to that act except upon issuance of a permit by the Commissioner of Transportation.

3. To direct issuance of a permit pursuant to NJSA 40:55D-34 for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved on the Official Map pursuant to NJSA 40:55D-32.

4. To direct issuance of a permit pursuant to NJSA 40:55D-36 for a building or structure not related to a street.

5. To grant to the same extent and subject to the same restrictions as the Central Planning Board subdivision or site plan approval pursuant to NJSA 40:55D-37 et seq. or conditional use approval pursuant to NJSA 40:55D-67 whenever the proposed development requires approval by the Board of a variance pursuant to NJSA 40:55D-70(d). The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval

of the variance shall be conditioned upon grant of all required subsequent approvals by the Zoning Board of Adjustment. No such subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Zone Plan and Zoning Ordinance. The number of votes of Board members required to grant any such subsequent approval shall be as otherwise provided in NJSA 40:55D-1 et seq. for the approval in question, and the special vote pursuant to NJSA 40:55D-70(d) shall not be required.

6. Any application under any Subsection of this Section may be referred to any appropriate person or agency, including the Central Planning Board, for its report and recommendation, provided that reference of any application under any Subsection of this Section shall not extend the period of time within which the Zoning Board of Adjustment shall act.

7. Whenever review or approval of the application by the County Planning Board is required by NJSA 40:27-6.3, in the case of a subdivision, or NJSA 40:27-6.6 in the case of a site plan, the Zoning Board of Adjustment shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time.

8. The Zoning Board of Adjustment is required to submit monthly attendance reports of all regular and special meetings to the Municipal Council (via the Office of the City Clerk) within fifteen (15) days subsequent to the end of the month.

40:12-6. Annual Report on Variances Heard by Zoning Board of Adjustment

The Zoning Board of Adjustment shall, at least once per year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for Zoning Ordinance amendment or revision, if any. The Zoning Board of Adjustment shall send copies of the report and resolution to the City Council and the Central Planning Board.

Chapter 13. Subdivision Procedures

40:13-1. Title

This Chapter shall be known and cited as the "Subdivision Procedures" of the City of Newark.

40:13-2. Purpose

The purpose of this Title shall be to provide rules, regulations and standards to guide land subdivision in the City in order to promote the public health, safety, convenience and general welfare of the City. It shall be administered to insure the orderly growth and development, the conservation, protection and proper use of land and adequate provision for pedestrian, bicycle, and vehicular circulation, utilities, and services.

40:13-3. Compliance with Applicable Requirements

The procedures for processing subdivisions shall comply with the requirements of the Newark Zoning & Land Use Regulations.

40:13-4. Applicability

40: 13-4-1. Subdivision approval shall be required from the Central Planning Board for lots where the official lot line has to be altered for the purpose of dedication, sale of land/lot or creation of a new lot. Approval of the subdivision shall be obtained prior to such action as stated above.

40: 13-4-2. Approval of the subdivision is prerequisite before any official lot line is altered, the subdivision approval must be obtained from the Central Planning Board or the Zoning Board of Adjustment. The Zoning Board of Adjustment has mandatory jurisdiction of subdivision review in those limited situations as stated in Section 40: 13-4-3.

40: 13-4-3. The Zoning Board of Adjustment shall have the power to review subdivisions and to grant, to the same extent and subject to the same restrictions as the Central Planning Board, subdivision approval. Whenever the Zoning Board of Adjustment is simultaneously reviewing an application for approval of a "d" or use variance which permits a structure or use in a district restricted against such structures or use as defined by NJSA 40:55D-70(d).

40: 13-4-3. A Minor Subdivision is the creation or reconfiguration of two or fewer lots and does not include the creation of a street, road, or public right-of-way. All other subdivisions shall be classified as Major Subdivisions.

40:13-5. Waiver

The Central Planning Board when acting upon application for preliminary or minor subdivision approval shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of this Title, if the literal enforcement of one (1) or more provisions of the Title is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

40:13-6. Minor Subdivision Procedure Submission Requirements

40:13-6-1. Application for a minor subdivision shall include the following requirements as part of a complete submission. Failure to provide any of the required information and payment of a fee shall constitute an incomplete submission and the application shall not be acted upon by the Board.

1. City of Newark Central Planning Board/Zoning Board of Adjustment application.
2. Six (6) sets of "Before Subdivision" and "After Subdivision" plats. Within this plat, include the area in square feet and acres both before and after. Both the before and after plats shall include lot numbers.
3. Six (6) sets of the block diagram showing all properties within a radius of two hundred (200) feet from all corners of the property in question.
4. Six (6) sets of the metes and bounds description of all existing and proposed lots. This should include one (1) before description and one (1) after description for all lots for which the lot line(s) is being altered. Metes and bounds shall be included on all plans.

5. Two (2) copies of any protective covenants or deed restrictions applying to the land being subdivided.

6. The following must be submitted at least two (2) days prior to the hearing:

a. Certified Mail Receipts

(1) Mounted on 8.5 x 11 inch bound paper

(2) Six to a page

(3) Arranged in the same order as indicated on the certified list of property owners (a property certified U.S. Postal Form 3877 will be accepted in lieu of the mounted receipts, provided that the addresses are arranged in the same order as indicated on the certified list)

b. Affadavit of Proof of Service

c. Affadavit of Publication

7. Digital Submission Requirement: All required documents shall also be submitted digitally on a CD (compact disk) or USB drive, which shall be submitted with the rest of the required documentation. The digital files shall be combined into a single Adobe Portable Document File (PDF file format).

40: 13-6-2. Board Action

Minor subdivision approvals shall be granted or denied within forty-five (45) days of the date of submission of a complete application to the Central Planning Board or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed shall constitute minor subdivision approval and a certificate of the Secretary of the Board as to failure of the Central Planning Board to act shall be issued on request of the applicant.

40: 13-6-3. Effect of Approval

Approval of a minor subdivision shall be deemed final approval provided that the Board may condition such approval on the provision of improvements as may be required. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision or site plan approval was granted, shall not be changed for a period of two (2) years after the date on which the resolution of approval is adopted provided that the approved minor subdivision shall have been duly recorded.

40: 13-6-4. Expiration

Approval of a minor subdivision shall expire one hundred ninety (190) days from the date on which the resolution of approval is adopted unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.) or a deed clearly describing the approved minor subdivision, is filed by the developer with the County Recording Officer, the City Engineer and the City Tax Assessor. Any such plat or deed must be signed by the Chairperson and the Secretary of the Central Planning Board before it will be accepted for filing by the County Recording Officer.

40: 13-6-5. Extensions

1. The Central Planning Board may extend the one hundred and ninety (190) day period for filing a minor subdivision plat or deed pursuant to this Chapter if the developer proves to the reasonable satisfaction of the Board:

a. That the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities; and

b. That the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the approvals, as determined by the Board. The developer may apply for the extension either before or after what would otherwise be the extension date.

c. The Board shall grant an extension of minor subdivision approval for a period determined by the Board, but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental agencies and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for an extension before:

(a) what would be the expiration date of minor

subdivision approval; or (b) the ninety-first (91) day after the developer receives the first legally required approval from other governmental entities, whichever occurs later.

40:13-7. Preliminary Major Subdivision Procedure

40: 13-7-1. Submission Requirements

Application for a Major Subdivision shall include the following requirements as part of a complete submission. Failure to provide any of the required information and payment of fee shall constitute an incomplete submission and the application shall not be acted upon by the Board.

1. City of Newark Central Planning Board/Zoning Board of Adjustment application.
2. Six (6) sets of "Before Subdivision" and "After Subdivision" plats. Within this plat, include the area in square feet and acres both before and after. Both the before and after plats shall include lot numbers.
3. Six (6) sets of the block diagram showing all properties within a radius of two hundred (200) feet from all corners of the property in question.
4. Six (6) sets of the metes and bounds description of all existing and proposed lots. This should include one (1) before description and one (1) after description for all lots for which the lot line(s) is being altered. Metes and bounds shall be included on all plans.
5. Two (2) copies of any protective covenants or deed restrictions applying to the land being subdivided.
6. Digital Submission Requirement: All required documents shall also be submitted digitally on a CD (compact disk) or USB drive, which shall be submitted with the rest of the required documentation. The digital files shall be combined into a single Adobe Portable Document File (PDF file format).

40:13-7-2. Board Action

Except for applications governed by the time limits, the Board shall approve, conditionally approve or deny a preliminary major subdivision application of ten (10) or fewer lots within forty-five (45) days after the submission of a complete application, unless the applicant shall extend the period of time in which the Board may act.

The Board shall approve, conditionally approve or deny a preliminary major subdivision application of more than ten (10) lots within ninety-five (95) days after the submission of a complete application, unless the applicant shall extend the period of time in which the Board may act.

Failure of the Board to act within the time prescribed shall constitute preliminary major subdivision approval and a certificate of the Secretary of the Central Planning Board or the Zoning Board of Adjustments as to the failure of the Board to act shall be issued on request of the applicant.

If the Board required any substantial amendment in the layout of improvements proposed by the developer, that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The Central Planning Board shall, if the proposed development complies with the Municipal Land Use Law, grant preliminary approval.

40: 13-7-3. Substantial Modification

1. If any substantial modification is proposed or required after preliminary approval has been granted, an application for such modification shall be submitted and proceeded upon as in the case of the original application for development. The applicant may apply for modification approval either independently of or concurrently with application for final approval. In either case, notice pursuant to NJSA 40:55D-1 et seq. shall be required and shall state the nature of the proposed modification. A substantial modification shall mean one which: (a) increases the density of development; (b) increases the square footage of buildings; (c) proposes a different use; (d) would result in increased adverse impact upon properties in the immediate area with respect to factors such as, but not limited to, noise, glare and increased drainage runoff; or (e) materially changes a required element of the development plan.

2. If the Central Planning Board or the Zoning Board of Adjustments required any substantial amendment in the layout of improvements proposed by the developer, that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The Central Planning

Board shall, if the proposed development complies with the ordinance and the Municipal Land Use Law, grant preliminary approval.

40: 13-7-4. Effect of Preliminary Approval

1. Preliminary approval of a major subdivision, except as provided in this Section, shall confer upon the applicant the following rights for a three (3) year period from the date on which the resolution granting preliminary approval is adopted.
 1. That the general terms and conditions on which preliminary approval was granted shall not be changed, including, but not limited to: use requirements; layout and design standards for streets, curbs and sidewalks; lot sizes; yard dimensions and off-tract improvements; and in the case of a site plan, any requirements particular to the site plan approval pursuant to NJSA 40:55D-41, except that nothing herein shall be construed to prevent the City from modifying by ordinance such general terms and conditions of preliminary approval as related to the public health and safety.
 2. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat.
 3. That the applicant may apply for and the Board may grant extension on such preliminary approval of at least one (1) year, but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
 4. Whenever the Board grants an extension of preliminary approval pursuant to the previous paragraphs above and preliminary approval has expired before the date on which the extension was granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for an extension either before or after what would otherwise be the expiration date.
 5. The Board shall grant an extension of preliminary approval for a period determined by the Board, but not exceeding one (1) year from what would otherwise be the expiration date if the developer proves to the

reasonable satisfaction of the Board that the developer was barred or prevented directly or indirectly from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before: (a) what would otherwise be the expiration date of the preliminary approval; or (b) the ninety-first (91) day after the developer received the last legally required approval from other governmental entities, whichever is later. An extension granted pursuant to this Section shall not preclude the Board from granting an extension pursuant to the previous paragraphs above.

40:13-8. Final Major Subdivision Procedure

40: 13-8-1. Submission Requirements

1. Four (4) copies of the "Before Subdivision" and "After Subdivision" plats containing all of the information and required changes requested during preliminary review of the sketch plat.
2. Applications for approval of a final plat shall be submitted to the Central Planning Board by the developer within three (3) years following the date of preliminary approval. The final subdivision plat submission requirements shall be the same as required for the preliminary subdivision plat requirements under this Chapter.
3. The final plat shall conform to the preliminary plat as given tentative approval, except that it may consist of one (1) section of the whole.
4. The final plat shall be accompanied by a written statement by the Director of the Department of Engineering that he or she has received a map showing all improvements, both proposed and existing, in exact location and elevation, identifying those portions already installed and those to be installed and that the subdivider has complied with either or both of the following requirements:
 - a. Installed all improvements in accordance with the requirements of this Chapter.
 - b. Posted a monument bond with the Central Planning Board, in an amount determined by the City Surveyor to assure the completion of all required improvements.

5. Digital Submission Requirement: All required documents shall also be submitted digitally on a CD (compact disk) or USB drive, which shall be submitted with other required documentation. The digital files shall be combined into a single Adobe Portable Document File (PDF file format).

6. If the Central Planning Board or the Zoning Board of Adjustments approves the final plat, a statement to that effect shall be made on the plat and it shall be signed by the Chairperson and the Secretary to the Board.

40: 13-8-2. Board Action

1. The Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions for preliminary approval, and the standards prescribed in the Map Filing Law, P.L. 1960, c. 141.

2. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed shall constitute final approval and a certificate of the Secretary of the Central Planning Board as to the failure of the Board to act shall be issued on request of the applicant.

3. Whenever review or approval of the application by the County Planning Board is required by NJSA 40:27-6.1 or 40:27-6.6, the Board shall condition its approval on timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

40: 13-8-3. Effect of Final Approval

1. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date on which the resolution of final approval is adopted; provided that in the case of a major subdivision the rights conferred by this Section shall expire if the plat has not been duly recorded within the time period provided below. If the developer has followed the standards prescribed for final approval and, in the case of subdivision, has duly

recorded the plat with the County Recording Officer in accordance with below, the Board may extend such period of protection for extensions of one (1) year but not to exceed three (3) extensions. Notwithstanding any other provisions of this Chapter, the granting of final approval terminates the time period of preliminary approval, for any Section of the development which is granted final approval.

2. Whenever the Board grants any extension of final approval pursuant to the preceding paragraph, and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

3. The Board shall grant an extension of final approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for an extension before: (a) what would otherwise be the expiration date of final required approval; or (b) the ninety-first (91) day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this Section shall not preclude the Board from granting an extension pursuant to the preceding paragraphs.

40: 13-8-4. Conditions of Approval.

1. All conditions of preliminary and final approval shall be binding upon the applicant, all present and future owners, tenants, users and occupants of the property and their respective successors and assigns.

2. The applicant and any successor in interest shall be responsible for installing and maintaining in good order and condition all required improvements and landscaping, unless such improvements and landscaping are to be installed by, and/or dedicated and maintained by the City, County or another party under the terms of approval granted by the Board. Such required improvements shall include, but not

limited to, parking improvements, buffer zones, drainage facilities, exterior lighting, and landscaping. Failure of any responsible party to install and/or maintain the required improvements or landscaping shall constitute a violation of this Chapter and shall be subject to the enforcement procedures set forth herein.

40: 13-8-5. Certificate as to Approval

1. The prospective purchaser, prospective mortgages, or any other person interested in any land which forms part of a subdivision, or which formed part of a subdivision three (3) years preceding the effective date of NJSA 40:55D-1 et seq., may apply in writing to the Secretary to the Central Planning Board for the issuance of a certificate attesting whether or not such subdivision has been approved. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.
2. The Secretary to the Central Planning Board shall make and issue such certificate within fifteen (15) days after receipt of such written application and the fee of three (\$3.00) dollars. The Secretary to the Central Planning Board shall keep a duplicate copy of each certificate consecutively numbered, including a statement of the fee charged, in a binder as a permanent record in his/her office.
3. Each certificate shall be designated a "Certificate as to Approval of Subdivision of Land" and shall certify:
 - a. Whether there exists in the municipality a duly established Planning Board and whether there is an ordinance controlling subdivision of land adopted under the authority of NJSA 40:55D-37.
 - b. Whether the subdivision, as it relates to the land shown in the application, has been approved by the Central Planning Board and, if so, the date of such approval and any extensions and terms thereof, showing the subdivision of which the lands are a part is a validly existing subdivision.
 - c. Whether such subdivision, if the same has not been approved, is statutorily exempt from the requirement of approval as provided in this act.
4. The fees collected by the Secretary to the Central Planning Board shall be paid by the applicant to the City of Newark.

40: 13-8-6. Right of Owner of Land Covered by Certificate

1. Any person who shall acquire for a valuable consideration an interest in the land covered by any such certificate of approval of a subdivision in reliance upon the information therein contained shall hold such interest free of any right, remedy or action which could be prosecuted or maintained by the municipality pursuant to the provisions of NJSA 40:55D-55.
2. If the Secretary to the Central Planning Board fails to issue such certificate within fifteen (15) days after receipt of an application and the proper fee, any person acquiring an interest in the land described in such application shall hold any interest free of any right, remedy or action which could be prosecuted or maintained by the municipality pursuant to NJSA 40:55D-55.
3. Any such application addressed to the Secretary to the Central Planning Board shall be deemed to be addressed to the proper designated officer and the municipality shall be found thereby to the same extent as though the same was addressed to the designated official.

40: 13-8-7. Expiration of Final Major Subdivision Approval

1. Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the applicant with the County. The Board may for good cause shown extend the period for recording for an additional period not to exceed one hundred and ninety (190) days from the date of signing of the plat. The Board may extend the ninety-five (95) or one hundred and ninety (190) period if the applicant proves to the reasonable satisfaction of the Board: (a) that the applicant was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental entities; and (b) that the applicant applied promptly for and diligently pursued required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals as determined by the Board. The developer may apply for an extension either before or after the original expiration date.

2. No subdivision plat shall be accepted for filing by the County until it has been approved by the Board as indicated on the instrument by the signature of the chairperson and secretary of the Board. The signatures of the Board Chairperson and Secretary shall not be affixed until the developer has satisfied all applicable conditions of final approval. If the County records any plat without such approval, such recording shall be deemed null and void, and upon request of the City, the plan shall be expunged from the official records.

40:13-9. Subdivision Plat Details Requirements

40: 13-9-1. General

1. The subdivision plat shall be clearly and legibly drawn and certified by a Land Surveyor licensed to practice in the State of New Jersey.

2. Subdivision plat shall be prepared pursuant to the "Map Filing Law" (NJSA 46:23-99 et seq.) and the title block shall conform to NJAC 13:40-1 and NJAC 13:40-3. The subdivision plat shall conform to the provisions of the following:

- a. Newly revised Newark Zoning and Land Use Regulations.
- b. Design standards listed under Chapter 14 of the Newark Zoning and Land Use Regulations.
- c. Master Plan and Official Map of the City of Newark.

4. The maps shall be sealed and signed by the Land Surveyor.

40:13-9-2. Minor Subdivision Plat Details

1. The plat shall be clearly and legibly drawn and certified by a land surveyor licensed to practice in the State of New Jersey.

2. The plat shall be drawn on sheets of 15"x 21" or larger, as measured from the cutting edge and shall show elements of this Article on a "Before Subdivision" and "After Subdivision" plan on a single sheet and so designated. If one (1) sheet is not of sufficient size to contain the entire territory, the plat may be divided into sections to be shown on separate sheets of equal size with reference on each sheet to the adjoining sheets.

3. Graphic and written scale shall not be smaller than 1"-100', North arrow and geographic reference meridian, and drawing and the date of the survey.

4. Street address, block and lot numbers, tax assessment volume and sheet number, and the name(s) and address(es) of the record owner(s) and owner's agent, if any.

5. Key Map showing the subdivision tract boundary lines and the surrounding area within two hundred (200) feet of the extreme boundaries of the subdivision.

6. The right-of-way lines of streets, street names and width easements and other right-of-way lines along with their purpose, all lot lines, other site lines and areas dedicated for public use with accurate dimensions, bearings and radii, lengths and central angles for all curves sufficient to enable the definite location of all lines and boundaries shown thereon.

7. Proposed use of the area and all existing structures standing upon or below the surface within the area to be subdivided and within one hundred (100) feet of the area with the detailed use of each of the structures and whether the structures are to remain or be removed.

8. All existing lots and blocks within two hundred (200) feet of the subdivision.

9. Acreage and square footage of all lots, as well as the total acreage and square footage of all lots with lines to be altered. Calculations shall be made to the nearest tenth of an acre and nearest square foot. Show all trees and limits of clearing.

10. There shall be submitted on the application the names, addresses and telephone numbers of all owners to title of the land subdivided by said plat, with their signature indicating their consent to the approval of said subdivision.

11. Existing mounument locations

12. Contours at two (2) feet intervals for slopes averaging ten (10%) percent or less and at five (5) foot intervals for greater slopes. All contour lines shall be referenced to the United States Geological Survey Datum.

13. Typical cross-section which clearly indicates the type and width or pavement and locations of curb, sidewalks and planting strips (proposed cross-section). Existing and proposed profiles shall be shown.

14. Plans and profiles of proposed utility layout (storm sewers, sanitary sewers, water and gas mains, and electrical facilities) showing feasible connections to existing or proposed utility systems.

15. Conform to all other technical design controls required by the provisions of all other municipal ordinances.

40: 13-9-3. Major Subdivision Plat Details

1. Preliminary Subdivision

- a. Include all the details outlined above.
- b. All documentation bound and required by this Title.
- c. There shall be endorsed thereon the following certificates:

i. Licensed Land Surveyor

I hereby certify that this map and survey has been made under my supervision and complies with the provisions of "The Map Filing Law." (Include the following if applicable) I do further certify that the monuments as designated and shown hereon have been set.

Licensed Land Surveyor and No.
(Affixed Seal)

ii. City Clerk

If monuments are to be set at a later date, the following endorsement shall be shown on the map.

I hereby certify that a bond has been given to the municipality, guaranteeing the future setting of the monuments shown on this map and so designated.

City Clerk

iii. City Engineer

I have carefully examined this map and find it conforms with the provisions of "The Map Filing Law" and the municipal ordinances and requirements applicable thereto.

City Engineer
(Affixed Seal)

iv. Central Planning Board

We hereby certify that this map has been approved by the Central Planning Board of the City of Newark on 20 and the map complies with the provisions of "The Map Filing Law" (NJSA 46:23-9.9 et seq.). This certification shall expire if this map is not filed in the Office of the Register of Essex County on or before the day of , 20.

Secretary, Central Planning Board

v. Owner

I (we), the undersigned, having an interest in the title of the property covered by this subdivision map, do hereby consent to the filing of this map in the Office of the Register of Essex County.

Name

2. Final Subdivision

The following items shall also be included in addition to the requirements of the preliminary subdivision for the final subdivision plat details submission.

- a. Show entire subdivision and the surrounding area within two hundred (200) feet of the extreme boundaries of the subdivision.
- b. Contours at two (2) feet intervals for slopes averaging ten (10%) percent or less and at five (5) foot intervals for greater slopes. All contour lines shall be referenced to the United States Geological Survey Datum.
- c. Existing zone and zoning information requirements along with plans.
- d. Typical cross-section which clearly indicates the type and width or pavement and locations of curb, sidewalks and planting strips (proposed cross-section). Existing and proposed profiles shall be shown.
- e. Plans and profiles of proposed utility layout (storm sewers, sanitary sewers, water and gas mains, and electrical facilities) showing feasible connections to existing or proposed utility systems.
- f. Existing monument locations

40:13-10. Amended Subdivision Review

Applications for amended subdivision review shall be governed by the same requirements as all other applications for subdivision review.

40:13-11. Conditional Use Approval

40: 13-11-1. Submission requirements for conditional use applications shall be the same as for a major site plan, except as set forth below.

1. The Board shall grant or deny an application for conditional use approval within ninety-five (95) days of submission of a complete application or within such further time as may be consented to by the applicant. If relief is requested pursuant to NJSA 40:55D-70d, the Board shall grant or deny within one hundred twenty (120) days of submission of a complete application or within such further time as consented by the applicant.

2. The Board shall approve or deny a conditional use application simultaneously with any accompanying subdivision application. The longest time for action by the Board, whether it be for conditional use or subdivision approval, shall apply. Whenever approval of a conditional use is requested by the applicant, notice of the hearing on the application shall include reference to the request for conditional use approval.

3. In approving a conditional use, a time limit of one (1) year from the date of the approval shall be set within which the owner shall secure a construction permit; otherwise the approval shall be null and void. The Board may, for good cause shown, extend the period for securing a construction permit for an additional period not exceeding six (6) months.

4. The conditions for approval shall be those specifically set forth in this Chapter as well as the applicable area and yard requirements listed in each zoning district, the parking and buffer requirements set forth in this Chapter.

40:13-12. Performance Guarantees & Improvement Costs**40: 13-12-1. Requirements**

1. No final plats shall receive final approval unless the developer shall have installed the required improvements or shall have furnished the Central

Planning Board with a performance guarantee bond of sufficient amount as established by the Director for the purpose of assuring installation and maintenance of on-tract improvements:

a. The furnishing of a performance guarantee in favor of the City of Newark in an amount not to exceed one hundred twenty (120%) percent of the cost of installation for improvements, which cost shall be determined by the Director of the Department of Engineering according to the method set forth in NJSA 40:55D-53.4, which may be deemed necessary or appropriate including: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, landscaping, survey monuments as shown on the final plat and required by the "Map Filing Law," NJSA 46:23-9.9 et seq., water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices , and public improvements of open space. The Director of the Department of Engineering shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost list shall be appended to each performance guarantee posted by the obligor.

b. Provisions for a maintenance guarantee to be posted with the Municipal Council, City of Newark for a period not to exceed two (2) years after final acceptance of the improvements, in an amount not to exceed fifteen (15%) percent of the cost of the improvements. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the City of Newark for such utilities or improvements.

c. All improvements required by the Central Planning Board shall be subject to inspection and approval by the Director of the Department of Engineering who shall be notified by the developer at least twenty-four (24) hours prior to the start of construction of the same. No underground installation shall be covered until inspected and improved.

2. The time allowed for installation of improvements for which the performance guarantee has been provided may be extended by the Municipal Council

by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced to an amount not to exceed one-hundred and twenty (120%) percent of the cost of the installation, which cost shall be determined by the Director of the Department of Engineering according to the method of calculation set forth in NJSA 40:55D-53.4 as of the time of the passage of the resolution.

3. If the required improvements are not completed or corrected in accordance with the performance guarantee the obligor and surety, if any, shall be liable thereon to the City of Newark for the reasonable cost of the improvements not completed or corrected and the City of Newark may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law" NJSA 40A:11-1 et seq.

4. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the Municipal Council in writing, by certified mail addressed in care of the City Clerk, that the Director of the Department of Engineering prepare, in accordance with the itemized cost estimate prepared by the Director of the Department of Engineering and appended to the performance guarantee pursuant to above, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the Director of the Department of Engineering. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the Director of the Department of Engineering shall inspect all improvements covered by obligor's request and file a detailed list and report, in writing, with the Municipal Council, and shall simultaneously send a copy thereof to the obligor not later than forty-five (45) days after receipt of the obligor's request.

a. The list prepared by the Director of the Department of Engineering, shall state, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement

or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the Director of the Department of Engineering shall identify each improvement determined to be completed and satisfactory together with a recommendation as to the amount of the reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the Director of the Department of Engineering and appended to the performance guarantee.

5. The Municipal Council, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Director of the Department of Engineering, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Director of the Department of Engineering and appended to the performance guarantee in accordance with this Section. This resolution shall be adopted not later than forty-five (45) days after receipt of the list and report prepared by the Director of the Department of Engineering. Upon adoption of the resolution by the Municipal Council, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that thirty (30%) percent of the amount of the total performance guarantee posted may be retained to ensure completion and acceptability of all improvements.

a. For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Director of the Department of Engineering, including any contingency factor applied to the cost of installation. If the sum of the approved improvements would exceed seventy (70%) percent of the total amount of the performance guarantee, then the municipality may retain thirty (30%) percent of the amount of the total performance guarantee

to ensure completion and acceptability of all improvements, as provided above.

b. If the Director of the Department of Engineering fails to send or provide the list and report as requested by the obligor pursuant this Section within forty-five (45) days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Director of the Department of Engineering to provide the list and report within a stated period of time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

c. If the Municipal Council fails to approve or reject the improvements determined by the Director of the Department of Engineering to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within forty-five (45) days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, the approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Director of the Department of Engineering; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

d. In the event that the obligor has made a cash deposit with the municipality or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this Subsection, shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

e. If any portion of the required improvements are rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure for notification, as set forth in this Section, shall be followed.

6. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Municipal Council or the

Director of the Department of Engineering.

7. The obligor shall reimburse the City of Newark for all reasonable inspection fees paid to the Director of the Department of Engineering for the foregoing inspection of improvements; provided that the City of Newark may require of the developer a deposit for the inspection fees in the amount not to exceed, except for extraordinary circumstances, the greater of five hundred (\$500) dollars or five (5%) percent of the cost of the improvements, which cost shall be determined pursuant to NJSA 40:55D-53.4.

a. For those developments for which the inspection fees are less than ten thousand (\$10,000) dollars, fees may, at the option of the developer, be paid in two (2) installments. The initial amount deposited by the developer shall be fifty (50%) percent of the inspection fees. When the balance on deposit drops to ten (10%) percent of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Director of the Department of Engineering for inspection, the developer shall deposit the remaining fifty (50%) percent of the inspection fees.

b. For those developments for which the inspection fees are ten thousand (\$10,000) dollars or greater, fees may, at the option of the developer, be paid in four (4) installments. The initial amount deposited by the developer shall be twenty-five (25%) percent of the inspection fees. When the balance on the deposit drops to ten (10%) percent of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Director of the Department of Engineering for inspection, the developer shall make additional deposits of twenty-five (25%) percent of the inspection fees.

c. The Director of the Department of Engineering shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

8. In the event that final approval is by stages or sections of development pursuant to Subsection A of NJSA 40:55D-38, the provisions of this Section shall be applied by stage or section.

9. To the extent that any of the improvements have been dedicated to the City of Newark on the subdivision plat, the Municipal Council shall

be deemed, upon the release of any performance guarantee required pursuant to this Section, to accept dedication for public use of streets or roads and any other improvements made thereon according to subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Director of the Department of Engineering.

40: 13-12-2. Waiver of Improvements

The Central Planning Board may waive the requirement to install any of the above specified improvements by resolution, setting forth the reasons for waiver and noting them in the minutes; provided that such waiver does not endanger public health, safety and welfare.

40:13-13. Penalties, Civil Remedies and Liens

40: 13-13-1. Penalty

If, before final subdivision approval has been granted, any person who transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which municipal approval is required by ordinance, such person shall be subject to a penalty not to exceed one thousand (\$1,000.00) dollars or each lot disposition so made shall be deemed a separate violation.

40: 13-13-2. Civil Remedies

In addition to the foregoing, the City may institute and maintain a civil action:

1. For injunctive relief
2. To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with NJSA 40:55D-56.

40: 13-13-3. Lien

In any such action described in this Chapter, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land, from which the subdivision was made that remains in the possession of the developer or his or her assign or successors, to secure the return of any deposits made or purchase price paid, and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer,

sale or conveyance of the land or within six (6) years, if unrecorded.

Chapter 14. Subdivision Site Plan Zoning & Design Standards

40:14-1. Variances and Waiver

Any deviation from a provision of this Chapter which is identified as a design standard shall require a waiver by the reviewing board from the specific design standard. Any other deviation from a standard contained in this Chapter shall require a variance from the specific standard in accordance with the Municipal Land Use Law.

40:14-2. Development Requirement and Standards

40:14-2-1. General Design Standards.

In reviewing any application for development, the Board shall consider the following standards.

1. Design and Building Layout.

a. The design and layout of buildings and parking areas shall be reviewed so as to provide an high-quality, urban, compact, and walkable design and layout. Particular attention shall be given to impact on surrounding development, contiguous and adjacent buildings and lands, and safety and fire protection.

2. Circulation.

a. Pedestrian, bicycle, and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of pedestrian circulation from the public right-of-way to the development, parking areas, and off-street loading and unloading.

b. The Central Planning Board shall ensure that parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be appropriately designed using Complete Streets standards outlined in the "Urban Street Design Guide" by the National Association of City Transporation Officials (NACTO).

c. The site plan shall provide a safe and efficient circulation system for the movement of people, whether on foot or vehicle into, out of, and within the site. The circulation system shall have minimum adverse impact on surrounding areas and shall comply with the Complete Streets standards outlined in the "Urban Street Design Guide" by the National Association of City Transporation Officials (NACTO).

d. Particular attention shall be given to provide for safe emergency access for fire and police protection, vehicular and pedestrian circulation.

e. Public open space for social meetings or recreation and play areas for children shall be located in a manner which provides security and visibility for those residents who use these spaces.

f. The location of parking lots and refuse collection facilities shall not be sited so as to cause excessive foot travel to and from these uses or to conflict with private spaces within two hundred (200) feet of the farthest residence it serves.

g. Unnecessary and/or excess lighting should be avoided, but lighting essential for security or safety should always be provided.

h. The layout shall provide visual corridors, and sight lines to incorporate surrounding open space, recreational areas, historical landmarks, architectural or environmental attributes of the area to enhance design and environmental aspects of the site.

i. Consideration shall be given to the situation of the site concerning nearby social services and community needs and shall not be inconsistent with the land use in that area.

3. Storm Drainage and Public Utilities

a. Storm drainage, sanitary waste disposal, electrical service, water and gas supply shall be reviewed and considered. Particular emphasis shall be given to the adequacy of existing and proposed system for improvement of utilities on-site, off-site, on-tract and off-tract to adequately carry storm water, run off, sewage, and to insure an adequate supply of water at sufficient pressure for potable, commercial, industrial or fire prevention uses.

4. Garbage Disposal

a. Garbage disposal shall be adequate to prevent vermin and rodent infestation and efficient collection. All disposal systems shall comply with the requirements of the Revised City Ordinances.

5. Environmental Elements.

The site plan shall be reviewed to assure the enhancement and protection of such environmental factors as trees, greenery, open spaces, water bodies, streams, ditches and culverts, air quality, soils, animal life and the abatement of noise and air pollution. An environmental impact statement shall be required upon request by the Director of Engineering.

40:14-3. Streets

40: 14-3-1. Design Standards

1. Right-of-Way Widths

Arterial	Collector	Local
80-130 feet	60-80 feet	50-70 feet

The right-of-way for internal roads and alleys in multi-family, commercial, and industrial developments shall be determined on an individual basis, and shall in all cases be of sufficient width and design to provide access to fire equipment and service trucks.

2. Pavement Widths

Arterial	Collector	Local
46-92 feet	36-44 feet	26-34 feet

3. Sidewalk Widths

Arterial	Collector	Local
8 feet or wider	6-8 feet	4-6 feet

4. Sidewalk Distance from Curb Face

Arterial	Collector	Local
min. 8 inches	min. 8 inches	min. 6 inches

In some industrial and commercial areas, a buffer width of 2 feet may be stipulated.

5. Design Speed

Arterial	Collector	Local
35-46 mph	25-35 mph	25 mph

6. Stopping Sight Distance

Arterial	Collector	Local
min. 300 feet	min. 200 feet	min. 150 feet

7. Grades

Arterial	Collector	Local
max. 8%	max. 10%	max. 12%

Maximum grade in itself is not a complete design control. It is also necessary to consider the length of a particular grade in relation to desirable vehicle operation.

For streets in commercial and industrial areas, gradient design should be less than eight (8%) percent; desirably it should be less than five (5%) percent, with emphasis on still flatter gradients.

In order to provide for proper drainage the minimum grade that should be used for streets with outer curbs is five (5%) percent.

8. Minimum Centerline Radius

Arterial	Collector	Local
500 feet	300 feet	200 feet

9. Cul-de-sac Turnaround

a. A local street open at only one (1) end only should have a special turning area at the closed end. This turning area may be of "L," "T" or circular shape with dimensions as appropriate for the type of vehicle expected.

b. The commonly used circular form should have a minimum curb radius of thirty-five (35) feet in residential areas. Generally, cul-de-sacs should not be over six hundred (600) feet in length.

10. Clearance to Obstructions

a. On all streets, a clearance of at least two (2) feet shall be provided between the face of curb or edge of shoulder and obstructions, such as utility poles, lighting poles, and fire hydrants.

11. Milling and Repaving

a. Milling and repaving, curb to curb, of the street at a project frontage shall be required if four (4) or more adjacent gas, electric, water and/or sewer utility trenches are proposed.

b. Milling and repaving, curb to curb, of the street for the entire block length, shall be required if six (6) or more gas, electric, water and/or sewer utility trenches are proposed within the same tax block or within the tax blocks across from each other on the street.

40:14-4. Intersection Design

40: 14-4-1. Design Standards

1. Intersections should be designed with adequate corner sight distance and the area kept free of obstacles. The corner sight distance for arterial streets should be a minimum of four hundred (400) feet; for collector and local streets should be a minimum of three hundred (300) feet and two hundred (200) feet respectively.

2. It is desirable for all intersections to meet approximately a ninety (90°) degree angle. Skewed intersections should be avoided, and in no case should the angle be less than seventy-five (75°) degrees. At street intersections in residential areas the minimum radius of curb return should be twenty (20) feet. In commercial and industrial areas the curb return radius should be not less than thirty (30) feet and, desirably, use should be made of a 3-centered curb of sufficient radii to accommodate the largest vehicles expected.

3. Use of "T" intersections in residential subdivision is recommended. However, offsets of at least one hundred (100) feet between centerline should be provided. In the case of two (2) collector street intersections this offset should be increased in order to allow for left turn storage between intersections.

4. The intersection area and area where vehicles store while waiting to enter the intersection should be designed with a flat grade; the maximum grade on the approach leg should be five (5%) percent.

40:14-5. Sidewalks

40: 14-5-1. Design Standards

1. Sidewalks are an important element in the circulation pattern and shall be required for all development in the City of Newark.

2. Sidewalks may be considered a part of the recreational system. Senior citizens use them for walking as do parents pushing carriages. Young children use sidewalks for skating and riding tricycles and other wheeled toys. Sidewalks shall generally meet the following requirements:

a. Sidewalks shall connect the main entrance of each building with the street or with the interior road giving access to the building. Sidewalks shall be provided wherever needed to protect the safety of pedestrians. All new sidewalks shall comply with the City's Complete Streets Policy and the "Urban Street Design Guide" by the National Association of the City Transportation Officials (NACTO), shall match with the existing sidewalks, driveways and curb elevation within the public rights-of-way, and shall meet the requirements of the Director of Engineering.

b. Pedestrian walks and sitting areas shall be surfaced so that they will be easily maintained and properly illuminated and shaded.

c. The entire route or alignment of pedestrian walks shall be visible from a street or other public ways.

d. A private pedestrian walk shall have a minimum paved width of five (5) feet, and if dedicated to the City as a public walk shall have an easement with a minimum of eight (8) feet.

e. Handicap and bicycle ramps shall be designed into all sidewalk designs consistent with the approval of the Director of Engineering. Each intersection shall have its own ramp.

40:14-6. Curbing

40: 14-6-1. Design Standards

1. Streets normally should be designed with curbs for high utilization of available width, for control of drainage, protection of pedestrians, and for delineation.
2. Curbs should be straight battered with a minimum of six (6) inches exposed to the roadway.

40:14-7. Street Lighting

40: 14-7-1. Design Standards

1. Unnecessary lighting should be avoided, but lighting essential for security or safety should always be provided.
2. The minimum level of illumination for residential areas should be within the range of 0.4 to 1.0 average maintained footcandle. For commercial or industrial areas, the minimum level of illumination should be within the range of 1.0 to 1.6 within the range of 3:1 to 4:1 where the average intensity is 0.6 footcandle or greater, and no worse than 6:1 where the intensity is lower than 0.6 footcandle.

40:14-8. Traffic Control Devices

40: 14-8-1. Design Standards

1. On the recommendation of the Director of Engineering, in order to facilitate the safe and efficient movement of traffic into and out of a site, the Central Planning Board or Board of Adjustment may require the installation of traffic control devices at designated locations on the site.
2. Where required on the site, all devices must conform with the current manual on uniform traffic control devices. The pro-rated cost of the off-site improvements shall be borne by the developer.

40:14-9. Additional Measures

40: 14-9-1. Design Standards

The Central Planning Board may require provisions of such additional measures as it deems necessary to protect public areas or neighborhood properties from adverse effects of the proposed development which would be harmful to health, safety, conservation of property values and general welfare.

Chapter 15. Site Plan Procedures

40:15-1. Title

This Title shall be known and cited as the "Site Plan Procedures."

40:15-2. Purpose

The purpose of this Title shall be to establish the mandatory requirements that shall be met prior to site plan approval and those standards to be utilized in the site plan review process. This Title shall be applicable to the development of all lands within the City of Newark, New Jersey, in order to promote the public health, safety, and general welfare of the City.

40:15-3. Severability & Validity

If any clause, sentence, subparagraph, paragraph, section, or article of this Title hereinafter adopted or any part thereof is held invalid, inoperable, or unconstitutional by a court of competent jurisdiction, such determination, order or judgment shall not affect, impair, or invalidate the remaining portions of this Chapter, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, section, article, chapter, title or part thereof directly involved in the controversy in which the determination, order or judgment shall have been rendered.

40:15-4. Compliance with Applicable Requirements

The procedures for processing site plans shall comply with the requirements of the Land Use Procedures Ordinance of the City of Newark.

40:15-5. Applicability

40:15-5-1. Site Plan Review and Approval shall be required from the Central Planning Board for all Land Development involving:

1. An enlargement which increases the square footage/floor areas of an existing structure by one thousand (1,000) square feet or more.
2. Rehabilitation of any unoccupied residential structure of four (4) or more units where there is:
 - a. Changes to site plan, such as the enlargement or change in the location or configuration of any principal or accessory structure;
 - b. Increase in the number of dwelling units; or, Increase in number of bedrooms of any dwelling unit; Change to any distinctive architectural features of the façade.
3. The construction of new residential units:
 - a. One (1) and two (2) family attached and detached homes which total three (3) or more units within the same tax block.
 - b. Three (3) family detached units.
 - c. Three (3) or more attached units including row houses and/or town houses.
 - d. Multi-family buildings (four (4) or more families)
4. Rehabilitation of any industrial or warehousing structure that involves a change in that structure's use group as described in the International Construction Code, 2000 (ICC), or its equivalent replacement construction code put into use by the City of Newark.
5. The construction of new commercial, industrial or institutional structures with a gross floor area of one thousand (1,000) square feet or more.
6. The construction of structures other than buildings (e.g., water tower/chemical containers) of one thousand (1,000) square feet or more of grade level or ground floor area.
7. The development of an area of five thousand (5,000) square feet or more which is wholly devoted to playground, garden or park purposes.
8. Any vehicular parking or storage lot development consisting of five (5) or more spaces and/or the development of any vehicular parking area or paved area of one thousand (1,000) square feet or more.
9. Establishment of parking areas using "automotive lifts."
10. Establishment, enlargement, or conversion of an outdoor storage, salvage, junk or equipment yard.
11. Establishment of any institutional residential facility including but not limited to a hospital, prison, dormitory, shelter, or reformatory.

12. The rehabilitation of any structure where the principal use changes between any of the following categories: residential, commercial, institutional, warehousing, industrial, or automotive.
13. The rehabilitation of any structure where the number or type of automotive, commercial, industrial, warehousing, or institutional units or uses in that structure increases.
14. Approval of site plan shall be obtained prior to the commencement of any excavations, compactions, removal of soil, clearing of a site, construction or demolition, or placing of any fill on land contemplated for development. Site plan approval is a prerequisite to the issuance of a building permit. No certificate of occupancy shall be issued unless all construction and development conforms to the plans as approved by the reviewing board.

40:15-6. Exceptions

40:15-6-1. Site Plan Review shall not be required for:

1. An enlargement which increases the square footage/floor area of an existing structure by less than one thousand (1,000) square feet.
2. Rehabilitation of any unoccupied residential structure of fewer than four (4) units.
3. Rehabilitation of any unoccupied or occupied residential structure where there is no proposed:
 - a. Changes to site plan, such as the enlargement or change in the location or configuration of any principal or accessory structure;
 - b. Increase in the number of dwelling units;
 - c. Increase in the number of bedrooms of any dwelling unit; or
 - d. Change to any distinctive architectural features of the façade.
4. Rehabilitation of any commercial, industrial and institutional structures if the use group does not change, or if the numbers and/or types of units do not increase.

5. The creation of one (1) or two (2) new residential dwellings within an existing building currently used exclusively for retail, food service, office, or personal service establishments provided that the dwellings are on the building's second story or higher. Such dwelling creation/conversion shall not affect the existing zoning conformity status for its existing building, unless a building addition increases the degree of a nonconformity or creates new nonconformities, in which case site plan review as well as applicable variances shall be required.
6. The construction of new commercial, industrial or institutional structures with a gross floor area of less than one thousand (1,000) square feet.
7. The construction of structures other than buildings (e.g., water tower/chemical containers) of less than one thousand (1,000) square feet of grade level or ground floor area.
8. The development of an area of less than five thousand (5,000) square feet which is wholly devoted to playground, garden or park purposes.
9. Any vehicular parking or storage lot development consisting of fewer than five (5) spaces and/or development of any vehicular parking area less than one thousand (1,000) square feet.
10. Construction of a private accessory use such as a garage, toolhouse or greenhouse.

40:15-7. Minor Site Plan Procedure

40:15-7-1. Applications for site plan approval may be deemed to be minor site plans upon meeting all of the following criteria:

1. Where new construction is less than five thousand (5,000) square feet of floor area;
2. Where an addition to an existing building is less than one thousand (1,000) square feet of floor area;
3. Involves the disturbance to land, or added impervious coverage, of less than five thousand (5,000) square feet or twenty-five (25%) percent of the total area of the lot, whichever is less;

4. Includes only as-of-right permitted uses in the district, not conditionally permitted uses, and not uses for which "d" variances have previously been granted;
5. The proposed development conforms to all zoning requirements and requires no "d" or "c" variances, no waivers from Newark's site plan standards other than submission checklist waivers, no allowable deviation from any adopted redevelopment plan; and
6. Does not involve planned development as defined by the MLUL, any new street or extension of tract improvement which is to be prorated pursuant to NJSA 40:55D-42

40:15-7-2. All other site plan applications which are not deemed to be minor site plans shall be deemed to be major site plans.

40:15-7-3. Submission Requirements and Procedure

The minor site plan application submission requirements shall be the same as those required for major site plan review. However, in those circumstances where information required has no impact or is not relevant to the Board's determination of whether the site plan meets the requirements and standards of the Newark Zoning Ordinance and site plan standards, submission waivers may be requested by the applicant and shall be reasonably granted.

40:15-7-4. Effect of Approval

Approval of a minor site plan shall be deemed final approval provided that the Board may condition such approval on the provision of improvements as may be required. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision or site plan approval was granted, shall not be changed for a period of two (2) years after the date on which the resolution of approval is adopted provided that the approved minor subdivision shall have been duly recorded in accordance with Subsection 3 below.

40:15-7-5. Extensions of Minor Site Plan Approval

The Board shall grant an extension of minor site plan approval for a period determined by the Board, but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer

was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental agencies and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for an extension before: (a) what would be the expiration date of minor subdivision approval; or (b) the ninety-first (91) day after the developer receives the first legally required approval from other governmental entities, whichever occurs later.

40:15-8. Major Site Plan Procedure

40:15-8-1. General

The information hereunder is required as part of an application for site plan review. Failure to supply any of the required information and/or payment of fees shall constitute an incomplete submission and the application will not be acted upon by the Central Planning Board.

1. Site plans submitted shall conform to the zoning regulations as set forth in Title XL, Zoning, Revised General Ordinances of the City.
2. The applicant shall submit a completed City of Newark Central Planning Board/Zoning Board of Adjustment application with the payment of the required fee, as provided in Section 37:4-2.
3. Clear, color photos of site.
4. The applicant shall submit the required number of site plan drawings, each of which shall bear the impression seal and the inked signature of the licensed architect, engineer or land surveyor for the appropriate drawing as required by NJAC 13:40-1 and 13:40-2 and shall be in conformance with the preliminary and final site plan requirements detailed in Sections 40:15-8-2 and 40:15-8-3.
5. The following must be submitted at least two (2) days prior to the hearing:

- a. Certified Mail Receipts for notice requirement
 - (1) Mounted on 8.5 x 11 inch bound paper
 - (2) Six to a page
 - (3) Arranged in the same order as indicated on the certified list of property owners (a properly certified

U.S. Postal Form 3877 will be accepted in lieu of the mounted receipts, provided that the addresses are arranged in the same order as indicated on the certified list)

- b. Affidavit of Proof of Service by individual who performed mailing certified.
- c. Affidavit of publication from newspaper.

6. For projects greater than five thousand (5,000) square feet, the applicant shall submit for the Final Site Plan six (6) copies of the Soil Erosion and Sedimentation Control Plan to the Central Permit Office, Department of Engineering for their review. The Department of Engineering shall inform the Secretary of the Central Planning Board of its action and/or comments and forward a copy of the plan after it has been approved.

40:15-8-2. Preliminary Major Site Plan

1. Submission Requirements

a. Six (6) sets of site plan drawings which are submitted as a part of a preliminary site plan application shall include a cover sheet, a boundary and topography survey map and a site detail plan, the details of which shall comply with Section 40:15-8-6. Six (6) sets of the site plan are required unless stated otherwise in this Title. Additional sets for hearing will be required.

b. The site plan drawings shall be prepared in the size of twenty-four (24) inches by thirty-six (36) inches or thirty (30) inches by forty-two (42) inches.

The sites which cannot be accommodated within the thirty (30) inches by forty-two (42) inches, the plan may be drawn at a smaller scale; however, the selection of such scale shall require prior consultation and approval by the Board staff. Upon scheduling, fourteen (14) copies of 11 x 17 inch size sets will be required.

c. The cover sheet and site plan detail sheet information may be combined on one (1) sheet in those cases where the required information can be effectively and clearly shown.

d. All drawings shall be numbered in sequential fashion and properly identified.

e. Digital Submission Requirement: All required documents shall also be submitted digitally on a

CD (compact disk) or USB drive, which shall be submitted with other required documentation. The digital files shall be combined into a single Adobe Portable Document File (PDF file format).

f. The preliminary submission shall be made at least thirty (30) days prior to the regularly scheduled meeting of the Board.

2. Board Action

a. Except for applications governed by the time limits, the Board shall approve, conditionally approve or deny a preliminary major site plan which involves ten (10) acres of land or less, and ten (10) dwelling units or less, within forty-five (45) days after the submission of a complete application unless the applicant shall extend the period of time within which the Board may act.

b. The Board shall approve, conditionally approve or deny the preliminary major site plan of more than ten (10) acres or more than ten (10) dwelling units within ninety-five (95) days after the application is certified complete unless the applicant shall extend the period of time within which the Board may act.

c. Failure of the Board to act within the time prescribed shall constitute preliminary major site plan approval and a certificate of the Secretary of the Board as to the failure of the Board to act shall be issued on request of the applicant.

3. Substantial Modification

a.. If any substantial modification is proposed or required after preliminary approval has been granted, an application for such modification shall be submitted and proceeded upon as in the case of the original application for development. The applicant may apply for modification approval either independently of or concurrently with application for final approval. In either case, notice pursuant to NJSA 40:55D-1 et seq. shall be required and shall state the nature of the proposed modification. A substantial modification shall mean one which: (a) increases the density of development; (b) increases the square footage of buildings; (c) proposes a different use; (d) would result in increased adverse impact upon properties in the immediate area with respect to factors such as, but not limited to, noise, glare and increased drainage runoff; or (e) materially

changes a required element of the development plan.

b. If the Central Planning Board or the Zoning Board of Adjustments required any substantial amendment in the layout or design of improvements proposed by the developer, that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The Central Planning Board shall, if the proposed development complies with the ordinance and the Municipal Land Use Law, grant preliminary approval.

4. Effect of Preliminary Approval

a. Preliminary approval of a major site plan, except as provided in this Section, shall confer upon the applicant the following rights for a three (3) year period from the date on which the resolution granting preliminary approval is adopted.

i. That the general terms and conditions on which preliminary approval was granted shall not be changed, including, but not limited to: use requirements; layout and design standards for streets, curbs and sidewalks; lot sizes; yard dimensions and off-tract improvements; and in the case of a site plan, any requirements particular to the site plan approval pursuant to NJSA 40:55D-41, except that nothing herein shall be construed to prevent the City from modifying by ordinance such general terms and conditions of preliminary approval as related to the public health and safety.

ii. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be.

iii. That the applicant may apply for and the Board may grant extension on such preliminary approval of at least one (1) year, but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

iv. Whenever the Board grants an extension of preliminary approval pursuant to the previous paragraphs above and preliminary approval has expired before the date on which the extension was granted, the extension shall begin on what

would otherwise be the expiration date. The developer may apply for an extension either before or after what would otherwise be the expiration date.

v. The Board shall grant an extension of preliminary approval for a period determined by the Board, but not exceeding one (1) year from what would otherwise be the expiration date if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented directly or indirectly from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before: (a) what would otherwise be the expiration date of the preliminary approval; or (b) the ninety-first (91) day after the developer received the last legally required approval from other governmental entities, whichever is later. An extension granted pursuant to this Section shall not preclude the Board from granting an extension pursuant to the previous paragraphs above.

5. Simultaneous Preliminary and Final Site Plan Approval

a. Combined preliminary and final site plan approval may be granted provided all submission requirements for both applications are met. The time limit within which the Board shall act shall be the longest time period permitted for either of the two (2) approvals.

40:15-8-3. Final Major Site Plan Requirements

1. Submission Requirements

a. Final site plan drawings shall include any changes or modifications required by the Board while granting preliminary approval, and the additional information required hereunder pursuant to this Section and Section 40:15-8-2.

b. Six (6) sets of copies of the site plan duly revised shall be required for the final submission.

c. Digital Submission Requirement: All required documents shall also be submitted digitally on a CD (compact disk) or USB drive, which shall be submitted with other required documentation. The digital files shall be combined into a single Adobe Portable Document File (PDF file format).

d. The final submission shall be made at least twenty (20) days prior to the regularly scheduled meeting of the Board.

2. Board Action

a. The Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions for preliminary approval.

2. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed shall constitute final approval and a certificate of the Secretary of the Central Planning Board as to the failure of the Board to act shall be issued on request of the applicant.

3. Whenever review or approval of the application by the County Planning Board is required by NJSA 40:27-6.1 or 40:27-6.6, the Board shall condition its approval on timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

4. Effect of Final Approval

a. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date on which the resolution of final approval is adopted. If the developer has followed the standards prescribed for final approval the Board may extend such period of protection for extensions of one (1) year but not to exceed three (3) extensions. Notwithstanding any other provisions of this Chapter, the granting of final approval terminates the time period of preliminary approval, for any Section of the development which is granted final approval.

b. Whenever the Board grants any extension of final approval pursuant to the preceding paragraph, and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before

or after what would otherwise be the expiration date.

c. The Board shall grant an extension of final approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for an extension before: (a) what would otherwise be the expiration date of final required approval; or (b) the ninety-first (91) day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this Section shall not preclude the Board from granting an extension pursuant to the preceding paragraphs.

5. Conditions of Approval

a. **Conditions Binding.** All conditions of preliminary and final approval shall be binding upon the applicant, all present and future owners, tenants, users and occupants of the property and their respective successors and assigns.

b. **Failure to Maintain.** The applicant and any successor in interest shall be responsible for installing and maintaining in good order and condition all required improvements and landscaping, unless such improvements and landscaping are to be installed by, and/or dedicated and maintained by the City, County or another party under the terms of approval granted by the Board. Such required improvements shall include, but not limited to, parking improvements, buffer zones, drainage facilities, exterior lighting, and landscaping. Failure of any responsible party to install and/or maintain the required improvements or landscaping shall constitute a violation of this Chapter and shall be subject to the enforcement procedures set forth herein.

40:15-8-4. Amended Site Plan Review

Applications for amended site plan review shall be governed by the same requirements as all other applications for site plan review.

40:15-8-5. Conditional Use Approval

1. Submission requirements for conditional use applications shall be the same as for a major site plan, except as set forth below.

a. The Board shall grant or deny an application for conditional use approval within ninety-five (95) days of submission of a complete application or within such further time as may be consented to by the applicant. If relief is requested pursuant to NJSA 40:55D-7od, the Board shall grant or deny within one hundred twenty (120) days of submission of a complete application or within such further time as consented by the applicant.

b. The Board shall approve or deny a conditional use application simultaneously with any accompanying site plan application. The longest time for action by the Board, whether it be for conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the applicant, notice of the hearing on the application shall include reference to the request for conditional use approval.

c. In approving a conditional use, a time limit of one (1) year from the date of the approval shall be set within which the owner shall secure a construction permit; otherwise the approval shall be null and void. The Board may, for good cause shown, extend the period for securing a construction permit for an additional period not exceeding six (6) months.

d. The conditions for approval shall be those specifically set forth above as well as the applicable area and yard requirements listed in each zoning district, the parking and buffer requirements set forth above and all other applicable design requirements provided in this Chapter.

40:15-8-6. Major Site Plan Drawing Requirements

1. Survey Map

a. A survey of the site shall be performed by a New Jersey licensed surveyor pursuant to NJSA 45:8.

b. A title block pursuant to NJSA 13:40-2 in bottom right corner listing street addresses, block and lot numbers, and land area.

c. Bearings to the nearest ten seconds and distances to the nearest hundredth for all property

lines. It shall indicate true north or magnetic north.

d. The location of any existing monuments used for the survey. The areas of the site in square feet and acres to the nearest hundredth.

e. Existing site elevations and contour lines at two (2) foot intervals. If an assumed datum is used, its locations, should be clearly indicated.

f. The natural site characteristics such as streams, drainage ways, lakes, existing vegetation, marsh vegetation, etc.

g. Location, size and nature of existing buildings, structures, and impervious areas.

h. Locations and dimensions of existing rights of way/easements deed restrictions on survey or plan.

i. A legend indicating all symbols used on survey sheet.

j. Lot area in square feet.

k. Utility locations.

2. Site Plan Cover Sheet:

a. A detailed textual project description on the cover sheet of the plans to include, but not limited to:

Number of proposed uses and types of uses

Number of dwelling units, broken down by

Number of bedrooms

Hours of operation

Number of employees: total and by shift

Anticipated traffic volume

Hazardous material information (chemicals to be used/stores at site, and long-term effects on site from chemical usage/storage at site)

Anticipated noise impacts

Number of parking spaces

b. Statement of whether or not the site is located in a flood hazard area and if so how mitigated.

c. A listing of all variances, conditional use approvals and all other municipal, County, State, Federal and other (e.g., PVSC) permits required, applied for and/or received, as well as the date and requirements of such (if none required, state same), in chart form showing the requirement, project provisions and

whether variances or waivers are needed.

d. A locational key map at a scale of 1" = 1,000' with a north directional arrow, a graphic scale, the names of all streets and rights-of-way within a three thousand (3,000) foot radius of the site.

e. The street address and block and lot numbers of the site as shown on the current City tax map and the zoning designation of the property in the title block at the bottom right corner of the cover page.

f. Block Diagram of 200' radius labeled with zoning, buildings, footprints, land uses and fire hydrants shown.

3. Site Plan:

a. A title block pursuant to NJSA 13:40-1.

b. North Arrow.

c. Cross section of proposed site characteristics, retaining walls, and slopes on plans.

d. Proposed building locations, building dimensions, construction types, and building setbacks on plans.

e. Fencing, type and height, gates if proposed.

f. Retaining walls, type and height, if proposed.

g. Adjacent Streets shown on plans with direction arrows to show traffic flow.

h. Details of all paving, walls, curbs, handicapped features, etc. on plans.

i. Facilities for the storage and collection of refuse and recyclable materials for the site including details of walls or fences used for screening purposes as well as measures to assure protection from infestation of rats and vermin, etc. Provisions for collection of refuse shall also be provided.

4. Demolition Plan:

a. Proposed demolition activities (indicated in dashed lines) on a separate page on plans.

5. Landscaping Plan:

a. The locations, species name, common name,

mature height, planting height or caliper, and quantities of all proposed and existing plantings, maintenance statement and planting details. Existing live trees over three inches caliper shall be preserved.

6. Lighting Plan:

a. The location, type and height of all existing and proposed exterior on-site, pole and building mounted and adjacent right-of-way lighting, with isolux contours of illumination showing effects in buildings, sidewalks, parking areas, signs and any spillover effects, etc.

b. The construction details of all proposed fixtures shall be illustrated.

c. Lighting design shall conform to the current *Illuminating Engineering Society Lighting Handbook*.

7. Soil Erosion/Sediment Control Plan.

8. Parking Plan:

a. Location and dimensions of any vacated or intended to be vacated streets and nature of all easements and rights-of-way.

b. Names and width of all adjacent streets showing directions of vehicular traffic flow and all utilities within existing streets.

c. A layout of all on-site traffic and/or off-site parking arrangements, including circulation patterns for pedestrians and vehicular traffic and measurements for all driveways, travel ways and parking spaces.

d. Measurements for curb widths and driveway spacing.

e. Walkway depictions on plans with information about pavement types and curbing.

f. Vehicular circulation depictions for trucks.

g. On-site loading/drop-off/pick-up areas identified and with measurements.

h. Company vehicle/trucks, number owned by

company if any.

i. Provision for handicapped persons such as parking facilities accompanied with easy accessibility through sidewalks and ramps, housing units, etc., as required by the Barrier-Free Design Regulations (NJAC Title 17).

9. Storm Water/Utility Plan:

a. Storm drainage calculations (sanitary flow and run-off calculations) with details on retention facilities, elevations and flow direction.

b. Percolation test result for storm water drainage seepage pits or drywells.

c. Utility connections plan with diameters for all service and public lines (or for the reuse of existing buildings, a statement of plans signifying if existing utility connections are to be used otherwise a utility plan is required for new construction).

d. The location, type, size, inverts, and slope of all sanitary utilities such as grease traps, oil separators, clean outs, manholes, monitoring points, or any other appurtenances required.

e. Utility pole locations.

f. Mechanical and HVAC location and type.

g. Water meter setting diagrams.

10. Building Elevations:

a. Finished floor elevations and the datum upon which these are based.

b. Indicating heights, colors, exterior materials and finishing details, including but not limited to walls, windows, and fenestrations.

c. Signage plan detailing type, illumination method, location, material, colors, measurements, installation method.

11. Floor Plans:

a. Individual room measurements showing width and depth of each room in feet, building measurements showing width and depth of building, unit measurements, units labeled.

b. Room labels including number of bedrooms.

c. For residential projects, a table with number of units, bedroom count and square footage range.

12. Detail sheets:

a. Drywell profiles, street tree plantings, curb cuts profiles, fence details, traffic details, sign details, retaining wall details, sidewalk and curb details, handicap ramp details, pavement restoration details.

40:15-8-7. Variances Without Site Plan Submission Requirements

1. Variance applications that are not part of a subdivision or site plan application shall submit the following:

a. The applicant shall submit a completed City of Newark Central Planning Board/Zoning Board of Adjustment application with the payment of the required fee, as provided in Section 37:4-2.

b. Six (6) sets of site plan drawings which are submitted as a part of a preliminary site plan application shall include a cover sheet, a boundary and topography survey map and a site detail plan, the details of which shall comply with Section 40:15-239

c. The site plan drawings shall be prepared in the size of twenty-four (24) inches by thirty-six (36) inches or thirty (30) inches by forty-two (42) inches.

The sites which cannot be accommodated within the thirty (30) inches by forty-two (42) inches, the plan may be drawn at a smaller scale; however, the selection of such scale shall require prior consultation and approval by the Zoning Board of Adjustment. Additional sets of plans for Board members shall be required upon scheduling of hearing.

d. The cover sheet and site plan detail sheet information may be combined on one (1) sheet in those cases where the required information can be effectively and clearly shown.

e. All drawings shall be numbered in sequential fashion and properly identified.

f. Digital Submission Requirement: All required documents shall also be submitted digitally

on a CD (compact disk) or USB drive, which shall be submitted with the rest of the required documentation. The digital files shall be combined into a single Adobe Portable Document File (PDF file format).

g. The preliminary submission shall be made thirty (30) days prior to the regularly scheduled meeting of the Board.

2. Variances without site plan Drawing Requirements

a. Survey Map

i. A survey of the site shall be performed by a New Jersey licensed surveyor pursuant to NJSA 45:8.

ii. A title block pursuant to NJSA 13:40-2 in bottom right corner listing street addresses, block and lot numbers, and land area.

iii. Bearings to the nearest ten seconds and distances to the nearest hundredth for all property lines. It shall indicate true north or magnetic north.

iv. The location of any existing monuments used for the survey. The areas of the site in square feet and acres to the nearest hundredth.

v. Existing site elevations and contour lines at two (2) foot intervals. If an assumed datum is used, its locations, should be clearly indicated.

vi. The natural site characteristics such as streams, drainage ways, lakes, existing vegetation, marsh vegetation, etc.

vii. Location, size and nature of existing buildings, structures, and impervious areas.

viii. Locations and dimensions of existing rights of way/easements deed restrictions on survey or plan.

ix. A legend indicating all symbols used on survey sheet.

x. Lot area in square feet.

xi. Utility locations.

b. Site Plan

i. A detailed textual project description on the cover sheet of the plans to include, but not limited to:

- Number of proposed uses and types of uses
- Number of dwelling units, broken down by
- Number of bedrooms
- Hours of operation
- Number of employees: total and by shift
- Anticipated traffic volume
- Hazardous material information (chemicals to be used/stores at site, and long-term effects on site from chemical usage/storage at site)
- Anticipated noise impacts
- Number of parking spaces

ii. Statement of whether or not the site is located in a flood hazard area and if so how mitigated.

iii. A listing of all variances, conditional use approvals and all other municipal, County, State, Federal and other (e.g., PVSC) permits required, applied for and/or received, as well as the date and requirements of such (if none required, state same), in chart form showing the requirement, project provisions and whether variances or waivers are needed.

iv. A locational key map at a scale of 1" = 1,000' with a north directional arrow, a graphic scale, the names of all streets and rights-of-way within a three thousand (3,000) foot radius of the site.

v. The street address and block and lot numbers of the site as shown on the current City tax map and the zoning designation of the property in the title block at the bottom right corner of the cover page.

vi. Block Diagram of 200' radius labeled with zoning, buildings, footprints, land uses and fire hydrants shown.

vii. A title block pursuant to NJSA 13:40-1.

viii. North Arrow.

ix. Cross section of proposed site characteristics, retaining walls, and slopes on plans.

- x. Proposed building locations, building dimensions, construction types, and building setbacks on plans.
- xi. Fencing, type and height, gates if proposed.
- xii. Retaining walls, type and height, if proposed.
- xiii. Adjacent Streets shown on plans with direction arrows to show traffic flow.
- xiv. Details of all paving, walls, curbs, handicapped features, etc. on plans.
- xv. Facilities for the storage and collection of refuse and recyclable materials for the site including details of walls or fences used for screening purposes as well as measures to assure protection from infestation of rats and vermin, etc. Provisions for collection of refuse shall also be provided.
- c. Demolition Plan
 - i. Proposed demolition activities (indicated in dashed lines) on a separate page on plans.
- d. Landscaping Plan
 - i. The locations, species name, common name, mature height, planting height or caliper, and quantities of all proposed and existing plantings, maintenance statement and planting details. Existing live trees over three inches caliper shall be preserved.
- e. Lighting Plan
 - i. The location, type and height of all existing and proposed exterior on-site, pole and building mounted and adjacent right-of-way lighting sidewalks, parking areas, signs and any spillover effects, etc.
 - ii. The construction details of all proposed fixtures shall be illustrated.
 - iii. Lighting design shall conform to the current *Illuminating Engineering Society Lighting Handbook*.
- f. Parking Plan
 - i. Location and dimensions of any vacated or intended to be vacated streets and nature of all easements and rights-of-way.
- ii. Names and width of all adjacent streets showing directions of vehicular traffic flow and all utilities within existing streets.
- iii. A layout of all on-site traffic and/or off-site parking arrangements, including circulation patterns for pedestrians and vehicular traffic and measurements for all driveways, travel ways and parking spaces.
- iv. Measurements for curb widths and driveway spacing.
- v. Walkway depictions on plans with information about pavement types and curbing.
- vi. Vehicular circulation depictions for trucks.
- vii. On-site loading/drop-off/pick-up areas identified and with measurements.
- viii. Company vehicle/trucks, number owned by company if any.
- ix. Provision for handicapped persons such as parking facilities accompanied with easy accessibility through sidewalks and ramps, housing units, etc., as required by the Barrier-Free Design Regulations
- x. Water meter setting diagrams.
- g. Building Elevations:
 - i. Finished floor elevations and the datum upon which these are based.
 - ii. Indicating heights, colors, exterior materials and finishing details, including but not limited to walls, windows, and fenestrations.
 - iii. Mechanical and HVAC location and type.
 - iv. Signage plan detailing type, illumination method, location, material, colors, measurements, installation method.
- h. Floor Plans
 - i. Individual room measurements showing width and depth of each room in feet, building

measurements showing width and depth of building, unit measurements, units labeled.

- ii. Room labels including number of bedrooms.
- iii. For residential projects, a table with number of units, bedroom count and square footage range.
- i. Detail sheets
 - i. Drywell profiles, street tree plantings, curb cuts profiles, fence details, sign details, retaining wall details, sidewalk and curb details, handicap ramp details, pavement restoration details.

40:15-8-8. Pre-Application Conference

The developer may participate in a pre-submission conference with the Newark Planning Office and the Engineering Department, either in person or by agent. The purpose of this conference shall be to evaluate the proposal for the type of review required and to ensure that the developer receives all proper information regarding the submission. No statement or representation by either the developer, the Newark Planning Office or the Engineering Department at this conference shall be binding or final. The Secretary may request that representatives of various City reviewing agencies or departments attend any pre-application meeting.

40:15-8-9. City Agencies & Department Review

The Secretary to the reviewing board shall forward the application for site plan approval and a copy of site plan drawings to the following City agencies and department heads for their review and written comments.

1. One (1) copy to the Central Planning Board staff.
2. Two (2) copies to the Department of Engineering.
3. One (1) copy to the Department of Water/Sewer Utilities.
4. One (1) copy to the Fire Department.
5. One (1) copy to the Police Department.

The Central Planning Board shall retain one (1) copy for its records.

The applicant is expected to comply with any

requirements and recommendations raised by any of the above City agencies.

40:15-8-10. Planned Unit Development & Public Areas

1. The planned unit development and public areas shall require that prior to approval of such development, the Central Planning Board shall find the following facts and conclusions:
 - a. That departure by the proposed development from zoning regulations, otherwise applicable to the subject property, conforms to Title XL, Revised General Ordinances of the City of Newark;
 - b. That the proposals for maintenance and conservation of the common open space are supported, and the amount, location and purpose of the common open space are adequate;
 - c. That provisions through the physical design of the proposed development for public services control other vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
 - d. That the proposed planned unit development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.

2. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

40:15-8-11. Ownership and Maintenance of Common Open Spaces in Planned Unit Development.

1. Public Dedication. Common open space which may be dedicated to the City shall be free and clear of all mortgages and encumbrances, and shall only be dedicated at the discretion of the City.
2. Private Dedication. Dedicated areas may be deeded free and clear of any encumbrances, to a permanent property owner's association, cooperative or condominium corporation for its use, control and management for common open space, recreational or other similar use, and providing appropriate restrictions

to assure the effectuation of the purpose of this Section and to provide for the maintenance and control of the area. The organization shall meet the following standards, to be written into the articles of incorporation and/or bylaws:

a. The developer shall provide for an organization for the ownership and maintenance of any open space for the benefit of owners or residents, if said open space is not dedicated to the City. Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space for the benefit of such development, and thereafter such organization shall not be dissolved or dispose of any of its open space without first offering to dedicate the same to the City.

b. In the event that such organization shall fail to maintain the open space in reasonable order and condition, the Director of Engineering or the Secretary of the Central Planning Board may serve written notice upon such organization or upon the owners of the development, setting forth the manner in which the organization has failed to maintain the open space in reasonable condition, and the notice shall include a demand that such deficiencies of maintenance be cured within thirty-five (35) days thereof and shall state the date and place of a hearing thereon, which shall be held within fifteen (15) days of the notice. At such hearing the Central Planning Board may modify the terms of the original notice as to deficiencies and may give reasonable extension of time, not to exceed sixty-five (65) days within which the deficiencies shall be cured. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within the thirty-five (35) days or any permitted extension thereof, the Board, in order to preserve the open space and maintain the same for a period of one (1) year, may enter upon and maintain such land. The entry and maintenance shall not vest in the public any right to use the open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of the year, the Central Planning Board or the Director of Engineering shall upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the open space, call a public hearing upon fifteen (15) days written notice to such organization and to the owners of

the development, to be held by the Central Planning Board at which hearing such organization and the owners of the development shall show cause why such maintenance by the City shall not, at the election of the City, continue for a succeeding year. If the City shall determine that such organization is ready and able to maintain the open space in reasonable condition, the City shall cease to maintain the open space at the end of the year. If the Director shall determine such organization is not ready and able to maintain the open space in a reasonable condition, the City may, in its discretion, continue to maintain the open space during the next succeeding year, subject to a similar hearing and determination in each year thereafter. The decision of the Central Planning Board shall constitute a final administrative decision, subject to judicial review.

c. The cost of such maintenance by the City shall be assessed by the Director of Engineering prorated against the properties within the development that have a right of enjoyment of the common open space, in accordance with assessed value at the time of imposition of the lien, and shall become a lien and tax on these properties and assessed thereon and shall be enforced and collected with interest by the same officers and in the same manner as other taxes.

40:15-8-12. Reservation of Public Areas

The Master Plan or the Official Map provides for the reservation of designated streets, public drainageways, flood control basins, or public areas within the proposed development. Before approving a site plan, the Central Planning Board may further require that such streets, ways, basins or areas be shown on the plat in locations and sizes suitable to their intended uses. The Central Planning Board may reserve the location and extent of such streets, ways, basins or areas shown on the plat for a period of one (1) year after the approval of the final plat or within such further time as may be agreed to by the developer. Unless during such period or extension thereof the City shall have entered into a contract to purchase or institute condemnation proceedings according to law for the fee or a lesser interest in the land comprising such streets, ways, basins or areas, the developer shall not be bound by such reservations shown on the plat and may proceed to use such land for private use in accordance with applicable development regulations. The provisions of this Section shall not apply to streets and roads, flood control basins or public drainageways

necessitated by the land development and required for final approval.

40:15-8-13. Performance Guarantees & Improvement Costs

1. As a condition of final site plan approval, the Central Planning Board may require and shall accept in accordance with the standards adopted by this Chapter for the purpose of assuring the installation and maintenance of on-tract improvements:

a. The furnishing of a performance guarantee in favor of the City of Newark in an amount not to exceed one hundred twenty (120%) percent of the cost of installation for improvements, which cost shall be determined by the Director of the Department of Engineering according to the method set forth in NJSA 40:55D-53.4, which may be deemed necessary or appropriate including: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyors, monuments as shown on the final plat and required by the "Map Filing Law," NJSA 46:23-9.9 et seq.; water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices , and public improvements of open space. The Director of the Department of Engineering shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost list shall be appended to each performance guarantee posted by the obligor.

2. Provisions for a maintenance guarantee to be posted with the Municipal Council, City of Newark for a period not to exceed two (2) years after final acceptance of the improvements, in an amount not to exceed fifteen (15%) percent of the cost of the improvements. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the City of Newark for such utilities or improvements.

3. All improvements required by the Central Planning Board shall be subject to inspection and approval by the Director of the Department of Engineering who shall be notified by the developer at least twenty-four (24) hours prior to the start of construction of the

same. No underground installation shall be covered until inspected and approved.

4. The time allowed for installation of improvements for which the performance guarantee has been provided may be extended by the Municipal Council by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced to an amount not to exceed one-hundred and twenty (120%) percent of the cost of the installation, which cost shall be determined by the Director of the Department of Engineering according to the method of calculation set forth in NJSA 40:55D-53.4 as of the time of the passage of the resolution.

5. If the required improvements are not completed or corrected in accordance with the performance guarantee the obligor and surety, if any, shall be liable thereon to the City of Newark for the reasonable cost of the improvements not completed or corrected and the City of Newark may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law" NJSA 40A:11-1 et seq.

6. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the Municipal Council in writing, by certified mail addressed in care of the City Clerk, that the Director of the Department of Engineering prepare, in accordance with the itemized cost estimate prepared by the Director of the Department of Engineering and appended to the performance guarantee pursuant to Subsection A, above, of this Section, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the Director of the Department of Engineering. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the Director of the Department of Engineering shall inspect all improvements covered by obligor's request and file a detailed list and report, in writing, with the Municipal Council, and shall simultaneously send a copy thereof to the obligor

not later than forty-five (45) days after receipt of the obligor's request.

a. The list prepared by the Director of the Department of Engineering, shall state, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the Director of the Department of Engineering shall identify each improvement determined to be completed and satisfactory together with a recommendation as to the amount of the reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the Director of the Department of Engineering and appended to the performance guarantee pursuant to Subsection A, above, of this Section.

7. The Municipal Council, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Director of the Department of Engineering, or reject any of all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Director of the Department of Engineering and appended to the performance guarantee in accordance with Subsection A, above, of this Section. This resolution shall be adopted not later than forty-five (45) days after receipt of the list and report prepared by the Director of the Department of Engineering. Upon adoption of the resolution by the Municipal Council, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that thirty (30%) percent of the amount of the total performance guarantee posted may be retained to ensure completion and acceptability of all improvements.

a. For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved improvement shall be reduced by the total amount for each such improvement, in

accordance with the itemized cost estimate prepared by the Director of the Department of Engineering, including any contingency factor applied to the cost of installation. If the sum of the approved improvements would exceed seventy (70%) percent of the total amount of the performance guarantee, then the municipality may retain thirty (30%) percent of the amount of the total performance guarantee to ensure completion and acceptability of all improvements, as provided above.

b. If the Director of the Department of Engineering fails to send or provide the list and report as requested by the obligor pursuant to Subsection D, above, of this Section within forty-five (45) days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Director of the Department of Engineering to provide the list and report within a stated period of time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

i. If the Municipal Council fails to approve or reject the improvements determined by the Director of the Department of Engineering to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within forty-five (45) days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, the approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Director of the Department of Engineering; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

8. If any portion of the required improvements are rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure for notification, as set forth in this Section, shall be followed.

9. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Municipal Council or the Director of the Department of Engineering.

10. The obligor shall reimburse the City of Newark for all reasonable inspection fees paid to the Director of the Department of Engineering for the foregoing inspection of improvements; provided that the City of Newark may require of the developer a deposit for the inspection fees in the amount not to exceed, except for extraordinary circumstances, the greater of five hundred (\$500) dollars or five (5%) percent of the cost of the improvements, which cost shall be determined pursuant to NJSA 40:55D-53.4.

a. For those developments for which the inspection fees are less than ten thousand (\$10,000) dollars, fees may, at the option of the developer, be paid in two (2) installments. The initial amount deposited by the developer shall be fifty (50%) percent of the inspection fees. When the balance on deposit drops to ten (10%) percent of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Director of the Department of Engineering for inspection, the developer shall deposit the remaining fifty (50%) percent of the inspection fees.

b. For those developments for which the inspection fees are ten thousand (\$10,000) dollars or greater, fees may, at the option of the developer, be paid in four (4) installments. The initial amount deposited by the developer shall be twenty-five (25%) percent of the inspection fees. When the balance on the deposit drops to ten (10%) percent of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Director of the Department of Engineering for inspection, the developer shall make additional deposits of twenty-five (25%) of the inspection fees.

i. The Director of the Department of Engineering shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

11. In the event that final approval is by stages or sections of development pursuant to Subsection A of NJSA 40:55D-38, the provisions of this Section shall be applied by stage or section.

12. To the extent that any of the improvements have been dedicated to the City of Newark on the site plan, the Municipal Council shall be deemed, upon the release of any performance guarantee required pursuant to Subsection A of this Section, to accept

dedication for public use of streets or roads and any other improvements made thereon according to site plan approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Director of the Department of Engineering.

40:15-8-14. Commencement of Project

1. Notice Upon Commencement; Site Plan Copy at Construction Site

a. The Director of Engineering and the Secretary of the Central Planning Board shall be notified in writing seventy-two (72) hours before the commencement of construction of any development which has received final site plan approval. This notification shall be sent by the applicant.

b. Two copies of the approved final site plan shall remain at the construction site during the entire construction period until a certificate of occupancy has been issued and all requirements of the plan have been complied with.

40:15-8-15. Inspection

No person shall interfere with or prevent a Construction Code Official or Sub-code Official or the authorized person of the Central Planning Board from inspecting any site while engaged in the performance of his or her duties under this Title. Permission is granted to the Construction Code Official or his or her authorized designee to enter upon the site and property during regular work hours.

40:15-8-16. Enforcement

1. Pursuant to NJSA 40:55D-18, the Construction Code Official or Sub-code Official shall inspect each site for which a performance bond or certified check has been posted and the Construction Code Official shall certify to the developer whether installations and control measures are in compliance with the standards in general design principles prescribed in Chapter 16. In addition, an applicant is responsible for compliance with any specific requirements that have been stated as conditions of site plan approval. The Construction Code Official shall keep the Central Planning Board informed as to whether the construction is in compliance with the requirements of the site plan. If the Official shall, during the course of an inspection, find that a developer is not complying with the approved site plan, the Construction Code Official shall send a written report of his findings to the Central

Planning Board or the Zoning Board of Adjustments.

2. The Central Planning Board shall forward such notice to the applicant indicating in the notice the specific reasons for the noncompliance notice. Within seven (7) days of the notice, another inspection shall be made by the appropriate officials. If noncompliance is again found, the Director of Engineering or the Construction Code Official shall issue a stop-construction order for all activities on the site. The order shall be sent to the developer by certified mail. Such an order shall be issued whenever a project is not being conducted in accordance with (1) the approved final site plan modifications; (2) conditions stipulated at the time of final site plan approval; or (3) provisions provided by this Chapter. The notice sent to the applicant regarding a stop-work notification shall inform the developer that he/she has a right to contest the stop-work order by making a request to the Central Planning Board for a review of the site plan. The participants of such a review shall be the Director of the Department of Engineering and the Director of the Newark Planning Office. If after the review it is found that the applicant deviated from the final site plan approval specifications the Construction Code Official shall provide to the applicant the specifics of the noncompliance, necessary corrective measures, and a timetable for compliance of the same in writing.

3. Prior to the commencement of construction after a stop-work order, the applicant is required to submit signed and sealed amended plans (three (3) copies—one (1) copy to be submitted to the Director of Engineering, one (1) copy to be submitted to the Central Planning Board and one (1) copy to the City Planning Officer). After a review of these plans by the Engineering Department and the Planning Office if the plans are acceptable, then a notice informing the developer to continue construction will be issued forthwith.

40:15-8-17. Penalties

1. Any person who violates any provision of Chapter 16 shall upon conviction thereof, be punished by a fine not exceeding one thousand (\$1000.00) dollars.
2. For any and every violation of any other provision of this Chapter, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the owner, general agent, contractor, architect, builder, or any other person who

commits, takes part or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall, for each and every violation, be punished by a fine not exceeding one thousand (\$1000.00) dollars.

3. A separate offense shall be deemed continued on each day during or on which a violation occurs or continues.

40:15-8-18. Completion

1. Filing Upon Completion

Upon completion of all work, a professional architect or professional engineer licensed in the State of New Jersey shall file with the Secretary of the Central Planning Board and the Director of Engineering, certification on a form obtained from the Department of Engineering, that all measures of the site plan have been completed in conformance with the approved plan and provisions of this Chapter.

40:15-9. Time Period for Action by the Zoning Board of Adjustment

40:15-9-1. Variances

1. The Zoning Board of Adjustment shall render its decision not later than one hundred twenty (120) days after the date: (a) an appeal is taken from the decision of an administrative officer; or (b) the submission of a complete application for a variance to the Board pursuant to the provisions of NJSA 40:55D-72(b).
2. Whenever an application for development requests relief pursuant to subdivision or site plan approval associated with a use variance, the Zoning Board of Adjustment shall grant or deny approval of the application within one hundred and twenty (120) days after submission by a developer of a complete application to the Zoning Board of Adjustment or within such further time as may be consented to by the applicant. In the event that the developer elects to submit separate consecutive applications, the one hundred and twenty (120) day provision shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this Chapter. Failure of the Board to act within the period prescribed shall constitute approval of the application, and a certificate of the Secretary of the Zoning Board of Adjustment as to the failure of the Board to act shall be issued on

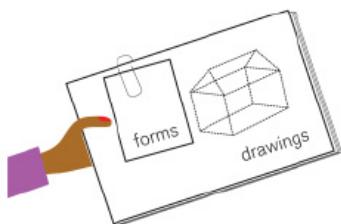
Sample Public Notice Sign

Notice of Public Hearing on Proposed Development



This public hearing will be conducted by the Central Planning Board to hear support for and objections to this proposed development.

DATE XX/XX/XX
TIME 6:30 PM
LOCATION Newark City Hall Council Chambers
 920 Broad Street, Floor 2
 Newark, NJ 07102



APPLICANT NAME / ADDRESS / PHONE
OWNER NAME / ADDRESS / PHONE
PROJECT ADDRESS
APPLICATION NUMBER
DESCRIPTION OF PROPOSED DEVELOPMENT

Documents relating to this application
may be inspected by the public at
Newark Planning Office
Newark City Hall Room 112
920 Broad Street, Newark, NJ 07102
(973) 733-6333
Office hours: 8:30 am–4:30 pm

MINIMUM 3 FEET

MINIMUM 3 FEET

request of the applicant.

40:15-9-2. Direction for the Issuance of a Permit

The Zoning Board of Adjustment shall render its decision not later than one hundred twenty (120) days after the date of submission of a complete application for direction for issuance of a permit. Failure of the Board to render a decision within such one hundred twenty (120) day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

40:15-9-3. Inquiries

The Zoning Board of Adjustment shall respond to inquiries submitted in writing as to whether a proposed land use is permissible under the Zoning Ordinance or Official Map within forty-five (45) days after the next meeting following receipt of the request or within such additional time as may be consented to by the inquirer.

40:15-10. Time Period for Action for Ancillary Powers of the Central Planning Board

Whenever the Central Planning Board is called upon to exercise its ancillary powers as set forth in Subsection 37:1-6l, the Board shall grant or deny approval of the application within one hundred twenty (120) days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. In the event the developer elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance or direction for issuance of a permit. The period for granting or denying any subsequent approval shall be as otherwise provided in NJSA 40:55D-1 et seq.

40:15-11. Provisions Applicable to Both the Central Planning Board & Zoning Board of Adjustment

40:15-11-1. Meetings

1. Meetings of both the Central Planning Board and Zoning Board of Adjustment shall be held as scheduled unless canceled for lack of applications for development to process.

2. Special meetings may be provided for at the call of the Chairperson and shall be held on notice to its members and the public in accordance with all applicable legal requirements.

3. No action shall be taken at any meeting without a

quorum being present.

4. All actions shall be taken by majority vote of the members present at the meeting except as otherwise required by any provision of NJSA 40:55D-1 et seq. Failure of a motion to receive the numbers of votes required to approve an application for development shall be deemed an action denying the application. A member of the Board who was absent for one (1) or more of the meetings at which a hearing was held shall be eligible to vote on a matter upon which the hearing was conducted, notwithstanding the absence from one (1) or more of the meetings; provided, however, that a transcript or recording of all of the hearings from which he or she was absent exists, and provided, further, that such Board member certifies in writing to the Board that he or she has read such transcript or listened to such recording.

5. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act.

40:15-11-2. Minutes

Minutes of every regular or special meeting of the Central Planning Board or the Zoning Board of Adjustment shall be kept and shall include the names of the persons appearing and addressing the Boards and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes of each Board shall thereafter be made available for public inspection during normal business hours at the office of the Secretary of the Board. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes.

40:15-11-3. Public Hearings

1. Rules. The Central Planning Board and the Zoning Board of Adjustment shall make rules governing the conduct of hearings, which rules shall not be inconsistent with the provisions of NJSA 40:55D-1 et seq. or of this Chapter.

2. Agendas. The meeting agendas for both the Zoning Board of Adjustment and the Central Planning Board shall be posted online by the Newark Planning Office.

3. Maps. Any maps and documents for which approval

is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours in the office of the Board Secretary. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify the previously filed maps and documents.

4. Oaths. The officer presiding at the hearing or such other person as may be designated shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law (C. 2A:67A-1 et seq.) shall apply.

5. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

6. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

7. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The Board shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his or her expense.

40:15-11-4. Notice Requirements for Hearing

Public notice of a hearing on an application for development or relief per NJSA 40:55D-1 et seq. shall be given for final major site plans, minor site plans, final major subdivisions, and variances. Notice pursuant to this Section shall be given by the applicant at least ten (10) days prior to the date of the hearing. The Secretary of the Board or the applicant shall give notice thereof at the applicant's expense as follows:

1. Public notice shall be given by publication in the

official newspaper of the municipality.

2. Public notice shall be given by a sign(s) posted on the proposed development site. The sign shall be the responsibility of the applicant and posted subject to the following conditions:

a. The sign(s) shall be posted no less than ten (10) calendar days prior to the date of the public hearing and shall not be removed by the applicant until the hearing is closed;

b. The sign(s) shall be firmly secured to the ground or structure to prevent vandalism and shall be along the most visible portion of street frontage. The sign(s) shall be erected in a manner so as to be visible to traffic moving in both directions. Signs must be posted within five (5) to 15 feet of the property line. If there is more than one street frontage of the parcel, one sign for each street frontage shall be posted;

c. Sign Design and Content. The sign(s) shall comply with the following sign design requirements:

i. The composition of the sign(s) shall be of a durable material with a dimension of at least three (3) feet by three (3) feet painted white with black lettering having a minimum height of three (3) inches for the title;

ii. The words "Notice of Public Hearing" shall be a minimum of three (3) inches in size. Sign content should match the example to the right.

iii. The sign(s) shall advertise the date, time, and location of the public hearing, as well as name, address, and a contact phone number for Applicant and Owner, with at minimum (two) 2 inch high lettering;

d. The applicant is responsible for submitting a signed affidavit along with two (2) photos of the posted sign(s) to the appropriate approval board secretary. One photo shall show the contents of the sign; the second photo shall show the sign posted in front of the property. An applicant who fails to display the sign or prove that the sign was displayed shall result in a delay in application processing.

e. Applicant shall complete the following affidavit and mail or deliver it to: Newark Planning Office, 920 Broad Street, Room 112, Newark, New Jersey, no later than 5 days after the sign posting. The signed

affadavit shall contain the following elements:

Application No.: _____

Filed on: _____

I, (applicant) hearby certify that on (date of sign installation) I installed a notice of public hearing sign at the property known as _____ for which the major development application number _____ is being considered by the (approval entity) on (date of hearing).

I also hereby agree to meet the specifications and general requirements of the sign content as stated in Section 40:15-11-4(2)(c) of the Newark Zoning and Land Use Regulations.

Attached to this affadavit as Exhibit "C" is the photo(s) of the sign(s) as it was installed on the property and agree to the responsibility of maintaining the integrity and accuracy of the sign.

I also hereby agree to maintain the sign in place for a period of 10 days before each public hearing and for its subsequent removal thereafter.

Date: _____

Applicant's/Representative's

Signature: _____

Phone number: _____

3. Notice shall be given to the owners of all real property as shown on the current tax duplicate located within two hundred (200) feet in all directions of the property which is the subject of such hearing and whether located within or without the municipality in which applicant's land is located; provided that this requirement shall be deemed satisfied by notice to the: (a) condominium association, in the case of any unit owner whose unit has a unit above or below it; or (b) a horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Such notice shall be given by: (a) serving a copy thereof on the owner as shown on the current tax duplicate and most recent records of the tax surveyor in the Office of Assessment, or on his or her agent in charge of the property; or (b) mailing a copy thereof by certified mail to the property owner at his or her address as shown on the current tax duplicate and Tax Surveyor's records. Notice to a partnership owner

may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within two hundred (200) feet of the property which is the subject of the hearing may be made in the same manner as to a corporation without further notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

4. Notice shall be given by personal service or certified mail to the Municipal Clerk of any adjoining municipality when the property involved is located within two hundred (200) feet of said adjoining municipality.

5. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing County road or proposed road shown on the official County map or on the County Master Plan, adjoining other County land or situated within two hundred (200) feet of a municipal boundary.

6. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State highway.

7. Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Central Planning Board or Zoning Board of Adjustment pursuant to NJSA 40:55D-10(b).

8. All notices hereinabove specified in this Section shall be given at least ten (10) days prior to the date fixed for hearing and the person giving notice shall file an affidavit of proof of service with the Board holding the hearing on the application for development.

9. Any notice made by certified mail as hereinabove required shall be deemed complete upon mailing in accordance with the provisions of NJSA 40:55D-14.

10. All notices required to be given pursuant to the terms of this Chapter shall state the date, time and place of the hearing, the nature of the matters to be considered and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the City Tax Assessor's Office and the location and times at which any maps and documents for which approval is sought are available as required by law.

11. Notice of hearing on applications for approval of a major subdivision or a site plan not defined as a minor site plan in this Chapter requiring public notice pursuant to this Article shall be given, in the case of a public utility, cable television company or local utility which possesses a right-of-way or easement within the municipality and which is registered with the municipality and which has registered with the municipality in accordance with NJSA 40:55D-12.1, by: (a) serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company or local utility; or (b) by mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form.

12. The applicant shall file an affidavit of proof of service and affidavit of publication with the Board holding the hearing, at least two (2) days prior to the first scheduled hearing. In addition, the applicant shall submit the original white slips bearing the postmark from the post office from where notices were mailed.

13. It is the policy of both the Zoning Board of Adjustments and the Central Planning Board that no notices shall be reserved if any application is adjourned at the applicant's request. Thus, the adjacent property owners and every other body requiring a notice shall be notified of the adjourned hearing.

40:15-11-5. List of Property Owners Furnished

Pursuant to the provisions of NJSA 40:55D-12(c), the municipal Tax Assessor shall within seven (7) days after receipt of a written request therefor and upon receipt of payment of a fee of twenty (\$20.00) dollars, make and certify a list from the current tax duplicate of names and addresses of owners to whom notice must

be given pursuant to Subsection 37:3-6b. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner, to any public utility, cable television company, or local utility not on the list shall not invalidate any hearing or proceeding.

40:15-11-6. Registration by Public Utilities

1. Every public utility, cable television company and local utility which holds a right-of-way easement in the City and which is interested in receiving notice pursuant to this Chapter, may register with the City Clerk to receive such notice. The registration shall remain in effect until revoked by the public utility, cable television company, or local utility or by its successor in interest.

2. A registration fee of ten (\$10.00) dollars is required pursuant to NJSA 40:55D-12.1 for any public utility, cable television company or local utility, which registers to receive notice pursuant to this Section.

40:15-11-7. Decisions.

1. The Board shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The Board shall provide the findings and conclusions through:
 - a. A resolution adopted at a meeting held within the time period in NJSA 40:55D-1 et seq. for action by the Board on the application for development; or
 - b. A memorializing resolution adopted pursuant to NJSA 40:55D-10(g) at a meeting held not later than forty-five (45) days after the date of the meeting at which the Board voted to grant or deny approval. Only the members of the Board who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution.

2. A copy of the decision shall be filed in the office of the Secretary of the Central Planning Board or the Zoning Board of Adjustment, as the case may be, where it shall be made available for public inspection during reasonable hours.

3. A brief notice of the decision shall be published in the official newspaper of the municipality. Such

publication shall be arranged by the applicant. The notice shall be sent to the newspaper for publication within ten (10) days of the date of any such decision.

40:15-11-8. Payment of Taxes

Pursuant to the provisions of NJSA 40:55D-39 and NJSA 40:55D-65, every application for development submitted to the Central Planning Board or the Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on the property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments, or the making of adequate provision for the payment thereof in such manner that the municipality will be adequately protected.

40:15-11-9. Conditional Approval

1. In the event that an applicant submits an application proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any State agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by a State agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the Board shall process such application in accordance with this Chapter, and if such application complies with all City regulations, the Board shall approve such application conditioned on removal of such legal barrier to development.

2. In the event that development proposed by an application requires an approval by a governmental agency other than the Board, the Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency. The Board shall make a decision on any application within the time period provided in this Chapter or within an extension of such period as has been agreed to by the applicant, unless the Board is prevented or relieved from so acting by the operation of law.

40:15-11-10. Time Extensions

The Board and an applicant may mutually agree to extend the time limit specified for action. Such extension shall be made in writing or verbally at a public meeting of the Board.

40:15-11-11. Expiration of Variance

Any variance from the terms of this Chapter hereafter granted by either Board permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by the variance or unless such permitted use has actually been commenced within one (1) year from the date of publication of the notice of the decision of the Board granting the variance or unless specifically approved for a longer period of time as permitted by statute, except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing of appeal from the decision of the Board to a court of competent jurisdiction, until the termination in any manner of such appeal or processing.

40:15-11-12. Application by Corporation or Partnership

1. Disclosure by Corporate or Partnership Applicant. A corporation or partnership applying to the Central Planning Board or the Zoning Board of Adjustment shall list the names and addresses of all stockholders or individual partners owning at least ten (10%) percent of its stock of any class or at least ten (10%) percent of the interest in the partnership, as the case may be. 2. Disclosure by Corporation or Partnership Owning Ten (10%) Percent or More of Applicant. If a corporation or partnership owns ten (10%) percent or more of the stock of a corporation or interest of ten (10%) percent or greater in a partnership, either of which is subject to disclosure pursuant to the above paragraph, that corporation or partnership shall list the names and addresses of its stockholders holding ten (10%) percent or more of its stock or interest of ten (10%) percent or greater in the partnership, as the case may be; and this requirement shall be followed by every corporate stockholder or partner in said partnership until the names and addresses of the non-corporate stockholders and individual partners exceeding ten (10%) ownership criterion set forth in this Section have been listed.

3. The Board shall not approve the application of any corporation or partnership which does not comply with this Section.

4. Any corporation or partnership which conceals the

names of the stockholders owning ten (10%) percent or more of its stock or of the individual partners owning an interest of ten (10%) percent or greater in the partnership, as the case may be, shall be subject to a fine of one thousand (\$1,000.00) dollars to ten thousand (\$10,000.00) dollars, which shall be recovered in the name of the City of Newark in any court of record in the State in a summary manner pursuant to the Penalty Enforcement Law (NJSA 2A:58-1 et seq.).

40:15-12. Application for Development Procedures

40:15-12-1. Application: Procedures for Filing

1. The applicant shall obtain all necessary forms from the Newark Planning Office, which shall inform the applicant of the procedures to be followed in filing an application for development and advise the applicant which Board has jurisdiction over the application. The applicant shall provide such information as the Zoning Officer deems necessary in order to render a determination as to the type of application required. At the time of filing the application, but in no event less than ten (10) days prior to the date set for hearing, the applicant shall also file all sketch plats, plot plans, maps or other papers required by virtue of any provision of this Section or any rule of the Central Planning Board or the Zoning Board of Adjustment.
2. An application for development shall be complete for purposes of commencing the applicable time period for action by the Central Planning Board or the Zoning Board of Adjustment when so certified by the Board or its authorized committee or designee. In the event that the agency, committee or designee does not certify the application to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45) day period for purposes of commencing the applicable time period unless: (a) the application lacks information indicated on a checklist adopted by ordinance and provided to the applicant; and (b) the Board or its authorized committee or designee has notified the applicant in writing, of the deficiencies in the application within forty-five (45) days of submission of the application.
3. The applicant may request that one (1) or more of the submission requirements be waived, in which event the agency or its authorized committee shall grant or deny the request within forty-five (45) days. Nothing

herein shall be construed as diminishing the applicant's obligation to prove in the application process that he or she is entitled to approval of the application. The Board may subsequently require correction of any information found to be in error and submission of additional information not specified in the ordinance or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Board.

4. All applicants for permits pertaining to designated historic sites or improvements in designated historic districts shall be referred to the Newark Landmarks and Historic Preservation Commission ("Commission") for a written report and decision on the application of the provisions in Chapter 10.

40:15-12-2. Fees

1. Non-refundable application fees.
 - a. There shall be a non-refundable fee for applications to the Newark Central Planning Board, Zoning Board of Adjustment, as provided by law and established herein. The fees provided for shall be non-refundable and are for purposes of offsetting the administrative and clerical costs of running these Boards.
 - b. Applicable Fees. Every application for review or hearing before the Zoning Board of Adjustment, or the Central Planning Board shall be initially accompanied by a check for \$150.00. Balance due will be determined upon City Planning Staff's review in accordance with the amount(s) as provided in Fee Table I and based upon the initial submission package. If future submissions result in additional fees, such will be calculated at that time. This balance will be due within 30 days of issuance of the first review checklist. If not received within 30 days, review will cease until payment is submitted.
 - c. Copies of resolutions rendered by either the Zoning Board of Adjustment or the Central Planning Board shall be available to any person requesting them at their sole cost and expense. Any applicant shall receive a copy of the decision rendered at no additional cost. Minutes of either the Board of Adjustment or the

Planning Board shall also be available on request to any person or applicant at their sole cost and expense. Amounts charged shall be as provided for in the City's ordinance regulating photocopy and documents fees.

d. Performance guarantees may be required by the Zoning Board of Adjustment or the Central Planning Board pursuant to N.J.S.A. 40:55D-53 separate from application fees.

2. Schedule of Fees

a. Application fees

Application Type	Application Fees
Minor Site Plan	\$750
Preliminary Major Site Plan: Residential, 3–10 dwellings	\$750
Preliminary Major Site Plan: Residential, 11–50 dwellings	\$1000
Preliminary Major Site Plan: Residential, 51–100 dwellings	\$1500
Preliminary Major Site Plan: Residential, over 100 dwellings	\$2500
Preliminary Major Site Plan: Commercial, less than 5000 square feet	\$750
Preliminary Major Site Plan: Commercial & Industrial, 5000–20,000 square feet	\$1500
Preliminary Major Site Plan: Commercial & Industrial, 20,001–100,000 square feet	\$2750
Preliminary Major Site Plan: Commercial & Industrial, more than 100,000 square feet	\$5000
Final Major Site Plan: Residential, 3–10 dwellings	\$375
Final Major Site Plan: Residential, 11–50 dwellings	\$500
Final Major Site Plan: Residential, 51–100 dwellings	\$750
Final Major Site Plan: Residential, over 100 dwellings	\$1250
Final Major Site Plan: Commercial, less than 5000 square feet	\$375

Application Type	Application Fees
Final Major Site Plan: Commercial & Industrial, 5000–20,000 square feet	\$750
Final Major Site Plan: Commercial & Industrial, 20,001–100,000 square feet	\$1375
Final Major Site Plan: Commercial & Industrial, more than 100,000 square feet	\$2500
Minor Subdivision application, 2 acres or less	\$900
Minor Subdivision application, over 2 acres	\$1800
Preliminary Major Subdivision	\$2300
Final Major Subdivision	\$1150
Conditional Use	\$500 in addition to any other fees
"a" & "b" Appeals and Interpretations as per NJSA 40:55D-70 a & b	\$150
"c" Variance as per NJSA 40:55D-70(c) & deviation from redevelopment plan	\$300 per "c" variance
"d" Variance as per NJSA 40:55D-70 (d)	\$2000 per "d" variance
Extension of Variance Approval	\$300
Special Meeting of Central Planning Board or Zoning Board of Adjustment	\$3000

b. Certified list of names and addresses of owners of property located within two hundred (200) feet of property which is the subject of a hearing: \$20.

c. Certificate certifying approval of a subdivision application: \$10.

3. An applicant shall pay any and all costs of the publication of notice of a hearing on an application before the Zoning Board of Adjustment or the Central Planning Board and of a verbatim recording of the proceedings. Any interested party who requests a transcript or duplicate recording of proceedings before

the Board shall pay the cost thereof except that the Zoning Board of Adjustment and the Central Planning Board shall provide to any property owner or tenant within two hundred (200) feet in all directions of the property which is the subject of such proceedings any transcript necessary for appeal to the Municipal Council pursuant to NJSA 40:55D-17 for the cost of transcription.

40:15-13. Appeals

40:15-13-1. Appeals to Zoning Board of Adjustment

1. An appeal to the Zoning Board of Adjustment may be taken by any interested party affected by any decision of an administrative officer of the municipality based on or made in the enforcement of the Zoning Ordinance or Official Map.
2. Such appeal shall be taken within twenty (20) days by filing a notice of appeal with the officer from whom the appeal is taken specifying the grounds of such appeal.
3. The officer from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
4. The procedure for the hearing of an appeal shall be the same as a development application.
5. The Zoning Board of Adjustment may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from, and to that end shall have all the powers of the Zoning Official from whom the appeal is taken.
6. An appeal to the Zoning Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the officer from whose action the appeal is taken certifies to the Zoning Board of Adjustment, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is

taken and on due cause shown.

7. The Zoning Board of Adjustment shall render a decision not later than one hundred twenty (120) days after the date: (a) an appeal is taken from the decision of an administrative officer; or (b) the submission of a complete application for development to the Zoning Board of Adjustment. Failure of the Board to render a decision within such one hundred and twenty (120) day period or within such further time as may be consented to by the applicant, shall constitute a decision favorable to the applicant.

8. A developer may file an application for development with the Zoning Board of Adjustment for action under any of its powers without prior application to an administrative officer. Such appeal shall be made and decided in accordance with the provisions of NJSA 40:55D-72 et seq.

40:15-14. Miscellaneous Provisions

40:15-14-1. Definitions

Whenever a term is used in this Title which is defined in NJSA 40:55D-1 et seq., such term is intended to have the meaning set forth in the definition of such term found in the statute, unless a contrary intention is clearly expressed from the context of this Title.

40:15-14-2. Ordinances Continued

The substantive provisions of the existing Newark Zoning & Land Use Regulations and the development regulations set forth therein shall continue in full force and effect and shall be read in pari materia with this Title.

40:15-14-3. Short Title

This Title shall be known and may be cited as "Newark Zoning & Land Use Regulations."

40:15-14-4. Copy to be Filed With County Planning Board

Immediately upon adoption of this Title the Municipal Clerk shall file a copy of this Title with the County Planning Board as required by law. The Clerk shall also file with the County Planning Board copies of all other ordinances of the municipality relating to land use, such as the subdivision, zoning and site plan review ordinances.

Chapter 16. Additional Zoning & Design Standards

40:16-1. Variances and Waivers

Any deviation from a provision of this Chapter which is identified as a design standard shall require a waiver by the Central Planning Board and the Zoning Board of Adjustment from the specific design standard for a site plan application. Any other deviation from a standard contained in this Chapter shall require a variance from the specific standard in accordance with the Municipal Land Use Law.

40:16-2. Landscaping For Buildings & Yards

40:16-2-1. Design Standards

1. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and screening requirements.
2. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and/or the use of building and paving materials in an imaginative manner.
3. Landscaping shall be provided for all residential, commercial, and industrial sites. Landscaping is required to meet the following objectives, however, nothing contained therein shall prevent the Central Planning Board from requiring additions or revisions to the landscape plan for the development.
 - a. Architectural Use. Landscaping shall be used to form walks, corridors, canopies, or floors of varying heights and densities. Planting shall be used as barriers to provide private, semi-private, and public space within planned unit developments, cluster housing, etc.
 - b. Engineering Use. Landscaping shall be used to control lighting, glare, and reflection, noise, soil erosion, provide for drainage control through the use of swales, and recharge areas, and for climate control for purposes of shading, wind reduction, snow fencing and insulation for buildings.
 - c. Aesthetic Use. Landscaping shall be used to provide buffers and screening for parking areas,

loading zones, refuse collection areas, and to enhance building design.

d. Plans shall clearly indicate all existing trees and their size in inches of diameter at breast height (dbh), to be removed due to the construction for which the applicant is seeking permission. The developer must provide, on-site, replacement trees, the combined cross sectional area of which measured at diameter at breast height, must be equal to or greater than the area or combined areas as measured in cross section of trees removed. All replacement trees, as to species and type, are to be approved by the Newark Planning Office and shall be planted at a minimum initial diameter of three (3) inches (dbh). If the site cannot accommodate the number of trees hereby required as replacement, the developer may be required to pay to a special fund, known as the Tree Planning and Preservation Fund, an amount determined by the Newark Planning Office to be equal to the value of the trees and the planting cost per the discretion of the Central Planning Board or the Zoning Board of Adjustments.

e. If trees required by Zoning Standards are planted in an area with less than 25 square feet of pervious area per tree, structural soil shall be applied under impervious surfaces.

40:16-2-2. Zoning Standards

1. All of the lot area not covered by buildings, parking areas, driveways, sidewalks and other impervious surfaces shall be landscaped with vegetative land cover.
2. On-Site Trees.
 - a. For each twenty-five (25) feet of lot width in a required front yard adjacent to a public street, there shall be at least one (1) tree planted with a minimum of two and one-half (2 1/2) to three (3) inches in caliper and eight (8) feet in overall height at the time of installation. There shall be a minimum pervious area of 25 square feet per tree.
 - b. Where more than one (1) tree is required, such trees may be planted in appropriate clusters or

groups. Trees shall be mulched with at least two (2) inches of bark mulch or other material commonly used for the purpose. If the front yard is greater than ten (10) feet in depth, any required trees shall be planted in the front yard, otherwise required trees may be planted within the side and/or rear yards. No trees shall be required where no yards have a depth less than ten (10) feet.

3. Shade trees shall be planted along streets spaced at a maximum of thirty-five (35) feet center at center and shall be three (3) inches to four (4) inches in caliper which shall be measured six (6) inches from the ground level after planting.

4. Prohibited tree species. The following tree varieties may not be planted and are prohibited:

- i. Bradford Pear / Pyrus calleryana 'Bradford'
- ii. Empress Tree / Paulownia tomentosa
- iii. Tree of Heaven / Ailanthus altissima
- iv. White Poplar & Lombardy Poplar / Populus alba & Populus nigra
- v. Russian Olive
- vi. Siberian Elm
- vii. Amur Maple
- viii. Silver Maple
- ix. Norway Maple
- x. Gingko Biloba - female

In addition, no tree listed on the NJDEP Invasive Plant List or USDA Invasive Plants Field and Reference Guide may be planted.

40:16-3. Buffer Areas

40:16-3-1. Zoning Standards

1. Buffer areas shall be provided along the entire linear footage of lot lines where a non-residential use or district line abuts a residential use except that where a new residential use is proposed on a lot adjoining an existing non-residential use or district line, the proposed residential use shall provide the buffer.

2. Buffer areas shall be planted with a combination of evergreens, deciduous trees and shrubs of such species and sizes which will produce within two (2) growing seasons a living screen at least six (6) feet in height. Buffers shall be of a density so as to obscure

throughout the full course of the year the glare of automobile headlights or other bright sources of illumination emanating from the premises.

3. Buffer areas shall not be less than five (5) feet in width. Where such width is not practical in the side or rear yard, decorative fencing subject to the requirements of Section 40:16-5 of this Chapter, shall be provided in lieu of a landscaped buffer. However, chain link fencing shall not be used for buffer purposes.

4. No activity, outdoor storage of materials or parking of vehicles shall be permitted in the buffer area except for access driveways, directional signs, and permitted signs.

5. Buffer areas shall be placed so that at maturity they will not protrude across any street or property line and so that a clear sight triangle shall be maintained at off-street intersections and at all points where private accessways intersect a public street.

40:16-4. Screening Of Uses & Activities

40:16-4-1. Zoning Standards

The following uses and activities visible from any public right-of-way shall be screened as follows.

1. Refuse Disposal Dumpsters, Trash & Recycling Containers

a. Screening shall consist of an opaque fence or wall to a height of five (5) feet.

b. Where such walls and/or fences are visible from any public way, there shall, where possible, be plantings visually consistent with other required landscaping. Such plantings shall be planted at a minimum initial planting height of three (3) feet.

c. Chain link fencing and gates with or without vinyl slats shall not be permitted for screening purposes.

2. Loading Berths

- a. Such screening shall consist of an opaque fence or wall to a height of five (5) feet or a continuous evergreen or dense deciduous shrub hedge, or a combination of the two.
- b. Chain link fencing and gates with or without vinyl slats shall not be permitted for screening purposes.

3. Outdoor Manufacturing Activities

- a. Screening shall consist of a solid fence or wall five (5) feet in height or of such height necessary to screen such storage from view from the public street or adjacent properties. In the alternative, a continuous evergreen or dense deciduous shrub hedge, or a combination of the two may be used.
- b. Chain link fencing and gates with or without vinyl slats shall not be permitted for screening purposes.

4. Ground-Mounted Mechanical Equipment

- a. A wall or planting shall be installed to screen ground-mounted mechanical equipment from view on all sides.
- b. The material, finish and design shall be architecturally compatible with the exterior façade of the principal structure on the lot.
- c. All plantings shall be planted at a minimum initial planting height of three (3) feet.

5. Rooftop-Mounted Mechanical Equipment

- a. Architectural screening shall be installed so as to screen the rooftop mounted mechanical equipment from view from all sides from which it may be visible. However, no additional screening shall be required where the parapet wall is at least as tall as the rooftop mechanical structure.
- b. Screening shall consist of architectural elements

of a height equal to the mechanical equipment.

- c. The material, finish and design shall be architecturally compatible with the exterior façade of the principal structure on the lot.
- d. Rooftop mounted mechanical equipment shall be set back from the edge of the roof at least one (1) foot for each one (1) foot by which rooftop mechanical structures project above the roofline. No setback shall be required if the parapet wall is at least as tall as the rooftop mechanical structure.

40:16-5. Fences & Walls

40:16-5-1. Zoning Standards

- 1. Residential Uses. Fences or walls or a combination of the two, may be constructed between the building line and the property line as follows:

- a. Height restrictions
 - i. The maximum allowable fence height shall be three (3) feet in front yards. Fences shall not be solid.
 - ii. The maximum allowable height shall be five (5) feet in side and rear yards.
 - iii. Where a residential use is adjacent to an industrial use, the side and rear yards may have a fence or wall up to eight (8) feet.
- b. Design standards
 - i. Fences shall be of a consistent, ornamental nature such as wrought iron, picket wood, or tubular metal fencing. The minimum width of vertical bars shall be one-half (0.5) inch and the maximum spacing of the bars shall be four (4) inches.
 - ii. Walls shall consist of brick, stucco, decorative concrete, natural stone, or other similar decorative material shall be used.
 - iii. Chain link fencing shall not be permitted, except along the rear lot lines and those portions of the side lot lines within the rear yard of the property.

- iv. PVC Vinyl or wood stockade fences are permitted only in rear yard areas.
 - v. No solid fencing or chain link fencing is permitted along a public right-of-way line or in a front yard.
 - vi. Gates shall not swing into the public right-of-way.
2. Parks, Recreational Areas and School Uses. Fences or walls may be constructed along all property lines as follows:
- a. Height restrictions
 - i. The maximum allowable height shall be ten (10) feet for ballfields and six (6) feet for all other uses.
3. Commercial and Industrial Uses. Fences or walls or a combination of the two may be constructed between the building line and the property line as follows:
- a. Height restrictions.
 - i. The height of any fence or wall shall not exceed four (4) feet.
 - b. Chain link fencing shall be permitted for industrial uses. For commercial uses, such fencing may be used in rear yards only including along the rear lot line and along those portions of the side lot lines within the rear yard of the property.
 - c. Design standards
 - ii. Where walls are utilized, walls consisting of brick, stucco, decorative concrete, natural stone, or other similar decorative material shall be used.
4. The use of razor wire, barbed wire or sharp projections on fences is prohibited for all residential and commercial buildings and sites and any buildings.

40:16-6. Lighting

40:16-6-1. Design Standards

1. Adequate lighting shall be provided to ensure the safe movement of persons and vehicles, and provide security.

2. Lighting design shall conform to standards presented in the current edition of the Illuminating Engineering Society Lighting Handbook.
3. Lighting shall be designed to minimize glare and reflection on adjacent properties.
4. The type of lighting provided shall be consistent with the existing street light in the immediate area of the site.
5. Unnecessary lighting should be avoided, but lighting essential for security or safety should always be provided.

40:16-6-2. Zoning Standards

1. General Illumination Standards
 - a. All exterior areas of a site, except for residential and school structures, shall be illuminated at night in accordance with the standards herein. This shall include, but not be limited to, pedestrian pathways, plazas, courtyards, building entrances, parking and driveway areas, and other outdoor spaces commonly used at night. When such areas are not in active use, lighting shall be sufficient to allow for appropriate surveillance for crime prevention purposes, but shall be designed and installed in such a way as to minimize glare or intrusive light onto adjoining properties.
 - b. All wires and cables used for the provision of lighting from lightpoles or other freestanding structures shall be underground.
 - c. All exterior lighting fixtures, however mounted, shall be provided with shields as necessary to confine the illumination to the site upon which it is located to the standards set forth herein and to eliminate glare on any adjacent properties and to adjacent streets.
 - d. All lighting except for decorative facade lighting shall be under one half (0.5) footcandles.
2. Illumination Levels
 - a. Illumination levels at the property line of a project shall not be more than one-half (0.5) footcandle

with the shell pointing downwards at any point when the project is located next to any residential use or residentially zoned property. The illumination levels at the property line of a project adjacent to any other use shall not be more than one (1.0) footcandle unless in conflict with a standard set forth below, in which case that standard shall apply:

- i. Off-street/surface parking areas or lots as well as private roadway areas shall comply with the following requirements: Illumination levels outside the radius of any light pole (with radius equaling the height of the pole, not to exceed thirty (30) feet, but no less than twenty (20) feet) shall range between a minimum of one (1) footcandle and a maximum of three (3) footcandles.
- ii. Access drives for non-residential uses and multi-family housing shall be illuminated with at least one half (0.5) footcandle.
- iii. Entrances and exits of non-residential structures and multi-family housing shall have a minimum illumination level of one (1) footcandle and a maximum level of five (5) footcandles.
- iv. Single-, two-, three- and four-family residential uses shall have a maximum illumination level of three (3) foot-candles at the driveway or walkway, but no more than one-half (0.5) footcandle at any property line elsewhere on the site.
- v. Pedestrian walkways or bikeways shall have an illumination level ranging between a minimum of one-half (0.5) footcandle and a maximum of two and a half (2.5) footcandles.
- vi. Large open areas and the grounds of multi-family housing complexes shall have a minimum illumination level of one-half (0.5) footcandle and a maximum level of two (2) footcandles.
- vii. Canopied areas, such as those found at drive-through facilities at banks, service stations, car washes, shall have a maximum illumination level of fifteen (15) foot-candles with a maximum to

minimum illumination level ratio of 2:1.

viii. Display areas at outdoor dealerships for new and used products, including, but not limited to, automobiles, trucks, motorcycles and boats, shall have a maximum illumination level of fifteen (15) foot-candles for any row or tier of display that is adjacent to an external road or street, and a maximum level of ten (10) footcandles for all other rows or tiers of display. Entrances and exits shall not exceed ten (10) footcandles.

ix. Illumination levels for outdoor recreational facilities, such as, but not limited to, football fields, soccer fields, baseball fields, or tennis courts, shall be determined on a case by case basis by the Zoning or Planning Board staff, but shall comply with the illumination limits at property lines established above in 40:16-6-2.

x. For all other outdoor spaces, the minimum illumination standard shall be one-half (0.5) footcandle. Such illumination shall be controlled by motion sensor lighting.

xi. For the parking areas of enclosed parking garages, a minimum lighting level of two (2.0) footcandles shall be maintained. No lighting shall produce glare outside the structure.

b. The spacing between poles illuminating large open areas including, but not limited to, surface parking areas or lots, parks, or the grounds of multi-family housing complexes shall be no closer than two and one-half (2 1/2) times the pole height. Light poles must be positioned to enable walkways to comply with local, Federal, or State disabled persons access legislation.

3. Architectural Lighting

- a. Fixtures used to accent architectural features, materials, colors, style of buildings or art shall be located, aimed and shielded so that light is directed only on those features.
- b. Such fixtures shall be aimed or shielded so as to minimize light spill into the sky. Such fixtures shall

not generate excessive light levels, cause glare, or direct light beyond the façade onto neighboring property, streets or the night sky. Lighting shall not change colors or strobe.

4. Height Standards

a. Freestanding Lights

- i. For residential uses, the maximum height of freestanding lights shall not exceed the height of the principal building or fifteen (15) feet, whichever is less.
- ii. For commercial and mixed-use uses, the maximum height of freestanding lights shall not exceed the height of the principal building or twenty (20) feet, whichever is less.
- iii. For industrial uses, the maximum height of freestanding lights shall not exceed the height of the principal building or thirty (30) feet, whichever is less.

b. Mounting Heights. The mounting height of any building-mounted light source shall be the lowest height possible to achieve appropriate illumination, but in no case shall the mounting height exceed twenty (20) feet above grade.

40:16-7. Garbage & Refuse Collection Disposal & Recyclable Materials

40:16-7-1. Design Standards

1. All new multi-family projects shall be provided with a means of collection and storage for garbage, refuse, and waste which will be generated by the development and must be designed to adequately ensure protection and freedom from vermin and rodent infestation.
2. There shall be included in any new multi-family housing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of residentially-generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and

with current methods of collection in the area in which the project is located.

3. The dimensions of the recycling area and the bins or containers shall be consistent with the City of Newark, Title XV, Solid Waste Management, Chapter 12, Mandatory Recycling Ordinance.

4. The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster. All refuse and recyclable materials storage areas shall be contained on a concrete pad and shall be enclosed with a five (5) foot high solid fence or wall.

5. Landscaping shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner. (Evergreen shrubs shall be planted at the perimeter of the storage area at a minimum initial planting height of three (3) feet.)

6. If kept outside, the refuse and recycling area shall be well-lit, and shall be safely and easily accessible by recycling personnel vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.

7. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.

40:16-8. Sanitary Utilities

40:16-8-1. Design Standards

1. All sanitary utilities shall be separately conveyed

from on-tract storm water facilities, and shall be separately connected to the municipal sewerage system. A minimum internal pipe size of four (4) inches shall be used within all public rights-of-way, or of City easements. The materials and design shall be as approved by Title VII, State Uniform Construction Code, as adopted by the City. [7:1-1 et seq.]

2. All industrial users and/or major industry as defined under Title XXXII, Sewers and Sewage Disposal of these Revised General Ordinances shall comply with the regulations therein as well as the requirements of this chapter.

3. Sanitary waste loads from residential and commercial uses shall be calculated by the methods defined in the BOCA National Plumbing Code, or by utilizing per capita per day water consumption. Per capita per day consumption shall be assumed in all such calculations.

4. Pipes shall be designed with full flow velocities ranging from a minimum of two and one-half (2.5) feet per second and a maximum of ten (10) feet per second.

40:16-9. Water Supply

40:16-9-1. Design Standards

1. Water supply system for providing adequate water for potable water, fire protection, industrial or commercial uses shall conform to the current principles and standards of Title VII of the State Uniform Construction Code as adopted by the City [7:1-1].

40:16-10. Fire Prevention

40:16-10-1. Design Standards

1. The Fire Department of the City shall approve all means of fire protection including but not limited to such things as site accessibility for fire apparatus, the placement of hydrants, the placement of smoke and fire detectors and the installation of all fuel and heating systems such as gas and oil supplies. All on-site heating systems shall be designed in accordance

with the standards of the Uniform Construction Code and Fire Code as adopted by the City.

40:16-11. Maintenance

40:16-11-1. Zoning Standards

1. The property owner shall be required to maintain all landscaping, site lighting, fences, signs, and other site improvements to keep the features attractive; in good functioning condition; and free of weeds or overgrowth. Property shall be kept free of debris, trash, or rubbish. Regular weeding, pruning, and mowing of plant materials, and replacement of all dead plant material is also required.

40:16-12. Additional Measures

40:16-12-1. Design Standards

1. The Central Planning Board or the Zoning Board of Adjustments may require provisions of such additional measures as it deems necessary to protect public areas or neighborhood properties from adverse effects of the proposed development which would be harmful to health, safety, conservation of property values and general welfare.

Chapter 17. Storm Drainage

40:17-1. Scope & Purpose

40:17-1-1. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural Best Management Practices (BMPs). Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

40:17-1-2. Purpose

It is the purpose of this Section to establish minimum stormwater management requirements and controls for "major development," as defined in Section 40:15-7-2., and to set penalties for failure to comply with the requirements.

40:17-1-3. Applicability

1. This Section shall be applicable to all site plans and subdivisions.
2. This Section shall also be applicable to all major developments undertaken by the City of Newark.
3. This Section shall also be applicable to all major developments undertaken by any government, government agency, special district, school district, Federal government or subdivision thereof, State government or subdivision thereof, County government or subdivision thereof and/or Special Bi-State Agencies.
 - a. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued for subdivisions and site plans pursuant to this Section are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This Section is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except that, where any provision of this Section imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This Section is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except that, where any provision of this Section imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

40:17-2. Definitions Applicable Specifically to Section 40:17

Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application. The definitions below are the same as, or are based on, the corresponding definitions in NJAC 7:8-1.2 (Stormwater Management Rules). 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 directive.

Board shall mean, where applicable, the Newark Central Planning Board or the Newark Zoning Board of Adjustment.

Compaction shall mean the increase in soil bulk density.

Core shall mean a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

County review agency shall mean an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The County review agency may either be a County

Planning Agency or a County water resource association created under NJSA 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinance.

Department shall mean the New Jersey Department of Environmental Protection.

Design Engineer shall mean a person professionally qualified and duly licensed in New Jersey to perform engineering or architecture services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

Designated Center shall mean a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

Development shall mean the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, NJSA 40:55D-1 et seq, including development by government agencies to which this Section applies.

Drainage Area shall mean a geographic area within which stormwater runoff, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

Empowerment Neighborhood shall mean a neighborhood designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to NJSA 55:19-69.

Environmentally Critical Areas shall mean an area or feature which is of significant environmental value,

including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the NJDEP's Landscape Project as approved by the NJDEP's Endangered and Nongame Species Program.

Erosion shall mean the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Impervious Surface shall mean a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

Infiltration shall mean the process by which water seeps into the soil from precipitation.

Major Development shall mean any "development" that provides for ultimately disturbing one-half (1/2) acre or more land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

Municipal Separate Storm Sewer System (MS4)

shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the City of Newark, New Jersey or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

Municipality shall mean the City of Newark, New Jersey.

NJDEP shall mean the New Jersey Department of Environmental Protection.

Note shall mean an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

Nutrient shall mean a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State, and in particular the City of Newark, New Jersey, its Planning Board, Board of Adjustment, or Council when acting pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

Pollutant shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

Recharge shall mean the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

Sediment shall mean solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

Sewer, Combined shall mean a sewer system that takes sanitary waste and stormwater runoff in the same system.

Sewer, Sanitary shall mean a sewer system that takes only sanitary waste.

Sewer, Stormwater shall mean a sewer system that takes only stormwater runoff.

Site shall mean the lot or lots upon which a major development is to occur or has occurred.

Soil shall mean all unconsolidated mineral and organic material of any origin.

State Development and Redevelopment Plan

Metropolitan Planning Area (PA1) shall mean an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts. Newark, New Jersey is a designated Center located in PA1.

State Plan Policy Map shall mean the geographic application of the State Development and Redevelopment Plan's goals and Statewide policies, and the official map of these goals and policies.

Storm Drain Inlet shall mean an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

Stormwater shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

Stormwater Management Basin shall mean an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

Stormwater Management Measure shall mean any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

Stormwater Runoff shall mean water flow on the surface of the ground or in storm sewers, resulting from precipitation.

Tidal Flood Hazard Area shall mean a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

Unimproved shall mean land that has a preconstruction condition with good hydrologic condition.

Urban Coordinating Council Empowerment Neighborhood shall mean a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

Urban Enterprise Zone shall mean a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, NJSA 52:27H-60 et seq.

Urban Redevelopment Area is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.
5. Designated as a State Development and Redevelopment Plan Metropolitan Planning Area (PA1). Newark, New Jersey is a Designated Center and is entirely in PA1.

Waters of the State shall mean the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

Wetlands or **Wetland** shall mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

40:17-3. General Standards

40:17-3-1. Design & Performance Standards for Stormwater Management Measures

1. Stormwater management measures for development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 40:17-4

of this Chapter. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

2. The standards in this Section are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge.

3. No land area shall be developed by any applicant such that:

- a. The volume and rate of stormwater runoff occurring from the property is increased over the volume and rate, which occurs under existing predevelopment conditions or preconstruction.
- b. The drainage of the adjacent properties is adversely affected.
- c. The existing drainage pattern of ditches, channels, and streams is not altered, nor their carrying capacities exceeded.
- d. Stormwater runoff from impervious areas, such as parking lots, driveways or loading zones, flows over or across sidewalks, or out of driveways.

40:17-4. Stormwater Management Requirements for Developments

40:17-4-1. For the stormwater management measures incorporated into the design of a major development, all developments shall incorporate a maintenance plan in accordance with Section 40:17-10 of this Chapter.

40:17-4-2. Stormwater management measures shall avoid adverse impacts of concentrated flow on the storm or combined sewer system or habitat for threatened and endangered species as documented pursuant to the NJDEP's Landscape Project or Natural Heritage Database established under NJSA 13:1B-15.147 through 15.150.

40:17-4-3. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff

quality requirements of Sections 40:17-4-6 and 40:17-4-7:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen (14) feet, provided that the access is made of permeable material.

40:17-4-4. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 40:17-4-6 and 40:17-4-7 may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 40:17-4-6 and 40:17-4-7 to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Sections 40:17-4-6 and 40:17-4-7, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Section 40:17-4-4(4) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 40:17-4-6 and 40:17-4-7 that were not achievable on-site.

40:17-4-5. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in Sections 40:17-4-6 and 40:17-4-7 shall be met by incorporating nonstructural stormwater management strategies set forth in this Section into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in paragraph (2) below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.
2. Nonstructural stormwater management strategies incorporated into site design shall:
 - a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
 - b. Minimize impervious surfaces and break up, disconnect the flow of runoff over impervious surfaces, and utilize velocity reduction strategies;
 - c. Maximize the protection of natural drainage features and vegetation;
 - d. Minimize the decrease in the "time of concentration" from pre-construction to post-construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the drainage area to the point of interest within a watershed;
 - e. Minimize land disturbance including clearing and grading;
 - f. Minimize soil compaction;
 - g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
 - h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas provided that the approving board deems this arrangement to be safe for the public

and that all safety regulations in Section 40:17-8 of this Chapter are met.

- i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff.

Such source controls include, but are not limited to:

- i. Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section 40:17-5(3) below;
- ii. Site design features that help to prevent discharge of trash and debris from drainage systems;
- iii. Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
- iv. When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, NJSA 4:24-39 et seq., and implementing rules.

- 3. Site design features identified under Section 40:17-5(2)(i)(ii) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 40:17-5(3)(c) below.

a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- ii. A different grate, if each individual clear space

in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

c. This standard does not apply:

- i. Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
- ii. Where flows from the water quality design storm as specified in Section 40:17-4-7(1) are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - A. A rectangular space four and five-eighths (4 5/8) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - B. A bar screen having a bar spacing of 0.5 inch.
- iii. Where flows are conveyed through a trash rack that has parallel bars with one (1) inch spacing between the bars, to the elevation of the water quality design storm as specified in Section 40:17-4-7(1); or
- iv. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at NJAC 7:4-7.2(c), that action to meet this

standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

d. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be found on the Department of Environmental Protection's Stormwater and Nonpoint Source Pollution website at www.njstormwater.org.

40:17-4-6. Erosion Control, Groundwater Recharge & Runoff Quantity Standards

1. This paragraph contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, NJSA 4:24-39 et seq., as well as Title 28 of the Municipal Code (Soil Erosion and Sediment Control), and implementing rules.

b. The minimum design and performance standards for groundwater recharge are as follows:

i. No groundwater recharge is required for projects within the "urban redevelopment area," or at projects where stormwater is not permitted to be recharged as prescribed in Section 40:17-4-6(b)(ii) below. Newark is an "Urban Redevelopment Area."

ii. The following types of stormwater shall not be recharged:

A. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.3 and listed in 40 CFR 302.4; areas where recharge would be inconsistent with NJDEP approved remedial action work plan or landfill closure

plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

B. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

iii. If stormwater recharge is desired and allowed, the following applies. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 40:17-5, either:

A. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain one hundred (100%) percent of the average annual pre-construction groundwater recharge volume for the site; or

B. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

iv. The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause superficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or down gradient of the groundwater recharge area.

c. For major developments, in order to control stormwater runoff quantity impacts, the design

engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 40:17-5, complete one of the following:

- i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events;
- ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10-, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of future phases of the development project.

iii. Design of Stormwater Storage Facilities.

- A. A minimum acceptable outlet pipe from all storage facilities shall be eight (8) inches internal diameter, and be of material and class as approved by Title VII, the State Uniform Construction Code as adopted by the City.
- B. In the case of detention facilities utilizing porous media for ground absorption, such as dry-wells, porous pavement, or the like, the volume of porous media shall be large enough to contain the total volume of rainfall excess, as required under Section 40:17-3-1 of this Chapter, within the voids. Ground absorption systems shall be used only where the infiltration rate of the receiving soil is acceptable as determined by percolation tests and performed under the guidelines and standards of NJAC 7:9A et seq. (Environmental Protection), and soil borings, or as determined by the Director of Engineering. The applicant must demonstrate to the Director of Engineering that the soil contains no contaminants that could leave the site by use of a detention facility where ground absorption occurs. Provisions shall be made to contain overflow of such systems on site or to surface drain the overflow in such a way as not to adversely affect any other property.

C. If detention facilities utilizing surface impoundment, such as detention basins or rooftop storage, are used, sufficient volume to fully contain the total volume of rainfall excess shall be provided. The outlets of such facilities shall be designed to limit the maximum discharge rate of stormwater runoff to what occurs at the site under existing conditions and shall discharge in such a way as not to adversely affect any other property. If rooftop storage is proposed, the weight of the impounded water on the roof shall be accounted for in the structural design of the building and the roof shall be designed to provide maximum protection against leakage.

D. If a combination of different stormwater detention techniques is used, the combined volume of the systems shall be large enough to fully contain the total volume of rainfall excess.

E. Stormwater detention facilities shall be maintained regularly by the owner to insure continual functioning of the systems at design capacity and to prevent the health hazards associated with debris buildup and stagnant water. In no case shall water be allowed to remain in any facility long enough to constitute a mosquito breeding, disease or any other type of health problem.

F. Stormwater conduits shall be designed with full flow velocities ranging from a minimum of two and one-half (2.5) feet per second to a maximum of ten (10) feet per second.

G. All drainage and storage facilities shall be constructed to meet the requirements of the Director of Engineering.

H. All stormwater conduits must be connected to storm sewers or combined sewers wherever available, but in no case will stormwater conduits be connected to sanitary sewers. In the event that the municipal system is surcharged even after storage facilities are designed, the Director of Engineering shall direct the point of connection to the system or require such changes as are necessitated.

d. For Nonmajor Developments:

i. In order to accomplish the above objectives, the design of storm water drainage and storm water storage facilities may include (unless prohibited by Section 40:17-4-6(1)(b)(ii)): roof-top storage, oversized sewers with restricted outlet pipes, underground storage tanks, French drains, or where acceptable soil and groundwater conditions exist planted swale areas, recharge basins, dry wells, porous pavement, or any other innovative techniques, or a combination of the above as approved by the Director of Engineering.

ii. Design of Stormwater Storage Facilities

A. On-tract stormwater facilities shall be designed to contain the amount of stormwater runoff, which is equal to the maximum difference in runoff between pre-development conditions and post development conditions.

B. Either the rational method or the soil conservation service method as outlined in the Soil Conservation Service National Engineering Handbook., Hydrology, shall be used for computing the volume and rate of runoff from existing and post development conditions.

C. The amount of runoff shall be compiled using a design storm with a ten (10) year return frequency for Essex County (See Graph on file in Office of City Clerk). The minimum initial time of concentration shall be ten (10) minutes.

D. For computation with the rational method, published runoff coefficients which reflect land use and topography shall be used. Acceptable runoff coefficients currently in practice include, but are not limited to the following:

TABLE 17-1. Land Use Types & Runoff Coefficients	
LAND USE TYPE	RUNOFF COEFFICIENTS
Business	
Central Business District	0.70 to 0.95
Neighborhood areas	0.50 to 0.70
Residential	
Single-family areas	0.30 to 0.50
Multi-units, detached	0.40 to 0.60
Multi-units, attached	0.60 to 0.75
Apartment dwelling areas	0.50 to 0.70
Industrial	
Light areas	0.50 to 0.80
Heavy areas	0.60 to 0.90
Parks, Cemeteries	0.10 to 0.25
Playgrounds	0.20 to 0.35
Railroad yard areas	0.20 to 0.40
Unimproved Areas	0.10 to 0.30
SURFACE TYPE	
Streets	
Asphaltic	0.70 to 0.95
Concrete	0.80 to 0.95
Brick	0.75 to 0.85
Drives and Walks	0.75 to 0.85
Roofs	0.75 to 0.85
Lawns; Sandy Soil	
Flat, 2%	0.05 to 0.10
Average, 2 to 7%	0.10 to 0.15
Steep, 7%	0.15 to 0.20
Lawns; Heavy Soil	
Flat, 2%	0.13 to 0.17
Average 2 to 7%	0.18 to 0.22
Steep, 7%	0.25 to 0.35

E. A minimum acceptable outlet pipe from all storage facilities shall be eight (8) inches internal diameter, and be of material and class as approved by Title VII, the State Uniform Construction Code as adopted by the City.

F. In the case of detention facilities utilizing porous media for ground absorption, such as dry-wells, porous pavement, or the like, the volume of porous media shall be large enough to contain

the total volume of rainfall excess, as required within the voids. Ground absorption systems shall be used only where the infiltration rate of the receiving soil is acceptable as determined by percolation tests and performed under the guidelines and standards of NJAC 7:9A et seq. [Environmental Protection], and soil borings, or as determined by the Director of Engineering. Provisions shall be made to contain overflow of such systems on site or to surface drain the overflow in such a way as not to adversely affect any other property.

G. If detention facilities utilizing surface impoundment, such as detention basins or rooftop storage, are used, sufficient volume to fully contain the total volume of rainfall excess shall be provided. The outlets of such facilities shall be designed to limit the maximum discharge rate of stormwater runoff to what occurs at the site under existing conditions and shall discharge in such a way as not to adversely affect any other property. If rooftop storage is proposed, the weight of the impounded water on the roof shall be accounted for in the structural design of the building and the roof shall be designed to provide maximum protection against leakage.

H. If a combination of different stormwater detention techniques is used, the combined volume of the systems shall be large enough to fully contain the total volume of rainfall excess.

I. Stormwater detention facilities shall be maintained regularly by the owner to insure continual functioning of the systems at design capacity and to prevent the health hazards associated with debris buildup and stagnant water. In no case shall water be allowed to remain in any facility long enough to constitute a mosquito breeding, disease or any other type of health problem.

J. Stormwater conduits shall be designed with full flow velocities ranging from a minimum of two and one-half (2.5) feet per second to a maximum of ten (10) feet per second.

K. All drainage and storage facilities shall be

constructed to meet the requirements of the Director of Engineering.

L. All stormwater conduits must be connected to storm sewers or combined sewers wherever available, but in no case will stormwater conduits be connected to sanitary sewers. In the event that the municipal system is surcharged even after storage facilities are designed, the Director of Engineering shall direct the point of connection to the system or require such changes as are necessitated.

e. In tidal flood hazard areas, stormwater runoff quantity analysis shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

40:17-4-7. Stormwater Runoff Quality Standards for Major Developments That Do Not Discharge into Newark's Combined Sewer System

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by eighty (80%) percent of the anticipated load from the developed site, expressed as an annual average. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, NJAC 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is one and one-quarter (1.25) inches of rainfall in two (2) hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 17-2 (below). The calculation of the volume of runoff may take into account the

implementation of nonstructural and structural stormwater management measures.

Table 17-2: Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

2. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual, available online at http://www.nj.gov/dep/stormwater/bmp_manual2.htm. The BMP Manual may be obtained from the address identified in Section 40:17-7 or found on the Department of Environmental Protection's Stormwater and Nonpoint Source Pollution website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in Section 40:17-7. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the NJDEP at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418, Trenton, New Jersey, 08625-0418.

3. If more than one BMP in series is necessary to

achieve the required eighty (80%) percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (AXB)/100$$

Where

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

Table 17-3: TSS Removal Rates for BMPs

Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section 40:17-6(3)
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

4. If there is more than one on-site drainage area, the eighty (80%) percent TSS removal rate shall apply to each drainage area, unless the runoff from the sub-areas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections 40:17-4-6 and

40:17-4-7.

6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 40:17-7 hereof.

7. In accordance with the definition of FW1 at NJAC 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to fresh waters classified as FW1.

8. There are no Category One Rivers in Newark, but in the case that such a river is so designated, the following shall apply. Special water resource protection areas shall be established along all waters designated Category One at NJAC 7:9B-1.15(c) through (g), and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

i. A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.

ii. Encroachment within the designated special water resource protection area in the paragraph above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of

the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than one hundred fifty (150) feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the NJDEP.

b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, NJSA 4:24-39 et seq., as well as Title 28 of the Municipal Code (Soil Erosion and Sediment Control).

c. If stormwater, discharged outside of and flowing through the special water resource protection area, cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, NJSA 4:24-39 et seq., as well as Title 28 of the Municipal Code (Soil Erosion and Sediment Control), then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

i. Stabilization measures shall not be placed within one hundred fifty (150) feet of the Category One waterway;

ii. Stormwater associated with discharges allowed by this Section shall achieve a ninety-five (95%) percent TSS post-construction removal rate;

iii. Temperature shall be addressed to ensure no impact on the receiving waterway;

iv. The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;

- v. A conceptual project design meeting shall be held with the appropriate NJDEP staff and Soil Conservation District staff to identify necessary stabilization measures; and
- vi. All encroachments proposed under this Section shall be subject to review and approval by the NJDEP.
- d. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Section 40:17-4-7(8) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to Section 40:17-4-7(8) shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in Section 40:17-4-7(8)(a)(i) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than one hundred fifty (150) feet as measured perpendicular to the waterway subject to this Subsection.

40:17-5. Calculation of Stormwater Runoff and Groundwater Recharge for Major Development

40:17-5-1. Stormwater runoff shall be calculated in accordance with the following:

1. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the preconstruction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

2. Computation and Design Standards:

a. For computation with the rational method, published runoff co-efficient which reflects land use and topography shall be used. Acceptable runoff co-efficient currently in practice includes, but are not limited to the following:

TABLE 17-4	
LAND USE TYPE	RUNOFF COEFFICIENT
Business	
Central Business District	0.70 to 0.95
Neighborhood areas	0.50 to 0.70
Residential	
Single-family areas	0.30 to 0.50
Multi-units, detached	0.40 to 0.60
Multi-units, attached	0.60 to 0.75
Apartment dwelling areas	0.50 to 0.70
Industrial	
Light areas	0.50 to 0.80
Heavy areas	0.60 to 0.90
Parks, Cemeteries	
Playgrounds	
Railroad yard areas	
Unimproved Areas	

TABLE 17-5	
SURFACE TYPE	RUNOFF COEFFICIENT
Streets	
Asphaltic	0.70 to 0.95
Concrete	0.80 to 0.95
Brick	0.75 to 0.85
Drives & Walks	0.75 to 0.85
Roofs	
Lawns; Sandy Soil	
Flat, 2%	0.05 to 0.10
Average, 2 to 7%	0.10 to 0.15
Steep, 7%	0.15 to 0.20
Lawns; Heavy Soil	
Flat, 2%	0.13 to 0.17
Average 2 to 7%	0.18 to 0.22
Steep, 7%	0.25 to 0.35

- b. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or the Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
3. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is unimproved land with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology in Table 17-1 and the Rational and Modified Rational Methods at Section 40:17-5-1(2)(b). In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is lawn, or park), with good cover or with good hydrologic condition and conservation treatment.
4. In computing preconstruction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts that may reduce pre-construction stormwater runoff rates and volumes.
5. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.
6. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at NJAC 7:13 (Flood Hazard Control Area Act Rules), the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- 40:17-5-2.** Groundwater recharge may be calculated in accordance with the following:
1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; available online at <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427, Trenton, New Jersey 08625-0427.

40:17-6. Standards for Structural Stormwater Management Measures

1. Standards for structural stormwater management measures are as follows:

- a. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
- b. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1") spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 40:17-8-2
 - i. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant.
 - ii. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half (2.5) inches in diameter.
 - iii. Stormwater management basins shall be

designed to meet the minimum safety standards for stormwater management basins at Section 40:17-8-2.

2. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual online at http://www.nj.gov/dep/stormwater/bmp_manual2.htm. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by Section 40:17-4 of this Section.
3. Manufactured treatment devices may be used to meet the requirements of Section 40:17-4 of this Section, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the NJDEP.

40:17-7. Sources for Technical Guidance

40:17-7-1. Technical guidance for stormwater management measures can be found in the documents listed at paragraphs (a) and (b) below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, available online at http://www.nj.gov/dep/stormwater/bmp_manual2.htm, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

40:17-7-2. Additional technical guidance for stormwater management measures can be obtained from the following:

1. The "Standards for Soil Erosion and Sediment

Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into NJAC 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in NJAC 2:90-1.3(a)3. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625;

2. The Rutgers Cooperative Extension Service, and
3. The Soil Conservation Districts listed in NJAC 2:90-1.3(a)3. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625.

40:17-8. Safety Standards for Stormwater Management Basins

40:17-8-1. This Section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This Section applies to any new stormwater management basin.

40:17-8-2. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:

- a. The trash rack shall have parallel bars, with no greater than six (6) inch spacing between the bars.
- b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
- c. The average velocity of flow through a clean trash rack is not to exceed two and one-half (2.5) feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.

- d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading

of three hundred (300) pounds per square feet.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

- a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance;
- b. The overflow grate spacing shall be no less than two (2) inches across the smallest dimension;
- c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) pounds per square feet.

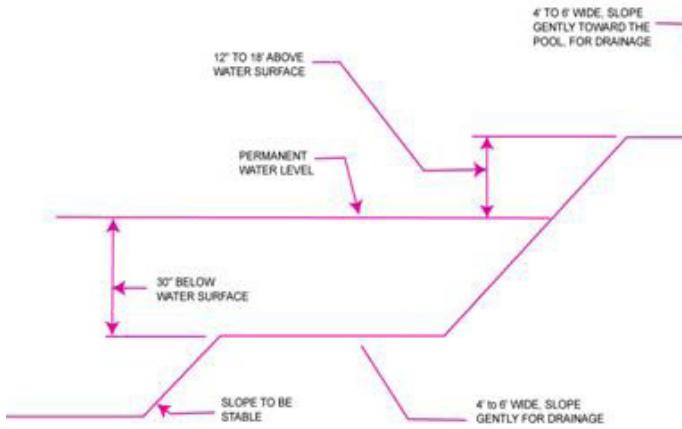
3. For purposes of this paragraph, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

- a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Section 40:17-8-3 a freestanding outlet structure may be exempted from this requirement.
- b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half (2.5) feet. Such safety ledges shall be comprised of two (2) steps. Each step shall be four (4) to six (6) feet in width. One step shall be located approximately two and one-half (2.5) feet below the permanent water surface, and the second step shall be located one (1) to one and one-half (1.5) feet above the permanent water surface. See Section 40:17-8-3 for an illustration of safety ledges in a stormwater management basin.
- c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

40:17-8-3. Variance or Exemption from Safety Standards

1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency of the City of Newark that the variance or exemption will not constitute a threat to public safety.

Depicted is an elevational view.



40:17-9 Additional Requirements for a Site Development Stormwater Plan to be Added to a Site Plan Review Application for Developments

40:17-9-1. Submission of Site Development Stormwater Plan for Major Development

1. Whenever an applicant seeks municipal approval of a development subject to this Section, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 40:17-9-3 as part of the submission of the applicant's application for subdivision or site plan approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this Section.
3. The applicant shall submit eight (8) copies of the materials required by the reviewing board and listed in the checklist for site development stormwater plans in accordance with Section 40:17-9-3.

40:17-9-2. Site Development Stormwater Plan

Approval

The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from whom municipal approval is sought. That municipal board's staff shall consult the Engineering Department and Department of Water and Sewer Utilities to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this Section.

40:17-9-3. Checklist Requirements

The following information shall be required:

1. Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of two hundred (200) feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing manmade structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis. A written and graphic description of the natural and manmade features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plan(s). A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water

elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

4. Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of Sections 40:17-2 through 40:17-5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 40:17-4.

b. When the proposed storm-water management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 40:17-10.

8. Waiver from Submission Requirements. The municipal official or board reviewing an application under this Section may, in consultation with the Departments of Engineering and Water and Sewer Utilities, waive submission of any of the requirements in Sections 40:17-9-3(1) through 40:17-9-3(5) of this Section when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process and such waiver would not be a violation of NJDEP Rules and Regulations.

40:17-10. Maintenance & Repair

40:17-10-1. Applicability

1. Projects subject to review shall comply with the requirements of Sections 40:17-10-2 and 40:17-11.

40:17-10-2. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules.

3. The maintenance plan for major developments shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual, available online at http://www.nj.gov/dep/stormwater/bmp_manual2.htm. If the maintenance plan identifies a person other than the developer (for example, a property owner or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable section or regulation.

4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project,

unless such owner or tenant owns or leases the entire residential development or project. Under no circumstances shall the responsibility for maintenance be assigned, designated, assumed or transferred to the City of Newark unless the development is undertaken by the City.

5. The maintenance plan shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

6. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

7. For major development projects, the person responsible for maintenance identified under Section 40:17-10-2(3) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

8. For major development projects, the person responsible for maintenance identified under Section 40:17-10-2(3) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

9. The person responsible for maintenance identified under Section 40:17-10-2(3) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 40:17-10-2(7) and 40:17-10-2(8) above.

10. The requirements of Sections 40:17-10-2(3) and 40:17-10-2(4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

11. In the event that the stormwater management

facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the City of Newark shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the Departments of Engineering and Water and Sewer Utilities. The City of Newark, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the City of Newark may immediately proceed to do so and shall impose a lien or use other remedies to collect the cost thereof from the responsible person.

For major development projects, nothing in this Section shall preclude the City of Newark in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with NJSA 40:55D-53.

40:17-11. Refuse Containers/Dumpsters

40:17-11-1. All dumpsters and other refuse containers that are outdoors or exposed to stormwater must be covered at all times and prohibited from spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the City of Newark, New Jersey and/or the waters of the State so as to protect public health, safety and welfare.

40:17-11-2. Prohibited Conduct

1. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

2. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system operated by the City of Newark, New Jersey.

40:17-11-3. Exceptions to Prohibition

1. Permitted temporary demolition containers.

2. Litter receptacles (other than dumpsters or other bulk containers).
3. Individual homeowner trash and recycling containers.
4. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
5. Large bulky items (e.g., furniture, bound carpet and padding, white goods, such as refrigerator, dishwasher, freezer, washer and dryer, placed curbside for pickup).

40:17-12. Private Storm Drain Inlet Retrofitting

40:17-12-1. Existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property must be retrofitted to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm or combined sewer system operated by the City of Newark, New Jersey so as to protect public health, safety and welfare.

1. Prohibited Conduct. No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:
 - a. Already meets the design standard below to control passage of solid and floatable materials; or
 - b. Is retrofitted or replaced to meet the standard in paragraph 2. below prior to the completion of the project.

40:17-12-2. Design Standard

Storm drain identified in Section 40:17-12 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 40:17-12-2(3) below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or

another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
- 2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- 3. This standard does not apply:
 - a. Where the Municipal Engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards:
 - i. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - ii. A rectangular space four and five-eighths (4 5/8) inches long and one and one-half (1 1/2) inches wide (this option does not apply for outfall netting facilities); or
 - iii. A bar screen having a bar spacing of 0.5 inches.
- 4. Where flows are conveyed through a trash rack that has parallel bars with one (1) inch spacing between the bars; or
- 5. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at NJAC 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

40:17-13. Penalties

40:17-13-1. Any person(s) found to be in violation of the provisions of the City of Newark Stormwater Control Ordinance or who willfully or negligently fail(s) to comply with the rules and regulations noted herein above shall be subject to a fine as follows:

- 1. Fine related to paragraphs a. through j., a fine of not more than one thousand (\$1,000.00) dollars or imprisonment not to exceed ninety (90) days, or both, for each offense;
- 2. Fine related to paragraph k., a fine not to exceed one hundred thousand (\$100,000.00) dollars;
- 3. Fine related to paragraph l., a fine not to exceed ten thousand (\$10,000.00) dollars for each storm drain inlet that is not retrofitted to meet the design standard.
 - a. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City of Newark may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person(s) found to have violated the regulations issued recited herein above.

40:17-14. Enforcement

This Section shall be enforced by the Police Department, Department of Neighborhood and Recreational Services and/or other Municipal Officials of the City of Newark, New Jersey.

Chapter 18. Administration, Enforcement & Violations

40:18-1. Administration

40:18-1-1. Enforcement of Title

The provision of this Title shall be enforced by the Division of Code Enforcement.

40:18-1-2. Construction Code Official

1. Certificate of Occupancy, Issuance by Construction Code Official, Fees.

a. Certificate of Occupancy.

It shall be unlawful to use or permit the use of any building or premises, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly in its use or structure until a Certificate of Occupancy to the effect that the building or premises, or part thereof so created, erected, changed, converted, or enlarged and the proposed use thereof conform to the provisions of this Title, shall have been issued by the Construction Code Official. In the case of such buildings or premises, it shall be the duty of the Construction Code Official to issue a Certificate of Occupancy within thirty (30) days after application for approval has been filed in his/her office by any owner of a building or premises, or the part thereof so created, erected, changed, converted or enlarged and if the proposed use thereof conforms with all the requirements herein set forth.

b. A temporary Certificate of Occupancy under subparagraph a, 1. hereof for a part of a building may be issued by the Construction Code Official. Upon application from the owner, the Construction Code Official shall issue a Certificate of Occupancy for any building or premises existing at the time of passage of this zoning ordinance (1-17-79) certifying, after inspection, the use of the building or premises and whether such use conforms to the provisions of this Title.

c. It shall be unlawful to use or permit the use of any building or premises or part thereof, for which a Certificate of Occupancy has been issued and the use of which is changed at any time, unless the owner, tenant or other occupant of the building or premises shall notify the Construction Code Official in writing at least ten (10) days prior to such change

in use, specifying in such notice the prior use and the proposed use after such change. Upon receiving such notice, the Construction Code Official shall cause an inspection of the premises to be made and if he/she finds that the proposed new use does not conform to the provisions of this Title or does not comply with all State Laws and City ordinances and regulations governing and concerning the location, construction, utilities, their repair and maintenance, of the building and such premises, he/she shall revoke the Certificate of Occupancy upon ten (10) days notice in writing to the owner, tenant or other occupant of the premises.

d. Every Certificate of Occupancy heretofore or hereafter issued shall expire at the end of every calendar year, beginning with the year 1971, unless it is renewed prior to the expiration of such calendar year by application to the Construction Code Official on forms prescribed by him/her. It shall be unlawful to use or permit the use of any building or premises, or part thereof, unless a currently valid Certificate of Occupancy for the premises is in effect. This Section, however, shall not apply to premises used and continued to be used as a dwelling for three (3) families or less.

e. It shall be unlawful to use or permit the use of any building or premises, or part thereof, presently in existence and for which a Certificate of Occupancy has not previously been issued, unless a Certificate of Occupancy is obtained within sixty (60) days after the effective date of this Chapter, in accordance with the provisions of paragraph a, 1 of this Section.

It shall be unlawful to use or permit the use of any building or premises; or part thereof for which a Certificate of Occupancy is received under this Section other than a one-family dwelling, unless such certificate is displayed in some prominent place in such building or premises.

2. Issuance by Construction Code Official.

a. It shall be unlawful to use or for the owner to permit to be used for dwelling purposes any building or part of a building designed or constructed for commercial or industrial, or other than dwelling

purposes, or to convert any such premises for dwelling use unless and until a Certificate of Occupancy for dwelling use has been issued by the Construction Code Official.

b. It shall be unlawful to use or for the owner to permit to be used for commercial and industrial purposes any building or part of a building designed or constructed for dwelling purposes, or other than commercial and industrial purposes, or to convert any such premises for commercial and industrial use unless and until a Certificate of Occupancy for commercial and industrial use has been issued by the Construction Code Official.

3. Fees

a. A Certificate of Occupancy shall not issue unless and until the owner has complied with all State and Federal laws and City ordinances and regulations, governing and concerning the location, construction, utilities, facilities, their repair and maintenance, of the building and such premises for which application has been made nor shall it issue after the creation, erection, change, conversion or enlargement, wholly or partly, of any building or structure unless and until the plans for such creation, erection, change, conversion or enlargement shall have been approved (i) by the Fire Department as conforming to applicable laws, ordinances and regulations within its jurisdiction, and (ii) by every other municipal agency having jurisdiction thereof as conforming to applicable laws, ordinances and regulations within such agency's jurisdiction. The Construction Code Official shall have the power and authority to promulgate rules and regulations specifying the procedure and forms of determining the necessity for and manner of obtaining all approvals required under this Section.

b. Applications, accompanied by the required fee shall be paid by the owner to the Construction Code Official, on forms provided therefor. The fee shall become the property of the City as cost of processing application.

The determination as to approval or disapproval shall be made within thirty (30) days, but no occupancy permit shall become effective before thirty (30) days from date of application.

c. No permit for change from commercial and industrial use to a dwelling use or from a dwelling use to a commercial and industrial use shall become effective until at least thirty (30) days after the date of the application.

d. Upon approval, an Occupancy Permit or renewal shall issue upon payment of the required fee. If the application is rejected, written notice is to be given to the applicant.

e. Every application for a Certificate of Occupancy submitted to the City shall be accompanied by certification that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of the application. The certification shall be made by the City's Tax Collector on a form provided by the City. If it is found that taxes or assessments are due or delinquent on the property, a Certificate of Occupancy shall not be issued until such payment is received by the City or adequate provision for the payment thereof is made in such a manner that the City will be adequately protected.

40:18-2. Certificate of Code Compliance

40:18-2-1. Certificate of Code Compliance

Any person who intends to sell, transfer or convey, by deed or otherwise, any residence, dwelling, apartment house or structure intended for human habitation must make application to and receive from the Director, Neighborhood and Recreational Services, of the City of Newark, New Jersey or his/her designee, a certification that such residence conforms to the housing and zoning ordinances of the City of Newark. The granting of any certification of code compliance shall not free an owner, seller or buyer of property of their obligation to comply with any other ordinance or statute applicable to the property, and in particular, shall not free the owner of the obligation of complying with the Uniform Construction Code. The seller or seller's realtor, attorney or broker shall be permitted to procure the Certification of Code Compliance once available for distribution.

40:18-2-2. Fees for Certificate of Code Compliance. Fees for inspections for a Certificate of Code Compliance shall be as follows:

Type	Fee
1 to 2 unit dwelling	\$400
3 to 10 unit dwelling	\$500
11 to 20 unit dwelling	\$1000
21 to 40 unit dwelling	\$2000
41 to 100 unit dwelling	\$5000
Over 100 unit dwelling	\$10,000

Minimum plus \$25 for each unit over 100 units.

40:18-2-3. Violation

It shall be a violation of this Chapter to transfer, convey or sell the title to property, subject to this ordinance prior to the issuance of a Certificate of Code Compliance. It shall also be a violation if, upon an inspection it shall be determined that any violation of the housing and/or zoning regulations exists. A Certificate of Code Compliance shall not be issued when there are existing violations but instead a list of violations shall be issued to the seller within fifteen (15) days after the inspection has been completed. A copy of the inspection shall be made available to the seller's realtor and/or broker upon request. If the seller fails to abate the violations listed by the Inspector, no Certificate of Code Compliance shall be issued. Any violation described by the Inspector shall be abated within twenty (20) days of the receipt of the list of violations.

40:18-2-4. Exclusions

This Chapter shall not apply to the initial sale of newly constructed structures. This Chapter shall not apply to judicial sales or the sale of property owned by the United States, the State of New Jersey or the City of Newark nor shall it apply to the sale, transfer or conveyance of residential structures between husband and wife, parent and child and siblings or to the transfer of residential property by an executor/administrator of an estate or to any other transfer of residential premises for a consideration of less than one hundred (\$100.00) dollars.

If the premises are sold, transferred or conveyed within six (6) months from the date of the issuance of the Certificate of Code Compliance, no further inspection

shall be required. If sold, transferred or conveyed after six (6) months from the date of issuance, a further inspection shall be required and a new Certificate of Code Compliance shall be issued as set forth herein.

40:18-2-5. Appeals

A notice of any violation of the Housing and Zoning Regulations of the Department of Neighborhood and Recreational Services may be appealed by the seller to the Director by sending a notice of appeal to the Director at his/her office, which shall be received within ten (10) days of the date of the notice of violation. The Director shall set the matter down for a hearing before him/her or his/her designee. The determination of the Director or his/her designee shall be final.

40:18-2-6. Regulations

The Director of the Department of Neighborhood and Recreational Services is authorized and empowered to issue such regulations as he/she may deem reasonably necessary to carry out the purpose of this Chapter. Such regulations shall be in writing and shall be given to the seller at the time that he or she files their application and shall be on file with the City Clerk of the City of Newark.

40:18-2-7. Extensions for Compliance

The seller or buyer of any residence who requests an extension to comply with the requirements of this Chapter shall be granted such an extension, if the estimated repairs to the property exceed five thousand (\$5,000.00) dollars or otherwise appear because of inclement weather or other conditions to be so expensive or difficult to complete that they cannot be finished within the time allowed by the Director of the Department of Neighborhood and Recreational Services. In regard to a request for an extension, the Director shall consider a certified statement of costs from the contractor in charge of the repairs. If an extension has been granted, the Director of the Department of Neighborhood and Recreational Services may permit the structure to be sold with a Conditional Certificate of Compliance if it appears that the seller or buyer will abate the violations within the time described in the notice of extension. Where such a sale is allowed the Conditional Certificate permitting the sale shall state the conditions that are to be remedied as well as the time for compliance. The final Certificate of Compliance shall be issued only after the conditions in the Conditional Certificate have been met.

40:18-2-8. Penalty

Failure of any seller to abate a violation of these Housing and Zoning Regulations or a violation of this Chapter concerning sales, transfers and/or conveyances of residential property without a Certificate of Code Compliance, shall be punishable by a fine not exceeding three thousand (\$3,000.00) dollars but not less than five hundred (\$500.00) dollars or by imprisonment for a term not exceeding ninety (90) days, or both.

40:18-2-9. Effective Date

This Chapter upon final passage and publication in accordance with the law shall be deemed effective retroactively as of January 5, 1990 in regard to residential structures that are listed for sale after January 5, 1990 by a realtor licensed in the State of New Jersey. This Chapter shall not affect the sale of property listed for sale by a realtor, or agreed to be sold by a seller or buyer as evidenced by a contract prior to January 5, 1990.

40:18-3. Violations**40:18-3-1 Penalties**

1. Any person who violates any provisions of Section 40:6-2 shall upon conviction thereof, be punished by one or more of the following penalties: (1) a fine not exceeding one thousand (\$1,000.00) dollars; (2) imprisonment for any term not exceeding ninety (90) days; or (3) a period of community service not exceeding ninety (90) days, provided however, that when the maximum penalty fixed by an applicable State Statute is less, by force of said State Statute or by judicial construction, than any penalty fixed in these Revised General Ordinances, then the limitation of such State Statute shall be applicable.

2. For any and every violation of any other provision of this Title, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who commits, takes part, or assists in such violation shall exist, shall, for each and every violation, be

punished by one or more of the following penalties: (1) a fine not exceeding one thousand (\$1,000.00) dollars; (2) imprisonment for any term not exceeding ninety (90) days; or (3) a period of community service not exceeding ninety (90) days, provided, however, that when the maximum penalty fixed by an applicable State Statute is less, by force of said State Statute or by judicial construction, than any penalty fixed in the Revised General Ordinances, then the limitations of such State Statute shall be applicable.

3. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

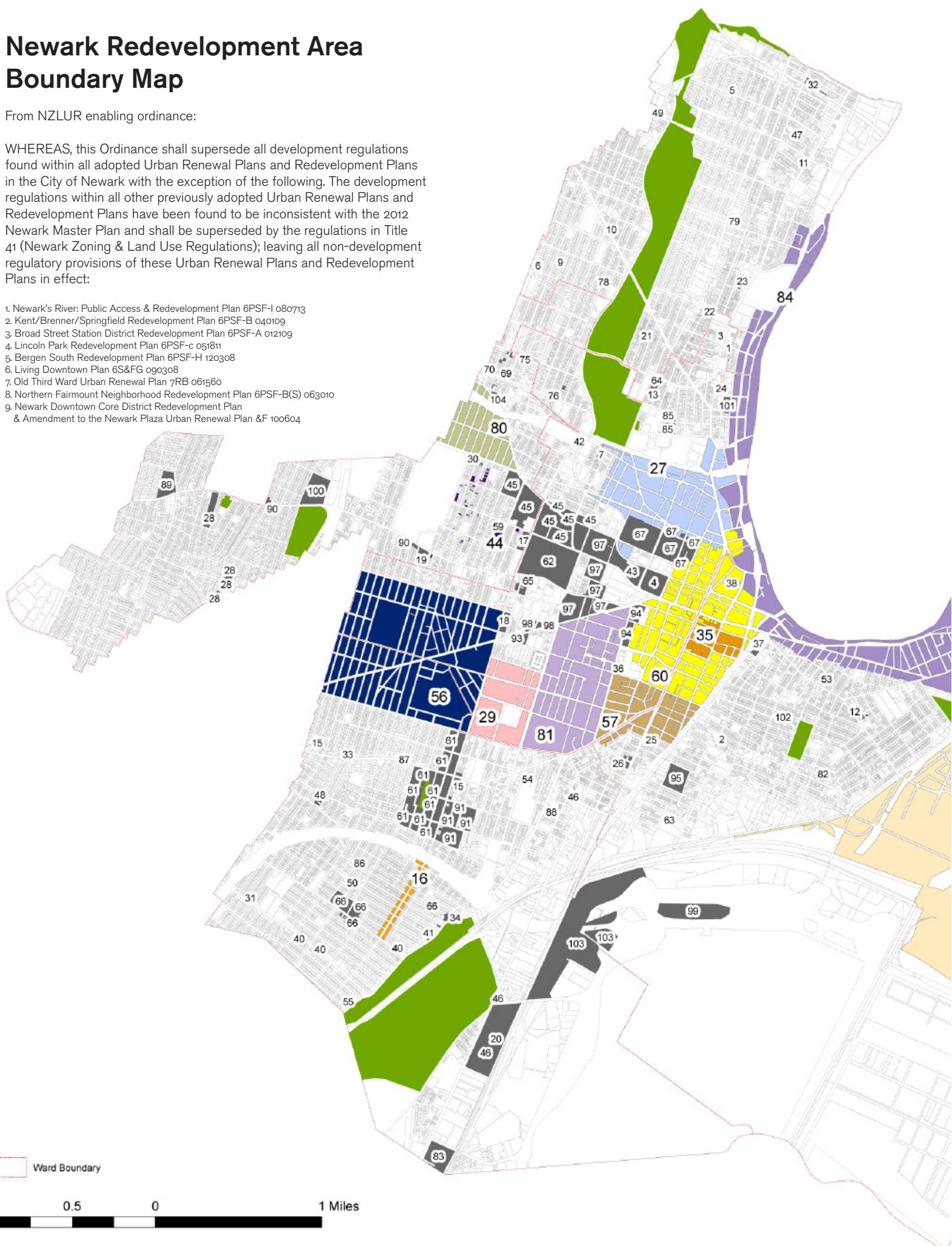
4. Any building or part thereof which has been constructed in violation of this Title and for which a subsequent application and request for a variance has been denied, shall be demolished at the expense of the owner, general agent or contractor of the premises.

Newark Redevelopment Area Boundary Map

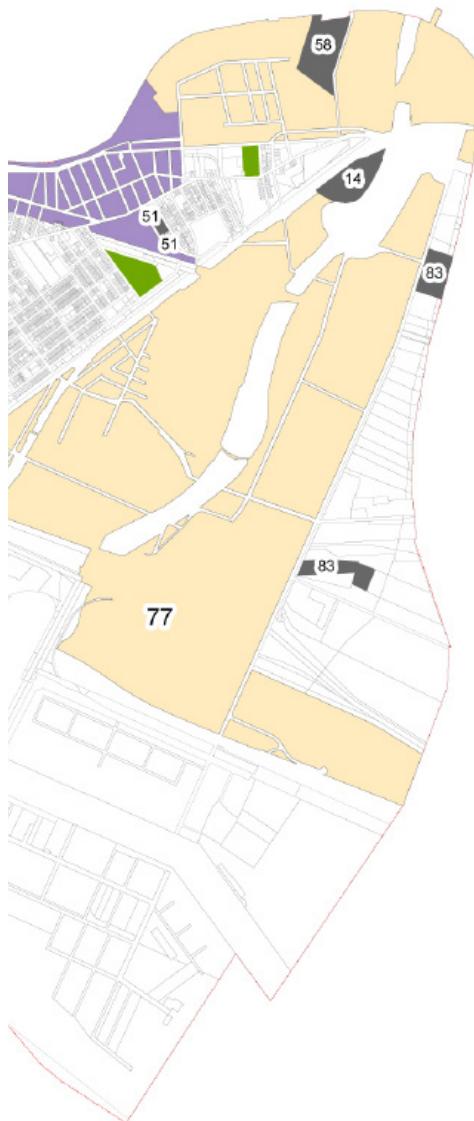
From NZLUR enabling ordinance:

WHEREAS, this Ordinance shall supersede all development regulations found within all adopted Urban Renewal Plans and Redevelopment Plans in the City of Newark with the exception of the following. The development regulations within all other previously adopted Urban Renewal Plans and Redevelopment Plans have been found to be inconsistent with the 2012 Newark Master Plan and shall be superseded by the regulations in Title 41 (Newark Zoning & Land Use Regulations); leaving all non-development regulatory provisions of these Urban Renewal Plans and Redevelopment Plans in effect:

1. Newark's River: Public Access & Redevelopment Plan 6PSF-I 080713
 2. Kent/Brenner/Springfield Redevelopment Plan 6PSF-B 040109
 3. Broad Street Station District Redevelopment Plan 6PSF-A 012109
 4. Lincoln Park Redevelopment Plan 6PSF-c 051811
 5. Bergen South Redevelopment Plan 6PSF-H 120308
 6. Living Downtown Plan 6S&FG 090308
 7. Old Third Ward Urban Renewal Plan 7RB 061560
 8. Northern Fairmount Neighborhood Redevelopment Plan 6PSF-B(S) 063010
 9. Newark Downtown Core District Redevelopment Plan
 & Amendment to the Newark Plaza Urban Renewal Plan F&F 100604



1. 109-119 Broad St Redev Plan (CW) | 6S+FH 10/21/91
2. 224-238 McWhorter Redev Plan (EW) | 6S+FX 10/7/87
3. 254-260 Broadway Redev Plan (CW) | 6S+FK 2/17/88
4. 261-269 University Ave & 1280 Raymond Red Plan (CW) | 6S+FQ 10/4/89
5. 275 Montclair Ave Redev Plan (NW) | 6S+FBA 5/3/88
6. 293-297 North 13th St Redev Plan (NW) | 6S+FP 4/6/88
7. 320-332 Orange St Redev Plan (CW) | 6S+FU 9/7/88
8. 337-339 Orange St Redev Plan (CW) | 6S+FK 3/1/00
9. 40-42 N 10th Street Redev Plan (NW) | 6S+FE 5/18/88
10. 578-586 N 6th Street Redev Plan (NW) | 6S+FE 5/18/88
11. 712-736 Broadway Redev Plan (NW) | 6S+FG 5/20/87
12. Alyea St Redev Plan (EW) | 6S+FF 10/20/82
13. Archdiocese Office Building Redev Plan (CW) | 6/5/89
14. Bayonne Barrel Redev Plan (EW) | 6S+FH 3/1/00
15. Bergen Clinton Redev Plan (SW) | 6S+FD 12/8/04
16. Bergen South Redev Plan (SW) | 6S+FH 12/3/08
17. Bergen St Park Redev Plan (WW) | 6S+FA 10/24/89
18. Bergen/Hunterdon Redev Plan (CW) | 6S+FI 4/3/96
19. Block 317-South Orange Ave Redev Plan (WW) | 6S+FD 2/7/07
20. Block 3791 Redev Plan (SW) | 6S+FM 5/21/86
21. Block 538 Redev Plan (NW) | 6S+FT 4/20/88
22. Block 560 Redev Plan (NW) | 6S+FH 4/19/89
23. Block 613 Redev Plan (NW) | 6S+FN 9/2/87
24. Bridge St Area Redev Plan (CW) | 6S+FD 9/2/81
25. Broad-Tichenor Redev Plan (EW) | 6S+FC 2/5/03
26. Broad St / Murray St Redev Plan (EW) | 6S+FD 5/16/01
27. Broad St Station District Redev Plan (CW) | 6S+FA 1/21/09
28. Brookdale Ave Area Redev Plan (WW) | 6S+FD 1/4/78
29. Central Ward Urban Renewal Plan (CW) | 6S+FK 1/17/01
30. Central/Fairmount Redev Plan (WW) | 6S+FF 1/1/03
31. Chancellor/Wainwright Redev Plan (SW) | 6S+FE 6/20/90
32. Cherry Park Redev Plan (NW) | 8/7/13
33. Clinton Ave & South 15 St Redev Plan (SW) | 6S+FE 6/20/90
34. Custer/Elizabeth Redev Plan (SW) | 6S+FL 8/1/96
35. Downtown Core District Redev Plan (EW / CW) | 6S+FF 10/6/04
36. Dr Martin Luther King Jr. Blvd/Baldwin St Redev Plan (CW) | 6S+FA 11/2/94
37. Edison Place East Redev Plan (EW) | 6S+FG 9/17/03
38. Education Center NJR-50 Urban Renewal Plan (CW / EW) | 7Rbk 5/20/64
39. Elizabeth & Renner Ave Redev Plan (SW) | 6S+FJ 10/20/93
40. Elizabeth Ave Redev Plan (SW) | 6S+FH 3/4/87
41. Elizabeth/Mapes Redev Plans (SW) | 6S+FK 8/1/96
42. Essex County Improvement Authority Redev Plan (CW / WW) | 6S+FT 9/17/86
43. Essex Heights Urban Renewal Plan (CW) | 6S+FD 8/30/77
44. Fairmount Neighborhood Scattered Site Redev Plan (WW) | 6S+FA 12/3/08
45. Fairmount Renewal Project Redev Plan (WW) | 6S+FG 9/11/88
46. Frelinghuysen Ave (Airport Support Zone) Redev Plan (SW) | 6S+FK 7/14/04
47. Halleck St Study Area Redev Plan (NW) | 6S+FO 9/16/87
48. Hawthorne/Leslie Area Redev Plan (SW) | 6S+FR 7/11/90
49. Heller Parkway Redev Plan (NW) | 6S+FJ 3/1/00
50. Huntington/Shephard Redev Plan (SW) | 6S+FA 6/20/90
51. Ironbound Urban Renewal Plan (EW) | 7RBE 6/15/77
52. J P Affordable Redev Plan (WW) | 6S+FJ 6/20/90
53. Jackson / Downing Redev Plan (EW) | 6S+FG 8/1/01
54. Johnson/Hillside Ave Redev Plan (SW) | 6S+FK 12/20/89
55. Keer Ave 2 Redev Plan (SW) | 6S+FC 4/21/93
56. Kent/Brenner/Springfield Redev Plan (CW / SW) | 6S+FK 4/5/89
57. Lincoln Park Redev Plan (EW / CW) | 6Phs+Fd 10/20/04
58. Lister Ave Redev Expansion Area Plan (EW) | 7RL 6/1/05
59. Littletone/South 6th St Redelopment Plan (WW) | 6S+FM 11/19/90
60. Living Downtown Redev Plan (CW / EW) | 6S+FG 9/3/08
61. Lower Clinton NJR-38 Hill Urban Renewal Plan (SW) | 6S+FA 12/23/91
62. Medical Center Renewal Plan (CW) | 7Rbe 3/20/68
63. Miller Street/Wright Street Redev Plan (EW) | 6S+FF 8/3/05
64. Mt. Prospect Avenue Redev Plan (NW) | 6S+FB 9/20/89
65. New Community Development Area Red Plan (CW) | 6S+Fl 1/4/78
66. Newark Beth Israel Redev Plan (SW) | 6S+FJ 4/20/94
67. Newark College NJR-45 Expansion Urban Renewal Plan (CW) | 7RJ 1/3/62
68. NJ2-42-"C" Redev Plan (CW) | 6S+FG 2/17/93
69. NJ2-42-"E" Redev Plan (WW) | 6S+FM 2/17/93
70. NJ2-42-"H" Redev Plan (WW) | 6S+FH 2/17/93
71. NJ2-42-"N" Redev Plan (WW) | 6S+FF 2/17/93
72. NJ2-42-"P" Redev Plan (WW) | 6S+FK 2/17/93
73. NJ2-42-"Q" Redev Plan (WW) | 6S+Fl 2/17/93
74. NJ2-42-"S" Redev Plan (WW) | 6S+Fl 2/17/93
75. NJ2-42-"U" Redev Plan (WW) | 6S+FJ 2/17/93
76. NJ2-42-"V" Redev Plan (CW) | 6S+FE 2/17/93
77. NJR-121 Industrial River Urban Renewal Project (EW) | 7Raa 6/18/64
78. North 5th St Redev Plan (NW) | 6S+FO 4/6/88
79. North Ward Redev Plan (NW) | 6S+FG 1/5/00
80. Northern Fairmount Redev Plan (WW) | PSF-b 7/7/10
81. Old Third Ward NJR-6 Urban Renewal Plan (CW) | 7Rb 6/15/60
82. Oliver St Redev Area Redev Plan (EW) | 6S+FD 6/8/84
83. Port Airport Support Redev Plan (EW / SW) | PSF-c 1/21/10
84. Newark's River Public Access & Redev Plan (EW / CW / NW) | 7R3-e (AS) 8/7/13
85. Saint Lucy's Area Phase II Redev Plan (CW) | 6S+FF 2/3/82
86. Schuyler Ave Redev Plan (SW) | 6S+FL 12/20/89
87. Shanley/Clinton Area Redev Plan (SW) | 6S+FF 12/6/89
88. S Broad-Valley Community Redev Plan (SW) | 6S+FM 4/6/77
89. S Orange Ave Community Redev Area (WW) | 6S+FF 3/7/79
90. S Orange Ave/West End Ave Redev Plan (WW) | 6S+FC 10/17/01
91. S Ward Industrial Park Redev Plan (SW) | 6S+FS 3/6/96
92. Springfield/ Hayes Redev Plan (CW) | 6S+FO 11/20/01
93. Springfield/VE/Sayre Street Redev Plan (CW) | 6S+FA 11/20/01
94. St. Benedict's Renewal Redev Plan (CW) | 6S+FE 3/15/89
95. Thomas St Redev Plan (EW) | 6S+FZ 10/16/96
96. United Cerebral Palsy Redev Plan (CW) | 6S+FE 2/20/91
97. University Heights Redev Area Redev Plan (CW) | 6S+FC 10/20/04
98. UPS Springfield Ave Station Redev Plan (CW) | 6S+FB 5/1/96
99. US 1&9 Commercial/Industrial Plaza Area Redev Plan (EW) | 6S+FH 5/18/83
100. Vailsburg Area Redev Plan (WW) | 6S+FC 1/4/78
101. Vantage Urban Renewal Plan (CW) | 6S+Fl 8/15/87
102. Walnut St Area Redev Plan (EW) | 6S+FA 8/11/06
103. Waverly Yard Redev Plan (EW / SW) | 6S+FA 3/10/89
104. W Market St Block 1894 Redev Plan (WW) | 6S+FO 5/5/93



NOTE All municipally-owned parcels not already governed by a Redevelopment Plan shown on this map are governed by the Ward Redevelopment Plans.