

## Chapter 345

### ZONING

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[HISTORY: Adopted by the Council of the City of Jersey City 11-19-1974 by Ord. No. J-475 as Ch. 28 of the 1971 Jersey City Code, as readopted 9-19-1978 by Ord. No. S-128. Other amendments noted where applicable.]

## GENERAL REFERENCES

Administration of government -- See Ch. 3.  
 Environmental Commission -- See Ch. 31.  
 Special improvement district -- See Ch. 69.  
 Zoning Board of Adjustment -- See Ch. 74.  
 Demolition of buildings -- See Ch. 105.  
 Certificates of occupancy -- See Ch. 119.  
 Condominium conversions -- See Ch. 128.  
 Uniform construction codes -- See Ch. 131.  
 Fees and charges -- See Ch. 160.  
 Multiple dwellings -- See Ch. 218.  
 Subdivision of land -- See Ch. 299.

## ARTICLE I General Provisions

- ~ 345-1. Title.

The short form by which this chapter may be known shall be the "Zoning Ordinance of the City of Jersey City,

~ 345-2. Purpose.

The purpose of this chapter is to establish a pattern for the use of land and buildings in the City of Jersey City based on the Master Plan for the City of Jersey City, as amended, and enacted in order to promote and to protect the public health, safety, morals, comfort, convenience and the general welfare of the people. This chapter is intended to regulate the use of land within zoning districts, secure safety from fire, panic and other dangers, provide adequate light and air, promote orderly development, avoid undue concentration of population, prevent the overcrowding of land or buildings by regulating the intensity of use and the location of buildings, establish standards of development, limit congestion in the street, prohibit incompatible uses, regulate the alteration of existing buildings, protect against hazards, conserve the taxable value of land, preserve open space and natural features, permit the development of land in accordance with the purposes of any adopted planned unit development ordinance and encourage the inclusion of aesthetics, amenities of living and a balance of public services.

~ 345-3. Interpretation of standards.

The provisions of this chapter shall be held to be minimum requirements. Where this chapter provides both minimum and maximum standards, both standards shall be met even though the combination of standards may not permit the development of a specific lot to take advantage of all minimum and all maximum standards at one time [i.e.: maximum building coverage may be thirty percent (30%), but in order to meet the minimum off-street parking requirements or building setbacks, the coverage may only be able to reach twenty-eight percent (28%). The twenty-eight-percent coverage would be required]. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law, the provisions of this chapter shall control, except that the provisions of any adopted planned unit development ordinance shall prevail for developments proposed under the provisions of that ordinance. Where other laws require greater restrictions than are imposed or required by this chapter, the provisions of such other laws shall control. In particular, in any areas officially declared and delineated as an urban renewal project area or neighborhood development program area by duly adopted ordinance(s) of the governing body of the City of Jersey City, the standards and controls and designations contained in the plans adopted by ordinance(s) of the governing body for such legally adopted urban renewal project area or neighborhood development program area shall take precedence over any standards and controls and designations contained in this chapter, except that site plan review and approval shall be required as outlined in this chapter. Where the standards, controls and designations of an urban renewal project area or neighborhood development program area do not provide alterations to the provisions of this chapter, those provisions of this chapter that remain unchanged shall prevail. Those portions of the Hackensack meadowlands falling under the jurisdiction of the Hackensack Meadowlands Development Commission shall adhere to the zoning regulations adopted by that Commission.

~ 345-4. Prohibited uses. [Amended 10-21-1975 by Ord. No. J-641]

All uses not expressly permitted in this chapter are prohibited. All uses not expressly permitted in any given use district are expressly prohibited in such use district. No structure or addition thereto shall hereafter be built, moved or remodeled, and no land shall hereafter be used, occupied, reoccupied, designed or improved for use or occupancy except for a use that is permitted within the zone in which the structure or land is located.

~ 345-5. Compliance required; applicability.

All requirements shall be met at the time of any erection, enlargement, moving or change in use of the principal use and shall apply to a new structure, an enlargement or other improvement that results in the application of one (1) or more of the standards of this chapter. If an existing nonconforming lot, structure or use has a building addition or enlargement, or if a new structure is added to an existing complex of structures, the provisions of this chapter shall apply only to the addition, enlargement or new structure, but the original lot, use, structure or complex of structures shall not be made more nonconforming in the process.

~ 345-6. Word usage.

For the purposes of this chapter, certain phrases and words are herein defined as follows: words used in the present tense include the future; words used in the singular number include the plural number and vice versa; the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, occupied or intended to be used; the word "lot" includes the words plot, premises and tract; the word "building" includes the word structure or dwelling or residence or premises or use and includes a part or portion of a building as well as the whole building; the word "shall" is mandatory and not discretionary; the word "zone" includes the word district; any word or term not defined herein shall be used with a meaning of standard usage. Whenever a term is used in this chapter which is defined in 40:55D-1 et seq. such term is intended to have the meaning set forth in the definition of such term found in said statute, unless a contrary intention is clearly expressed from the context of this chapter.

~ 345-7. Definitions.

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

**ACCESSORY BUILDING, STRUCTURE OR USE** -- A building, structure or use which is customarily associated with and is subordinate and incidental to the principal building, structure or use and which is located on the same lot therewith. An accessory building attached to the principal building shall comply in all respects with the requirements applicable to the principal building.

**AIR RIGHTS** -- The interest in the use of the space above the land or above structures or improvements affixed to the land.

**ALTERATIONS OR ADDITIONS, STRUCTURAL** -- Any change or rearrangement in the supporting members of a building such as walls, foundations, columns, beams, girders, posts or piers; or additions to or enlargements of an existing structure requiring walls, foundations, columns, beams, girders, posts or piers; or the moving from one location or position to another.

**APARTMENT** -- One (1) or more rooms comprising a dwelling unit in a multifamily dwelling or serving as the home or residence of an individual or a family or a household.

**AUTOMATIC AMUSEMENT DEVICE ARCADE** -- Any place of business except a bar, as defined in this section, having four (4) or more automatic amusement devices as defined in Chapter 87, Amusement Devices, available for use or hire by the public regardless of any other business conducted within such place of business. [Added 12-13-1984 by Ord. No. MC-726]

**AUTO SALES** -- A retail activity which shall include the sale of cars, trucks and motorcycles, where all displays, office and maintenance facilities are in enclosed structures. Vehicular body repair and painting are not permitted. [Added 4-20-1976 by Ord. No. J-727]

**BAR** -- A place of business for the sale and on-premises consumption of alcoholic beverages.

**BASEMENT** -- A portion of the building partly underground, but having less than one-half (1/2) of its clear height below average contact grade around the periphery of the foundation.

**BILLBOARD** -- A sign on which lettered or pictorial matter is displayed for advertising purposes other than that on a building or its grounds giving the name, occupation, user, the nature of the business conducted therein or the products primarily sold or manufactured therein.

**BOARDINGHOUSE** -- A dwelling wherein one (1) or more rooming units are rented and where meals are regularly served to the occupants by the owner or manager.

**BUILDING** -- Any structure, part of a structure, extension thereof or addition thereto having a roof supported by such things as columns, posts, piers or walls and intended for the shelter, business, housing or enclosing of persons, animals or property.

**BUILDING COVERAGE** -- The area of a lot, or of an industrial complex of more than one (1) lot, that is covered with buildings. "Building coverage" expressed as a percentage shall mean the percent of a lot or assemblage of lots occupied by one (1) or more buildings. "Maximum building coverage," expressed as a percentage of the lot or assemblage of lots, means that the lot or assemblage of lots may have that much

building coverage, provided that the site design contains all other requirements of this chapter such as, but not limited to, parking, loading, buffers and circulation. If these other requirements of the chapter are not met, the building coverage shall be reduced until all provisions of the chapter are satisfied.

**BUILDING HEIGHT** -- The vertical distance measured to the highest point of the roof and measured from the mean elevation of the finished grade five (5) feet away from the foundation along the side(s) of the building facing a street or the street line, whichever is closer to the foundation. On a corner lot, the height shall be measured from the average of the mean elevation along both streets calculated as outlined above.

**BUILDING, PRINCIPAL** -- See "principal use."

**CELLAR** -- A portion of a building having one-half (1/2) or more than one-half (1/2) of its clear height below average contact grade around the periphery of the foundation.

**CITY** -- City of Jersey City, Hudson County, New Jersey.

**CLINIC** -- A professional office where the services of more than one (1) practitioner can be obtained and where patients are studied or treated on an outpatient basis and where no overnight accommodations are provided.

**COMMON PROPERTY** -- A parcel or parcels of land, together with the improvements thereon, the ownership, use and enjoyment of which are shared by the owners and tenants of the individual dwelling units in the development.

**CREDITABLE SQUARE FOOT** -- A term used in providing a basis for bonuses for buildings and are those areas improved by the owners beyond those required of any city ordinance and are accessible, unobstructed, improved, usable areas for their intended purpose.

**DENSITY** -- A number expressing dwelling unit(s) per gross acre.

**DIRECTOR, DIVISION OF CITY PLANNING** -- The person holding the above title, or the acting director during an interim period of filling the position, or such other licensed professional planner on the staff of the Division of City Planning who has received written authority from the Director to carry out specified duties on behalf of the Director.

**DORMITORY** -- A building to provide sleeping and living accommodations with sanitary and general living facilities designed and used to accommodate students of a university or college.

**DWELLING** -- A building which is designed or used exclusively as the living quarters for one (1) or more housekeeping units.

**DWELLING, APARTMENT** -- See "apartment."

**DWELLING, DETACHED** -- A building physically detached from other buildings or portions of buildings and having cooking, sleeping, sanitary and general living facilities and which is occupied or intended to be occupied for residence purposes by one (1) housekeeping unit.

**DWELLING, MULTIPLE** -- A building containing more than two (2) dwelling units.

**DWELLING UNIT** -- A room or series of connected rooms containing living, cooking, sleeping and sanitary facilities for one (1) housekeeping unit. The "dwelling unit" shall be self-contained and shall not require the use of outside stairs, passing through another dwelling unit or other indirect route to get to any portion of the dwelling unit, nor shall one (1) dwelling unit require shared facilities with another dwelling unit.

**FLOOR AREA RATIO** -- The ratio of gross floor area to the lot area, exclusive of parking garages.

**FOOTCANDLE** -- A unit for measuring illumination equaling the amount of direct light on a surface.

**GARAGE, PRIVATE** -- An accessory building or structure, or portion of a main building or structure, for the parking of passenger motor vehicles and in which no occupation, business or services for



profit is conducted.

**GARAGE, PARKING** -- Buildings used exclusively for the parking or storing of motor vehicles and in which services limited to washing, polishing and other cleaning services may be provided.

**GARDEN APARTMENT** -- A multifamily structure two (2) or three (3) stories in height where apartments are grouped into separate buildings containing eight (8) to sixteen (16) units per building with two (2) to four (4) units adjacent to a stairway. [Amended 4-5-1977 by Ord. No. J-850]

**GRADE:**

A. For buildings adjoining\* one (1) street only, the elevation of the established curb at the center of the wall adjoining\* the street.

B. For buildings adjoining\* more than one (1) street, the average of the elevations of the established curbs at the center of all walls adjoining\* the streets.

C. For buildings having no wall adjoining\* the street, the average level of the ground adjacent to the exterior walls of the buildings.

\*NOTE: All walls approximately parallel to and not more than fifteen (15) feet from the street line are to be considered as "adjoining" a street.

**GROSS FLOOR AREA** -- In residences, shall be measured by using the outside dimension of the building, excluding the area of a garage, attic, open porch or patio and further excluding the area used as a cellar, basement and utility, heating and cooling rooms. Only those portions of floor areas in residential structures which are at or above grade and have a ceiling height above them of seven and one-half (7 1/2) feet or more or those floor areas on the top story which meet the definition of a half story shall be included in the "gross floor area." In nonresidential structures, floor areas used for storage and other purposes, regardless of the ceiling height, shall be included in the "gross floor area," but floor areas used for utility, heating and cooling rooms shall be excluded. The "gross floor area" of any use sharing a common wall with another use shall be measured from the center of interior walls and the outside of exterior walls.

**HIGH-RISE APARTMENT** -- A multifamily dwelling with eleven (11) or more stories.

**HOME OCCUPATION** -- An occupation being conducted wholly or in part from a residence or its residential lot as an accessory use. Such occupations shall be conducted solely by resident occupants of the residential building, except that no more than two (2) persons not a resident of the building may be employed and provided also that no more than nine hundred (900) square feet, or the equivalent of the first floor area of the building, whichever is smaller, shall be used for such purpose; that the livable floor area for the residence shall remain at least as large as that required of residences; that no display of products shall be visible from the street; that the residential character of the building shall not be changed; that no sign shall be displayed exceeding the maximum area permitted for signs on each of two (2) sides and said sign shall be placed inside the building or, if located outside, shall be attached flat against the building; that the occupation shall be conducted entirely within either the dwelling unit or an accessory building, but not both; that no occupational sounds shall be audible outside the building; that no machinery or equipment shall be used which will cause interference with radio and television reception in neighboring residences; and that the use does not reduce the parking or yard requirements of the principal use.

**HOTEL** -- A building designed for occupancy as the more or less temporary place of abode for individuals who are lodged with or without meals, in which there are ten (10) or more guest rooms or suites and in which no provision is made for cooking in any individual room or suite.

**HOUSEKEEPING UNIT** -- One (1) or more persons living together in one (1) dwelling unit on a nonseasonal basis and sharing living, sleeping, cooking and sanitary facilities on a nonprofit basis.

**HOUSE OF WORSHIP** -- A building for the assembly of members of a designated faith for religious instruction and worship of a deity such as a church, synagogue or temple.

**INDUSTRIAL PARK** -- An area wherein one (1) or more buildings are erected for industrial

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<sup>1</sup>Editor's Note: See definition of "story" in this section.

purposes in relation to one another as part of an integrated and comprehensively planned total unit, whether or not the buildings are erected simultaneously or over a period of time.

**JUNKYARD** -- The use of more than one hundred (100) square feet of any area of land, with or without buildings, regardless of size, devoted to the storage, keeping, scrapping or abandonment of junk, scrap, waste, reclaimable material or debris, whether or not it is in connection with the dismantling, processing, salvage, baling, sale or other use or disposition thereof, including, by way of illustration but not of limitation: vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass or plastic, old household appliances, wood, lumber, brush, and any stumps or any other debris or any material whatsoever.

**LOADING SPACE** -- An off-street space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading with fifteen (15) feet of vertical clearance and lengths and widths meeting this chapter.

**LOT** -- A tract or parcel of land abutting a street, but not including any portion of a street, which tract or parcel of land is legally separate from any other tract or parcel of land. Contiguous undersized lots under one (1) ownership are considered one (1) "lot."

**LOT AREA** -- The area contained within the lot lines of a lot but shall not include any portion of a street right-of-way.

**LOT, CORNER** -- A lot on the junction of and abutting two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five degrees (135°).

**LOT COVERAGE** -- The square footage or other area measurements by which all buildings and paved surfaces occupy a lot as measured on a horizontal plane around the periphery of the foundations and paved areas, and including the area under the roof of any structure.

**LOT DEPTH** -- The shortest horizontal distance between the street line and a line drawn parallel to the street line through the midpoint of the rear lot line. The greater dimension on a corner lot is its "depth."

**LOT FRONTAGE** -- The horizontal distance between side lot lines measured along the street line. The minimum lot frontage shall be the same as the lot width except that where side lot lines are not parallel or where the lot fronts on a street with a curved alignment with an outside radius of less than five hundred (500) feet, the minimum distance between the side lot lines measured at the street line shall not be less than seventy-five percent (75%) of the required minimum lot width. In the case of a corner lot, either street frontage which meets the minimum frontage required for that zone may be considered the "lot frontage."

**LOT, INTERIOR** -- A lot other than a corner lot.

**LOT LINE** -- Any line forming a portion of the exterior boundary of a lot and the same line as the street line for that portion of a lot abutting a street. "Lot lines" extend vertically in both directions from ground level.

**LOT WIDTH** -- The straight and horizontal distance between side lot lines at setback points on each side lot line measured an equal distance back from the street line. The minimum "lot width" shall be measured at the minimum required building setback line.

**LUMEN** -- A unit of measure for the flow of light.

**MEDIUM-RISE APARTMENT** -- A multifamily dwelling with four (4) or more, but not to exceed ten (10), stories.

**MIXED USE** -- A lot or structure containing more than one (1) use.

**MOBILE HOME** -- A dwelling unit manufactured in one (1) or more sections, designed for long-term occupancy; containing living and sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels, or on flatbed or other trailers, arriving at the site where it is to be occupied as a dwelling complete, usually including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations. For purposes of this chapter, travel trailers and campers are not considered "mobile homes."

**MODULAR HOME** -- A dwelling unit where major component parts are manufactured and shipped to the construction site where they are assembled and connected to major utilities.

**MOTEL** -- Same as "hotel."

**NARCOTIC AND DRUG ABUSE TREATMENT CENTER** -- Any licensed institution, facility, place, building or agency which supplies care, treatment, services, maintenance, accommodation or board, or any of them, 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, 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. [Added 5-3-1977 by Ord. No. J-861]

**NIGHTCLUB** -- Any room, building or place in which any musical entertainment, singing, dancing or other similar amusement is permitted in connection with the restaurant business or business of directly or indirectly selling food or drink to the public.

**NONCONFORMING BUILDING OR STRUCTURE** -- A building or structure which, in its location upon a lot or in its size, does not conform to the regulations of this chapter for the district in which it is located.

**NONCONFORMING LOT** -- A lot of record which does not have the minimum width, frontage or depth or contain the minimum area for the district in which it is located.

**NONCONFORMING USE** -- A use occupying a building, structure or lot which does not conform to the use regulations of the district in which it is located.

**OFFICE** -- A place for the transaction of business where reports are prepared, records kept and services rendered, but where no retail sales are offered and where no manufacturing, assembly or fabricating takes place.

**PARKING SPACE** -- An area of not less than eight and one-half (8 1/2) or nine and one-half (9 1/2) feet wide (depending on the angle of parking and access aisle width) by eighteen (18) feet in length, either within a structure or in the open, for the parking of motor vehicles, exclusive of driveways, access drives, fire lanes and public rights-of-way, except that nothing shall prohibit private driveways for detached dwelling units, row houses and townhouses from being considered off-street parking, provided that no portion of such private driveway within the right-of-way line of the street shall be considered as any portion of an off-street parking space, and further provided that the area of a "parking space" provided for detached dwelling units, townhouses and row houses shall be ten (10) feet wide and twenty (20) feet long. The area of a "parking space" is intended to be sufficient area to accommodate the exterior extremities of the vehicle, whether in addition thereto wheel blocks are installed within this area to prevent the bumper from overhanging one (1) end of the "parking space." The width and length of each space shall be measured perpendicular to each other regardless of the angle of the parking space to the access aisle of driveway. [Amended 9-17-1979 by Ord. No. S-205; 2-23-1984 by Ord. No. MC-552]

**PERMITTED USE** -- Any use of land or buildings as permitted by this chapter.

**PLANNED UNIT DEVELOPMENT** -- A tract of land to be developed as a single entity within which housing variety, related services, nonresidential uses and open spaces, singularly or in combination, are an integral part of the design.

**PLAZA** -- An open area for general public use which is designed for pedestrian access from the street level(s) which it abuts and which is an open area designed in addition to any required yard areas or open spaces generated by maximum coverage regulations (quite often an area generated by erecting a building on stilts) and which has improved surfacing, sitting areas and landscaping.

**PRINCIPAL STRUCTURE** -- A structure in which the principal use of the lot on which the structure is located is conducted. [Added 10-21-1975 by Ord. No. J-654]

**PRINCIPAL USE** -- The main use of land or structures as distinguished from a subordinate or accessory use. [Amended 10-21-1975 by Ord. No. J-652]

**PRIVATE SCHOOL** -- An institution of academic education whose general course work is comparable to the public school system and whose curriculum is approved by the New Jersey Department of Education or the New Jersey Department of Higher Education.

**PROFESSIONAL OFFICE** -- The office of a physician, surgeon, dentist, psychologist, chiropractor and osteopath.

**PUBLIC PURPOSE** -- The use of land or buildings by the governing body, City School Board or some officially created city agency or authority.

**RESTAURANT** -- A place of business where food and drink are prepared and where food and drink are consumed while patrons are seated at counters or tables on the premises.

**RETAIL SALES** -- Department stores, variety stores, apparel and accessory sales, furniture and appliance stores, grocery stores, secondhand and antique stores where all sales are under one roof, cleaning establishments such as dry cleaning and laundromats only when an attendant is provided, but in no instance shall bars, service stations or drug rehabilitation centers be considered "retail sales." [Added 4-5-1977 by Ord. No. J-850]

**ROOMING HOUSE** -- A dwelling unit wherein three (3) or more rooms are rented for sleeping purposes but where no cooking facilities are available and no meals are served.

**ROW HOUSE** -- One (1) dwelling unit in a line of three (3) or more connected dwelling units.

**SANITARY LANDFILL** -- The means by which refuse is deposited, compacted and covered with clean fill and meeting all the standards of the State of New Jersey and the City of Jersey City and the Hackensack Meadowlands Development Commission in the areas of their jurisdiction.

**SERVICE STATION** -- A place where motor fuel, lubricants and miscellaneous accessories for motor vehicles are sold and dispensed and where services are rendered for engine and mechanical repairs, but where no automobile painting and bodywork are done and where no junked or unregistered motor vehicles are kept or stored.

**SETBACK LINE** -- A line drawn parallel to a street line or lot line and drawn through the point of a building nearest to the street line or lot line. The term "required setback" means a line that is established a minimum horizontal distance from the street line or the lot line and beyond which a building or part of a building is not permitted to extend toward the street line or lot line.

**SIGN** -- Any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interest of any person or product when the same is placed to be seen by the general public.

**SITE PLAN REVIEW** -- The examination of the specific development plans for a lot. Wherever the term "site plan approval" is used in this chapter, it shall be understood to mean a requirement that the site plan be approved by the Planning Board.

**STORY** -- That portion of a building comprised between a floor and the floor or roof next above it. A "half story" is a story at the top of a building, the height of which shall not be less than seven and one-half (7 1/2) feet above at least one-third (1/3) the area of the floor when the room is used for sleeping, study or similar activity.

**STREET** -- Any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing state, county or municipal roadway, or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action pursuant to the Municipal Land Use Act (N.J.S.A. 40:55D-1 et seq., as amended), or a street or way on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and any way shown on a plat approved by the city, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street line.

**STREET LINE** -- The edge of the street right-of-way forming the dividing line between the street and a lot.

STRUCTURE -- Anything built, constructed or erected with a fixed location on or below the ground or attached to something having a fixed location on the ground, including but not limited to buildings, signs, fences, tanks, towers or poles, but excluding walks, walkways, driveways, streets and roads. [Added 10-21-1975 by Ord. No. J-653]

STRUCTURE HEIGHT -- Same as "building height."

TENANT'S PARCEL -- That portion of a lot leased or used by an occupant in some manner other than fee simple. For purposes of this chapter, "tenant's parcels" shall provide sufficient area, dimensions and configurations to meet the standards of a lot for the district in which it is located.

TOWNHOUSE -- One (1) dwelling unit in a line of three (3) or more connected dwelling units where each dwelling unit is compatibly designed in relation to all other units, but is distinct by such design features as width, setback, roof design, color, exterior materials and other features, singularly or in combination. Each dwelling unit may have one (1) or two (2) or three (3) stories, but nothing in the definition shall be construed to allow either one dwelling unit over the other or one dwelling unit behind the other.

TRACT -- An area of land composed of one (1) or more contiguous lots having sufficient dimensions and area to make one (1) lot meeting the requirements of this chapter for the use(s) intended. The original land area may be divided by one (1) existing public street and still be considered one (1) "tract," provided that a linear distance equal to more than seventy-five percent (75%) of the frontage of the side of the street having the larger street frontage lies opposite an equivalent linear distance of street frontage on the other side of the street.

UTILITY -- Water, sewerage, telephone, gas or electric service from a private or public utility company under the regulations of the New Jersey Board of Public Utilities. On-site storage of gasoline, compressed gas, steam or use of conveyor belts, elevators, water mains or other means of storing, servicing or transporting goods and services on-site shall not be considered a utility.

YARD, FRONT -- An open space extending across the full width of the lot and lying between the street line and the closest point of any building on the lot. The depth of the "front yard" shall be measured horizontally and at right angles to either a straight street line or the point of tangent of curved street lines. The minimum required "front yard" shall be the same as the required setback.

YARD, REAR -- An open space extending across the full width of the lot and lying between the rear lot line and the closest point of the principal building on the lot. The depth of the "rear yard" shall be measured horizontally and at right angles to either a straight rear lot line or the point of tangent of curved rear lot lines. The minimum required "rear yard" shall be the same as the required setback.

YARD, SIDE -- An open space extending from the front yard to the rear yard and lying between each side lot line and the closest point of the principal building on the lot. The width of the required "side yard" shall be measured horizontally and at right angles to either a straight side line or the point of tangent of curved side lot lines. The minimum required "side yard" shall be the same as the required setback.

### ARTICLE III Zoning Districts; Zoning Map

~ 345-8. Zoning districts.

For the purpose of this chapter, the City of Jersey City is hereby divided into zoning districts as designated in Article IV and as shown on the Zoning Map.

~ 345-9. Zoning Map.

The boundaries of these zoning districts are established on the map entitled "Zoning Map of the City of Jersey City," dated October 27, 1993 (Ord. No. 93-119), which accompanies and is hereby made part of this

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Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Editor's Note: The Zoning Map is included in the pocket part at the end of this Code.

chapter.

~ 345-10. Interpretation of boundaries.

Zoning district boundary lines are intended to follow street center lines, railroad rights-of-way and lot lines as they exist on lots of record at the time of enactment of this chapter unless otherwise indicated by dimensions on the Zoning Map. Any dimensions shown shall be in feet and measured horizontally and, when measured from a street, shall be measured from the street right-of-way line even if that same street is the location of a zoning district line along its center line. The exact location of any disputed zoning district boundary line shall be determined by the Board of Adjustment. The zoning standards, controls and designations apply to every structure, lot and use within each district, and the district lines extend vertically in both directions from ground level. The district boundary lines shown to terminate at the pierhead line should be continued in a straight line out to the city limits should these water areas require a district interpretation.

~ 345-11. Division of a lot in single ownership.

Where a zoning district line divides a lot other than by following a railroad or street, the zoning district line may be moved to, but not beyond, a lot line existing at the time of adoption of this chapter into either adjacent district by the owner or owners of the lot at the time of passage of this chapter, provided that the zoning district line is not moved more than ten (10) feet. If a lot line does not exist within ten (10) feet of the zoning district line at the time of adoption of this chapter, no moving of the zoning district line shall be permitted under this provision. A use permitted in the zoning district so extended shall thereafter be a permitted use in the extended area. A zoning district line, however, shall be altered only once by utilizing this section of the chapter, after which time the lot use shall be governed by the regulations of the zoning district in which it is located after the zoning district boundary line adjustment.

~ 345-12. Vacating a street or other public way.

Where a vacated street or other public way is bounded on both sides by different zoning districts, the former center line of the vacated right-of-way shall be considered the zoning district boundary line.

## ARTICLE IV District Regulations

~ 345-13. R-1 Low-Density Residential District.

A. The purpose of this district is to recognize the limited areas of the city where the land use pattern is primarily one- and two-family structures.

B. Permitted principal uses (land and buildings) shall be as follows:

- (1) Detached dwelling units.
- (2) Dwellings with two (2) dwelling units.
- (3) Houses of worship.
- (4) Parks and playgrounds.

C. Accessory uses permitted (land and buildings) shall be as follows:

- (1) Private garage and swimming pool.
- (2) Off-street parking.
- (3) Fences and walls.

- (4) Meeting rooms, recreation areas and similar uses normally associated with houses of worship.
- (5) Swimming pools in rear yards and adhering to accessory building setbacks.
- (6) Professional offices as a home occupation after site plan review and approval.

D. Conditional uses (N.J.S.A. 40:55D-67) shall be as follows: utility structures needed to provide the direct services of electric, gas, telephone and other similar services, but not offices, garages, warehouses, maintenance shops and similar commercially or industrially related facilities of said companies, and providing for only those employees required to maintain the direct service equipment.

E. Maximum height shall be as follows:

- (1) Residences: three (3) stories; thirty-five (35) feet.
- (2) Houses of worship: four (4) stories; forty (40) feet.
- (3) Private garages: one (1) story; fifteen (15) feet.
- (4) Utilities: twenty (20) feet.

F. Area, yard and bulk shall be as follows:

Building	Maximum	Minimum Yards for Principal		Mini				
		Minimum	Minimum	Lot	Dwelling			
	Maximum	Lot	Lot	Area	Unit			
Side	Building Rear Cover (feet)	Width (feet) (feet)	Depth (feet) (feet)	(square feet)	Density Per Acre	Front*	OneB	(feet)
Detached dwelling and utilities	60%	25	100	2,500	17.5	5 2 5	15	
Dwelling with 2 dwelling units	60%	25	100	2,500	35.0	5 2 5	15	
Houses of worship	50%	100	100	10,000	N/A	20 10	20 10	

\*NOTE: Setbacks may deviate from those listed here and adhere to the conditions noted in Article VI for setbacks.

G. Minimum off-street parking shall be as follows:

- (1) One (1) space per detached dwelling unit and one and one-half (1 1/2) spaces per dwelling unit for each dwelling with two (2) dwelling units.
- (2) Houses of worship: one (1) per each ten (10) seats, not counting the first one hundred (100) seats. One (1) seat shall be considered twenty-two (22) inches in calculating the capacity of pews or benches.
- (3) Utilities: one (1) space.

H. Design of off-street loading spaces shall be as in Article V.

I. Maximum sign areas shall be as follows:

- (1) One (1) sign not to exceed twenty (20) square feet for houses of worship, either attached or freestanding.
- (2) One (1) sign not to exceed two (2) square feet for home occupations.
- (3) Utilities: none other than the notification of danger and similar potential hazards.

~ 345-14. R-2 Low-Density Residential District.

A. The purpose of this district is to establish a zone which introduces a variety of residential types, public and private services convenient to residents and limited commercial services in the more intense residential uses. These commercial uses are limited to the major streets in the R-2 District where a pattern of commercial services already exists. It is the intent of this district to provide a reasonable amount of flexibility in residential types and densities, depending on the size of the property and proper site planning, without encouraging continuously increasing densities of population. This district is the largest of the city's residential zones.

B. Permitted principal uses (land and buildings) shall be as follows:

- (1) Detached dwelling units.
- (2) Dwellings with two (2) dwelling units.
- (3) Row houses.
- (4) Townhouses.
- (5) Garden apartments.
- (6) Public and private schools.
- (7) Parks and playgrounds.
- (8) Houses of worship.
- (9) Governmental uses limited to office, meeting, legislative and judicial functions.

C. [Amended 2-23-1989 by Ord. No. C-895] Accessory uses permitted (land and buildings) shall be as follows:

- (1) Private garage.
- (2) Off-street parking.
- (3) Fences and walls.
- (4) Recreation areas as part of residential developments.
- (5) Swimming pools.
- (6) Meeting rooms, cafeterias, recreation areas and similar uses normally associated with schools, houses of worship and other public buildings.
- (7) Professional offices as a home occupation after site plan review and approval.

D. [Amended 1-18-1977 by Ord. No. J-830] Conditional uses (N.J.S.A. 40:55D-67) shall be as follows:

- (1) Utilities in accordance with all R-1 District standards.
- (2) Mortuaries.



(3) Retail sales and services and offices limited to the ground floor of residential buildings, provided that the retail sales and offices have direct pedestrian access from one (1) of the following streets: Communipaw Avenue; Kennedy Boulevard north of Virginia Avenue; Martin Luther King Drive; Montgomery Street; Newark Avenue; Ocean Avenue; Palisade Avenue; Sullivan Drive north of a point two hundred (200) feet northwest of Lembeck Avenue; Summit Avenue north of Sip Avenue; and West Side Avenue north of Jewett and Gautier Avenues. [Added 2-23-1989 by Ord. No. C-895]

E. Maximum height shall be as follows:

(1) Residences and mortuaries: four (4) stories; forty (40) feet.

(2) Houses of worship, schools, governmental use: four (4) stories and forty (40) feet except that said building may have additional stories up to sixty (60) feet in height over not more than fifty percent (50%) of the foundation area.

(3) Utilities: twenty (20) feet.

F. Area, yard and bulk shall be as follows:

Building Side	Maximum	Minimum Yards for Principal Minimum		Mini Lot	Dwelling			
	Maximum	Lot	Lot	Area	Unit			
	Building Rear Cover (feet)	Width (feet)	Depth (feet)	(square feet)	Density Per Acre	Front*	OneB	
Detached dwelling and utilities	60%	25	100	2,500	17.5	5 2 5 15		
Dwelling with 2 dwelling units	60%	25	100	2,500	35.0	5 2 5 15		
Row houses and townhouses	50%	16 per dwelling unit	100	1,600	23.33	5	0	0
		100 per group	100	10,000		5 10 20 10		
Garden apartments	30%	150	100	15,000	25.75	10 15 25 10		
Public and private schools	30%	100	100	10,000	N/A	20 10 20 10		
Governmental uses	35%	100	100	10,000	N/A	20 10 20 10		
Houses of worship and mortuaries	50%	100	100	10,000	N/A	20 10 20 10		

\*NOTES: Setbacks may deviate from those listed here and adhere to the conditions noted in Article VI for setbacks.

G. Minimum off-street parking shall be as follows:

(1) One (1) space per detached dwelling unit and one and one-half (1 1/2) spaces per dwelling unit for each dwelling with two (2) dwelling units, one and one-fourth (1 1/4) space per dwelling unit for all other housing types.

(2) Schools: one (1) for every two (2) teachers and teacher's aides from kindergarten through 10th grade, plus one (1) for every teacher and teacher's aide for 11th and 12th grades, plus one (1) for every six hundred (600) square feet of gross floor area devoted to administrative office use. For colleges and universities: ten (10) spaces per classroom, plus one (1) space per ten (10) seats for each auditorium, gymnasium and lecture hall, plus ten (10) spaces per student laboratory.

(3) Houses of worship: one (1) per each ten (10) seats, not counting the first one hundred (100) seats. One (1) seat shall be considered twenty-two (22) inches in calculating the capacity of pews or benches.

(4) Governmental uses: one (1) per every six hundred (600) square feet of gross floor area of office space plus one (1) per every one thousand (1,000) square feet of gross floor area for other uses, plus one (1) for each official car assigned to the use.

(5) Professional offices as home occupation and offices as part of ground floor area of garden apartments: one (1) space per three hundred (300) feet of gross floor area.

(6) Retail sales: one (1) space per six hundred (600) square feet of gross floor area.

(7) Mortuaries: six (6) spaces per viewing room.

(8) Utilities: one (1) space.

H. Minimum off-street loading spaces shall be as in Article V.

I. Maximum sign areas shall be as follows:

(1) One (1) sign not to exceed twenty (20) square feet for governmental uses, houses of worship and mortuaries, either attached or freestanding.

(2) Two (2) signs not to exceed thirty (30) square feet each for schools, either attached or freestanding.

(3) One (1) attached sign not to exceed ten (10) square feet for retail sales, offices and utilities.

(4) One (1) attached sign not to exceed two (2) square feet for professional offices as home occupations.

~ 345-15. R-3 and R-3A Medium-Density Residential.

A. The purpose of these districts is to introduce a limited number of higher density residential districts with commercial uses along major streets and streets with bus service, except in the R-3A District where the pattern of commercial uses is less dominant. These districts also introduce a wide variety of public and quasi-public facilities. Building height is increased to accommodate the mixture of uses and the higher densities.

B. Permitted principal uses (land and buildings) shall be as follows:

(1) Detached dwelling units.

(2) Dwellings with two (2) dwelling units.

(3) Row houses.

(4) Townhouses.

(5) Garden apartments.

- (6) Medium-rise apartments.
- (7) Public and private schools.
- (8) Parks and playgrounds.
- (9) Houses of worship.
- (10) Governmental uses limited to offices, meeting, legislative and judicial functions.

C. Accessory uses permitted (land and buildings) shall be as follows:

- (1) Parking garages only when attached to or under the principal building or as a separate structure serving a college, university or hospital.
- (2) Off-street parking, including a private garage.
- (3) Fences and walls.
- (4) Swimming pools.
- (5) Recreation area as part of residential developments.
- (6) Meeting rooms, cafeterias, recreation areas, gymnasiums, auditoriums and similar uses normally associated with schools, houses of worship and other public buildings.
- (7) Retail sales and offices as part of ground floor of medium-rise apartments at least six (6) stories in height, and provided that said stores and offices face a street having regularly scheduled bus service or a street having a collector or arterial street classification in the City Master Plan, except that in the R-3A District, no such retail sales and offices shall be permitted.
- (8) Professional offices as a home occupation after site plan review and approval.

D. [Amended 1-18-1977 by Ord. No. J-830] Conditional uses (N.J.S.A. 40:55D-67) shall be as follows:

- (1) Utilities in accordance with all R-1 standards.
- (2) Meeting halls; dormitories, fraternity and sorority houses that are affiliated with an institution offering undergraduate or graduate level college instruction; and community centers.
- (3) Hospitals.
- (4) Colleges and universities.
- (5) Day-care centers, clubs and clinics.
- (6) Mortuaries in accordance with all R-2 District regulations.
- (7) Narcotic and drug abuse treatment centers at hospitals where sanctioned by the hospital.

[Added 5-3-1977 by Ord. No. J-861]

E. Maximum height shall be as follows:

- (1) Detached dwelling units, dwellings with two (2) dwelling units, row houses, townhouses, garden apartments, public and private schools, governmental uses, houses of worship, mortuary, meeting halls, dormitories, fraternity and sorority houses that are affiliated with an institution offering undergraduate level college instruction, clubs, day-care centers, clinics, community centers and utilities: four (4) stories; forty (40) feet.
- (2) Medium-rise apartments, hospitals, colleges and universities: ten (10) stories; one hundred (100) feet.
- (3) A separate parking garage permitted as an accessory use shall not exceed four (4) stories

or forty (40) feet in height.

F. Area, yard and bulk shall be as follows:

(1) A separate parking garage as part of a college or university as an accessory use shall be set back from any building on the same lot and from any side or rear property line the same distance as the height of the structure, but may be erected up to the street line. Maximum building coverage shall be sixty percent (60%).

(2) Any parking garage with underground parking areas may be erected up to any lot line only for those portion(s) having no exposure above finished grade.

(3) Medium-rise apartments shall provide recreation space improved for resident use and not less than the equivalent of two and five-tenths percent (2.5%) of the gross floor area which may be located on top of the building or in a yard, but shall not be less than one thousand five hundred (1,500) square feet, designed and improved for recreational use, which area, if located in a yard, shall be in addition to the minimum setback and yard requirements of this chapter.

Minimum	Maximum Maximum	Minimum Yards for Principal Minimum			Mi Lot Area (square feet)	Dwelling Unit Density Per Acre			Foot (feet)
		Building Maximum Floor Side Area One Ratio (feet)	Building Both Cover (feet)	Width Rear (feet) (feet)					
Detached dwellings	N/A	60%	25	100	2,500	17.5	5	2	5
Dwellings with 2 dwelling units	N/A 5	60% 15	25	100	2,500	35.0	5	2	2
Row houses and townhouses	N/A 0	50% 10	16 per dwelling unit 100 per group	100	1,600  10,000	23.33  5	5 10	20	0 10
Public/private schools	1.0 ***	25% ***	150	100	15,000	N/A		10	***
Garden apartments	N/A 10	30%	150	100	15,000	35.0	10	15	2
Medium-rise apartments	1.1 40	25%	200	100	40,000	60.0	10	****	
Houses of worship	N/A 10	50%	100	100	10,000	N/A	20	10	20
Government uses	N/A 10	50%	100	100	10,000	N/A	20	10	20

Utilities	N/A 25	30%	50	100	5,000	N/A	10	1020
Meeting halls	N/A 25	30%	50	100	5,000	N/A	10	1020
Dormitories, fraternity and sorority houses	N/A 25	30%	50	100	5,000	N/A	10	1020
Hospitals	1.0 ***	25%	150	100	15,000	N/A	10	*****
Colleges and universities	1.0 ***	25%	150	100	15,000	N/A	10	*****
Day-care center, clubs, clinic	N/A 25	30%	50	100	5,000	N/A	10	1020
Mortuary	N/A 10	50%	100	100	10,000	N/A	20	1020
Community center	N/A 25	30%	50	100	5,000	N/A	10	1020

NOTES:

\*Setbacks may deviate from those listed here and adhere to the conditions noted in Article VI for setbacks.

\*\*Each side yard fifteen (15) feet or the equivalent of one-fourth (1/4) the building height, whichever is greater.

\*\*\*Rear yard twenty-five (25) feet or the equivalent of one-half (1/2) the building height, whichever is greater; each side yard ten (10) feet or the equivalent of one-half (1/2) the building height, whichever is greater.

G. Minimum off-street parking shall be as follows:

(1) Detached dwelling units, dwellings with two (2) dwelling units, row houses, townhouses, public and private schools, governmental uses and houses of worship shall adhere to the R-2 District Regulations.

(2) Garden apartments: one-half (1/2) space per efficiency unit; three-fourths (3/4) space per one-bedroom unit; one and one-fourth (1 1/4) spaces per two-bedroom unit; and one and one-half (1 1/2) spaces per three- or more bedroom units.

(3) Medium-rise apartments: one-third (1/3) space per efficiency unit; two-thirds (2/3) space per one (1) bedroom unit; one (1) space per two-bedroom unit; and one and one-half (1 1/2) spaces per three- or more bedroom units.

(4) One (1) space for each six hundred (600) square feet of gross floor area for retail sales.

(5) Meeting halls, fraternity and sorority houses that are affiliated with an institution offering undergraduate or graduate level college instruction, clubs and community centers: one (1) space for each four hundred (400) square feet of gross floor area.

(6) Utilities: one (1) space for each two thousand (2,000) square feet of gross floor area.

(7) Hospitals: one (1) space for every two (2) patient beds; dormitories: one (1) space for

every two (2) beds.

(8) Offices as part of ground floor of medium-rise apartments and professional offices as home occupation: one (1) space for each three hundred (300) square feet of gross floor area.

(9) Day-care centers and clinics: one (1) space for every eight hundred (800) square feet of gross floor area.

(10) Gymnasiums and auditoriums: one (1) space for every six (6) seats.

(11) Colleges and universities shall provide one (1) space for each six hundred (600) square feet of gross floor area for offices and administrative areas, plus ten (10) spaces for each classroom, laboratory or other teaching area, plus one (1) space per ten (10) seats for each auditorium, gymnasium and lecture hall, plus those spaces required for other uses outlined above which may be erected as part of the college or university.

(12) The total parking spaces to be provided by a structure containing more than one (1) use shall be the sum of the parking needs outlined herein as these standards are applied to the appropriate portions of the structure.

H. Minimum off-street loading spaces shall be as in Article V.

I. Maximum sign areas shall be as follows:

(1) Detached dwelling units, dwellings with two (2) dwelling units, row houses, townhouses, public and private schools, governmental uses, home occupations and houses of worship shall adhere to the R-2 District regulations.

(2) Club, dormitory, fraternity and sorority houses, utilities, garden and medium-rise apartments: one (1) sign, maximum twelve (12) square feet.

(3) Community center, day-care center, clinic, meeting hall, retail sales and office uses as part of a medium-rise apartment: one (1) sign, maximum twenty (20) square feet per use or five percent (5%) of the area of the one (1) story of that portion of the facade applicable to the retail or office use, whichever is smaller.

(4) Hospital and college or university: two (2) signs, fifty (50) square feet each.

~ 345-16. R-4 High-Density Residential District.

A. The purpose of this district is to create a high-density, high-rise zone located to take advantage of concentrations of mass transportation facilities, major retail services, employment centers and vistas and views. It expands the floor area for nonresidential uses in high-rise apartments and does not restrict their location to the street level and lower floors.

B. Permitted principal uses (land and buildings) shall be as follows:

(1) Townhouses, row houses, garden apartments, medium-rise apartments and high-rise apartments.

(2) Public and private schools, parks and playgrounds, hospitals, day-care centers and clinics and other governmental uses limited to offices, meeting, legislative and judicial functions.

C. Permitted accessory uses (land and buildings) shall be as follows:

(1) The same as the R-3 District, except retail sales and offices may occupy up to three (3) stories or a high-rise apartment.

(2) Narcotic and drug abuse treatment centers at hospitals where sanctioned by the hospital.  
[Added 5-3-1977 by Ord. No. J-861]

D. [Amended 1-18-1977 by Ord. No. J-830] Conditional uses (N.J.S.A. 40:55D-67) shall be as follows:

(1) Utilities in accordance with R-1 District regulations.

(2) Houses of worship developed in accordance with the R-3 District regulations.

(3) Mortuaries in accordance with R-2 District regulations.

E. Maximum height shall be as follows:

(1) Townhouses, row houses, garden apartments, medium-rise apartments, public and private schools, hospitals, day-care centers, clinics and other governmental uses shall adhere to the R-3 District regulations.

(2) High-rise apartments shall have no maximum height except as regulated by the area and yard requirements.

F. Area, yard and bulk shall be as follows:

(1) Townhouses, row houses, garden apartments, medium-rise apartments, public and private schools, hospitals, day-care centers, clinics and other governmental uses shall adhere to the R-3 District regulations.

(2) Any parking garage with underground parking area may be erected up to any lot line only for those portion(s) having no exposure above finished grade.

(3) High-rise apartment minimums: recreation space improved for resident use and not less than the equivalent of two and five-tenths percent (2.5%) of the gross floor area which may be located on top of the building or in a yard but shall not be less than one thousand five hundred (1,500) square feet, designed and improved for recreational use, which area, if located in a yard, shall be in addition to the minimum setback and yard requirements of this chapter; lot width three hundred (300) feet; lot depth two hundred (200) feet; lot area sixty thousand (60,000) square feet; yard widths shall be the equivalent of one-fourth (1/4) the building height except no yard shall be less than a front yard of ten (10) feet, a side yard of twenty-five (25) feet and a rear yard of thirty (30) feet, except as permitted below. Maximums: floor area ratio of two and zero-tenths (2.0) except that building coverage shall not exceed twenty-five percent (25%) and the density shall not exceed ninety (90) dwelling units per acre, except as permitted below.

(4) For structures with eleven (11) or more stories, the following design considerations can be used to supersede the density of dwelling units and floor area ratio:

(a) Underground garages or other underground portions of a building may be built to the property line.

(b) For each additional five-tenths percent (0.5%) added to the required two and five-tenths percent (2.5%) of the gross floor area devoted to improved recreation space (including the gross floor area of the additional units), an additional ten (10) dwelling units may be added to the building notwithstanding the maximum density and floor area ratio, but provided that the parking, setback and other provisions of this chapter are met. The recreation space may be located on top of the building or in a yard, or both, but no one area shall be less than one thousand five hundred (1,500) square feet in area. If located in a yard, it shall be in addition to the minimum setback and yard requirements of this chapter.

(c) Where more than one (1) structure is erected on one (1) tract, each structure being eleven (11) or more stories high, the recreational provisions of one (1) or more structures may be provided in one (1) structure, provided that the buildings which share the recreational facilities are connected with at least one (1) enclosed pedestrian walkway to protect the pedestrian from the elements. If located above the ground, the walkway shall be at the fourth story or higher. Any walkway shall be a minimum of twelve (12) feet wide and a minimum of ten (10) feet from floor to ceiling.

G. Minimum off-street parking shall be as follows:

(1) Townhouses, row houses, garden apartments, medium-rise apartments, public and private schools, hospitals, day-care centers, clinics, other governmental uses and retail sales and office uses as part of a medium-rise or high-rise apartment shall adhere to the R-3 District regulations.

(2) High-rise apartments: one-half (1/2) space per efficiency and one-bedroom unit; one (1) space per two-bedroom unit; and one and one-half (1 1/2) spaces per three- or more bedroom unit.

H. Minimum off-street loading as in Article V.

I. Maximum sign areas shall be as follows:

- (1) High-rise apartments: one (1) sign not more than twenty (20) square feet per building.
- (2) All other uses shall be the same as the R-3 District regulations.

~ 345-17. C-1 Central Business District.

A. The purpose of this district is to recognize the unique merging of mass transit facilities in Journal Square, the established commercial pattern and the development intensity. The C-1 District expands the present Journal Square boundaries to encourage higher density residential and commercial uses around the mass transit facilities. It also allows a mixture of uses in high-rise structures, requires off-street loading and requires a reduced level of required off-street parking in view of mass transit services plus parking garages being permitted as a principal use.

B. Permitted principal uses (land and buildings) shall be as follows:

- (1) Retail sales of goods and services.
- (2) Offices, financial institutions and brokerage houses.
- (3) Medium- and high-rise apartments.
- (4) Hotels and motels.
- (5) Transportation centers.
- (6) Restaurants, theaters, convention hall, museum, nightclubs and bars.
- (7) Auto sales where all displays, office and maintenance facilities are in enclosed structures. Vehicular body repair and painting are not permitted.
- (8) Governmental facilities limited to offices, meeting, legislative and judicial functions.
- (9) Parking garages and lots.
- (10) Recreation and athletic facilities.
- (11) More than one (1) use may be designed in one (1) building.

C. Permitted accessory uses (land and buildings) shall be as follows:

- (1) Off-street parking garages and lots and off-street loading.
- (2) Incidental servicing of motor vehicles in parking garages, but not body repair work or painting, provided that all service work is performed inside.
- (3) Meeting rooms, conference facilities, gymnasiums and exercise rooms and pools.

D. [Amended 1-18-1977 by Ord. No. J-830] Conditional uses (N.J.S.A. 40:55D-67) shall be as follows:

- (1) Utilities without outdoor storage and maintenance.
- (2) Colleges, universities and hospitals.
- (3) Billboards.
- (4) Narcotic and drug abuse treatment centers at hospitals where sanctioned by the hospital. [Added 5-3-1977 by Ord. No. J-861]
- (5) Automatic amusement device arcades subject to the requirements of ~ 345-59. [Added 12-



E. Maximum height. The maximum height shall be as regulated by the area and yard requirements, except that billboards erected on a lot or attached to the side of a building shall not exceed twenty-five (25) feet at their highest point. Billboards erected on the roof of a structure shall not exceed sixty (60) feet at their highest point or not more than twenty-five (25) feet above the roof, whichever is lower.

F. Area, yard and bulk shall be as follows:

(1) Buildings may be located up to any property line, provided that the building does not exceed four (4) stories in height at the side or rear property line. The floor area ratio shall not exceed four (4) with no more than one-half (1/2) of the gross floor area devoted to dwelling units and their accompanying service areas, except as permitted below. The minimum distance from the lot line to the building when the building is not erected up to the lot line shall be fifteen (15) feet.

(2) Buildings may exceed four (4) stories only if the additional stories are set back from the property line at least the following distances as measured from the property line at the top of the fourth story, and provided that the floor area ratio for the entire structure does not exceed four and zero-tenths (4.0): rear yard, four (4) vertical to one (1) horizontal; side yards, two (2) vertical to one (1) horizontal.

(3) Where no more than the first two (2) stories are located up to any property lines, a tower may be constructed above the second floor, which tower may contain a floor area ratio of four and zero-tenths (4.0) in addition to the first two (2) floors, provided that the roofline is set back from any property line a distance equal to ten (10) vertical to one (1) horizontal.

(4) Underground parking garages or other underground portions of a building may be built to the property line.

(5) For structures with eleven (11) or more stories containing residences, the following design considerations can be used to supersede the density of dwelling units and floor area ratio:

(a) A minimum of two and five-tenths percent (2.5%) of the gross floor area shall be devoted to improved recreation space (including the gross floor area of the additional units). For each additional five-tenths percent (0.5%) added to the required recreation space, an additional ten (10) dwelling units may be added to the building notwithstanding the maximum density and floor area ratio, but provided that the parking, setback and other provisions of this chapter are met. The recreation space may be located on top of the building or in a yard, or both, but no one (1) area shall be less than one thousand five hundred (1,500) square feet in area. If located in a yard, it shall be in addition to the minimum setback and yard requirements of this chapter.

(b) Where more than one (1) structure is erected on one (1) tract, each structure being eleven (11) or more stories high, the recreational provisions of one (1) or more structures may be provided in one (1) structure, provided that the buildings which share the recreational facilities are connected with at least one (1) enclosed pedestrian walkway to protect the pedestrian from the elements. If located above the ground, the walkway shall be at the fourth story or higher. Any walkway shall be a minimum of twelve (12) feet wide and a minimum of ten (10) feet from floor to ceiling.

(6) Freestanding billboards shall be set back from any street or property line a minimum of five (5) feet. A billboard may be attached to a building facade provided that the facade to which it is attached has a conforming setback and height, otherwise the billboard shall not be permitted to be attached. Billboards shall not be located upon any lot or building unless the lot (or the lots on which the building is located) has a width of at least one hundred (100) feet fronting one (1) of the following streets: Bergen Avenue, Sip Avenue, Kennedy Boulevard and Summit Avenue; unless this street frontage is opposite a C-1 or C-2 Commercial Zoning District designation; and unless the lot is at least three hundred (300) feet from any residential and any I-1 Zoning District line. The minimum distance between billboards shall be at least three hundred (300) feet of which at least one hundred (100) feet shall be street frontage of one (1) or more lots that do not contain either a billboard or a building with a billboard.

G. Minimum off-street parking shall be as follows:

(1) Offices, financial institutions, brokerage houses, governmental uses, auto sales and indoor recreation uses: one (1) space per one thousand (1,000) square feet of gross floor area for the first fifty thousand (50,000) square feet of gross floor area and one (1) space per six hundred (600) square feet of gross floor area above fifty thousand (50,000) square feet.

(2) Hotels and motels: one (1) space per guest room plus one (1) space per one thousand (1,000) square feet of gross floor area or all-purpose rooms such as banquet, meeting and conference rooms.

(3) Medium- and high-rise apartments shall adhere to the R-3 and R-4 regulations respectively.

(4) Buildings erected for retail sales of goods and services, restaurants, bars, theaters and nightclubs shall provide one (1) space per six hundred (600) square feet of gross floor area, excluding the first five thousand (5,000) square feet of gross floor area.

(5) There shall be no minimum regulations for other uses.

(6) Automatic amusement device arcades shall provide one (1) parking space for every four (4) devices. [Added 12-13-1984 by Ord. No. MC-726]

H. Minimum off-street loading shall be as in Article V.

I. Maximum sign areas shall be as follows:

(1) Total exterior sign area shall not exceed the equivalent of twenty percent (20%) of the first story portion of the wall to which it is attached. One (1) use shall be permitted no more than one (1) sign for each street frontage. Buildings with multiple uses shall have not more than one (1) sign per use, provided that the aggregate area of all signs does not exceed the maximum area permitted for each street frontage. Structures exceeding twenty (20) stories or two hundred (200) feet may have one (1) additional sign, lighted, naming the owner or major tenant of the building, said sign being located above the 20th story or two hundred (200) feet and not exceeding eight percent (8%) of the facade on which it is located.

(2) Where a billboard contains two (2) signs on one (1) face, the total area of both signs shall not exceed an area of six hundred (600) square feet consisting of a maximum vertical dimension of twelve (12) feet and maximum length of twenty-five (25) feet for each sign. Where the billboard contains one (1) sign on the face, its maximum area shall be seven hundred fifty (750) square feet with a vertical dimension not to exceed fifteen (15) feet and a length not to exceed fifty (50) feet.

~ 345-18. C-2 Office and Retail District.

A. The purpose of this district is to recognize some existing commercial centers as well as those proposed in the city's Master Plan. This zone has limited application throughout the city compared to the magnitude of the present commercial pattern. The reason is twofold: to discourage future strip commercial patterns similar to those existing (many of which have a strong vacancy pattern) and because commercial services are permitted uses in the R-2, R-3 and R-4 Districts, which will provide the convenience services to neighborhoods throughout the city.

B. Permitted principal uses (land and buildings) shall be as follows:

(1) Offices, financial institutions and brokerage houses.

(2) Retail sales of goods and services, restaurants and bars.

(3) Garden apartments and medium-rise apartments with a maximum density the same as the R-3 District. Medium-rise apartments shall provide recreation space as required in the R-3 District.

(4) Auto service stations.

(5) Auto sales where all displays, office and maintenance facilities are in an enclosed structure. Vehicular body repair and painting are not permitted.

(6) Theaters and indoor recreation and athletic facilities.

(7) More than one (1) use may be designed in one (1) building.

(8) Parking garages and lots.

C. Permitted accessory uses (land and buildings) shall be as follows:

- (1) Off-street parking garages and lots and off-street loading.
- (2) Residences above first floor retail and office uses.
- (3) Incidental servicing facilities as part of auto sales, but not body repair work and painting, and provided that all service work is performed inside.

D. [Amended 1-18-1977 by Ord. No. J-830] Conditional uses (N.J.S.A. 40:55D-67) shall be as follows:

- (1) Utilities without outdoor storage and maintenance.
- (2) Mortuaries in accordance with R-2 District standards.
- (3) Veterinarian.
- (4) Automatic amusement device arcades subject to the requirements of ~ 345-59. [Added 12-13-1984 by Ord. No. MC-726]

E. Maximum height shall be ten (10) stories and one hundred (100) feet.

F. Area, yard and bulk shall be as follows:

(1) Buildings with four (4) or more stories shall meet the following minimum requirements: lot width one hundred fifty (150) feet; lot depth one hundred (100) feet; side yard fifteen (15) feet or one-fourth (1/4) the building heights, whichever is greater; front yard zero (0) feet; and rear yard thirty (30) feet. The maximum floor area ratio is two and zero-tenths (2.0).

(2) Buildings with one (1), two (2) or three (3) stories shall have the following minimum requirements: lot width twenty-five (25) feet; lot depth one hundred (100) feet; lot area two thousand five hundred (2,500) square feet; front yard zero (0) feet; side yard zero (0) feet, except if the distance between buildings is greater than six (6) inches the side yard shall be a minimum of ten (10) feet; rear yard twenty-five (25) feet. Said buildings shall have the following maximum requirements: building coverage eighty percent (80%).

(3) Service station minimums: lot width one hundred fifty (150) feet; lot depth one hundred (100) feet; lot area twenty thousand (20,000) square feet; front yard of building sixty (60) feet; rear yard of building ten (10) feet; side yard of building ten (10) feet; setback of pumps from street line thirty (30) feet and from other property lines fifty (50) feet. Maximum building coverage fifteen percent (15%).

(4) Auto sales shall require the following minimum requirements: lot width fifty (50) feet; lot depth one hundred (100) feet; lot area five thousand (5,000) square feet; front yard zero (0) feet; each side yard ten (10) feet; rear yard fifteen (15) feet. Maximum building coverage fifty percent (50%).

G. Minimum off-street parking shall be as follows:

(1) Auto sales shall provide one (1) space for one hundred (100) square feet of showroom floor area plus one (1) space for each one thousand (1,000) square feet of gross floor area other than the showroom floor area.

(2) Offices, financial institutions, brokerage houses and retail sales and service uses shall adhere to the requirements of the C-1 District regulations.

(3) Service station: three (3) spaces per lift, wheel alignment pit, bay or similar work area, which spaces shall be separate from the driveway and apron areas which give access to pumps, service areas and areas for display of merchandise.

(4) Restaurants, bars and theaters: one (1) space per four (4) seats.

(5) Utilities: one (1) space per two thousand (2,000) square feet of gross floor area.

(6) Indoor athletic and recreation facilities: one (1) space per one thousand (1,000) square feet of gross floor area.

(7) Veterinarian: one (1) space per six hundred (600) square feet of gross floor area.

(8) Automatic amusement device arcades shall provide one (1) parking space for every four (4) devices. [Added 12-13-1984 by Ord. No. MC-726]

H. Minimum off-street loading shall be as in Article V.

I. Maximum sign areas shall be the same as the C-1 District regulations except that auto service stations shall adhere to the C-3 District regulations; the provisions for twenty-story buildings shall not be applicable; truck sales shall be the same as auto sales; and buildings that are set back more than ten (10) feet further from the street line than one (1) or both neighboring structures may have one (1) freestanding sign erected in the front yard in addition to an attached sign, provided that neither sign exceeds an area equal to ten percent (10%) of the first story portion of the wall to which the attached sign is attached, and provided further that the freestanding sign is not higher than ten (10) feet, does not project beyond any property line and does not interfere with a pedestrian or vehicular circulation pattern.

~ 345-19. C-3 Shopping Center District.

A. The purpose of this district is to create shopping center regulations in an area partially developed in a shopping center concept. The C-3 District is larger than the present commercial pattern and includes medium-rise apartments. One encourages further expansion of the shopping services while the other provides an opportunity to provide additional housing in a location that will be convenient to major retail outlet and employment.

B. Permitted principal uses (land and buildings) shall be as follows:

- (1) Offices and financial institutions, hotels and motels.
- (2) Retail sales of goods and services.
- (3) Auto service stations.
- (4) Restaurants, nightclubs, bars, theaters and recreation and athletic facilities.
- (5) Auto and truck sales where all display, office and maintenance facilities are in enclosed structures. Vehicular body repair and painting are not permitted.
- (6) More than one (1) use may be designed in one (1) building.
- (7) Parking garages and lots.
- (8) Veterinarian.

C. Permitted accessory uses (land and buildings) shall be as follows:

- (1) Off-street parking garages and lots and off-street loading.

D. [Amended 1-18-1977 by Ord. No. J-830] Conditional uses (N.J.S.A. 40:55D-67) shall be as follows:

(1) Medium-rise apartments with the following minimum requirements: lot area three (3) acres; lot width six hundred (600) feet; lot depth six hundred (600) feet; front yard fifty (50) feet; each side yard twenty-five (25) feet or the equivalent of one-third (1/3) the building height, whichever is greater; and the equivalent of two and five-tenths percent (2.5%) of the gross floor area designed and improved for resident recreation use which area, if located in a yard, shall be area in addition to the minimum setback and yard requirements of this chapter. The following are maximum requirements: density sixty (60) dwelling units per acre; floor area ratio one and one-tenth (1.1).

(2) Utilities without outdoor storage and maintenance.

(3) Car washes and auto laundries on lots which can provide a minimum of fifteen (15) on-site holding or queuing spaces as an approach lane to said car wash and a minimum of three (3) holding or queuing spaces after the car passes through the wash cycle. All spaces shall be on-site and form an approach lane to the car wash. For purposes of definition, a "space" shall conform with the dimensions of a parking space in terms of length and width as defined in Article II, ~ 345-7, of this chapter. Where a car wash or auto laundry is instituted in

conjunction with a service station or other similar activity the holding or queuing lane shall not conflict with the ingress or egress of any pumping island. All applications for car wash or auto laundries shall be subject to site plan review. [Added 4-20-1976 by Ord. No. J-746]

(4) Automatic amusement device arcades subject to the requirements of ~ 345-59. [Added 12-13-1984 by Ord. No. MC-726]

E. Maximum height shall be none, except as regulated by the area and yard provisions.

F. Area, yard and bulk shall be as follows:

(1) All structures shall be integrated into an overall site plan for compatibility in the architectural design of the structures and for enhancing a coordinated on-site parking, loading, circulation and landscaping plan whether the buildings are constructed at one (1) time or in stages over a period of time.

(2) Buildings may be attached and built to the interior side line(s). The minimum distance between structures on the same lot, if not attached, shall be fifteen (15) feet or one-half (1/2) the height of the tallest building, whichever is greater. For purposes of this chapter, attached buildings shall include two (2) walls with not more than six (6) inches between them. Where buildings abut, the site plan shall be accompanied by appropriate legal material and plans showing properly located loading spaces and trash receptacles with permitted access across adjacent properties.

(3) Maximum building coverage: twenty-five percent (25%), and maximum floor area ratio: zero and seventy-five hundredths (0.75) except that service stations shall have a maximum building coverage of fifteen percent (15%).

(4) Minimum building setback: from any street line, sixty-five (65) feet; from any side or rear property line, one and one-half (1 1/2) times the building height and, for service stations, all pump islands shall be set back at least thirty (30) feet from any street line and fifty (50) feet from other property lines.

(5) Regardless of any other setback regulation, in no event shall any building be closer than one hundred (100) feet to any bulkhead line.

G. Minimum off-street parking shall be as follows:

(1) In a shopping center with at least five (5) different retail sales or service outlets, five and one-half (5 1/2) spaces per one thousand (1,000) square feet of gross floor area, provided that not more than twenty percent (20%) of the gross floor area is devoted to office use. Where more than twenty percent (20%) of the gross floor area is devoted to office use, the additional office space shall provide one (1) parking space for every six hundred (600) square feet of gross floor area.

(2) Retail sales and service uses not part of a shopping center: one (1) space per one hundred fifty (150) square feet of gross floor area.

(3) Medium-rise apartments shall adhere to the R-3 District.

(4) Hotels and motels: one (1) space per room.

(5) Office and financial institution: one (1) space per four hundred (400) square feet of gross floor area.

(6) Restaurants, nightclubs, bars and theaters: one (1) space per four (4) seats.

(7) Auto and truck sales: one (1) space per one thousand (1,000) square feet of gross floor area.

(8) Auto service station: three (3) spaces per lift, wheel alignment pit, bay or similar work area, which spaces shall be separate from the driveway and apron areas which give access to pumps, service areas and areas for display of merchandise.

(9) Utilities: one (1) space per two thousand (2,000) square feet of gross floor area.

(10) Recreation and athletic facilities: one (1) space per six (6) seats in an auditorium,

gymnasium, pool or similar spectator area or one (1) space per one thousand (1,000) square feet of gross floor area, whichever is greater.

(11) Veterinarian: one (1) space per six hundred (600) square feet of gross floor area.

(12) Automatic amusement device arcades shall provide one (1) parking space for every four (4) devices. [Added 12-13-1984 by Ord. No. MC-726]

H. Minimum off-street loading shall be as in Article V.

I. Maximum sign area shall be as follows:

(1) One (1) freestanding sign, lighted, may be constructed for one (1) shopping center where there are more than five (5) different retail sales or service uses grouped into one (1) area. Such sign shall not exceed a height of thirty (30) feet, shall be set back from any street right-of-way and property line a minimum of thirty (30) feet and shall not exceed one hundred fifty (150) square feet in area. Where the shopping center has ingress from more than one (1) street, one (1) freestanding sign shall be permitted with the same height and setback requirements along each such additional street, but the area for each additional sign shall not exceed one hundred (100) square feet.

(2) Service stations may be permitted one (1) freestanding, lighted sign and one (1) lighted sign attached flat against the building. The freestanding sign shall not be closer to any street or property line than thirty (30) feet and shall not exceed a height of twenty-five (25) feet nor an area of forty-eight (48) square feet. The attached sign shall not exceed forty-eight (48) square feet in area or exceed the height of the roofline.

(3) Other stores, hotels, motels, offices, financial institutions, veterinarians, restaurants, theaters, auto and truck sales and indoor recreation and athletic facilities shall be permitted one (1) primary sign each which shall be attached flat against the building or flat against or under a canopy attached to the wall. The sign may be lighted. The primary sign shall not exceed an area equivalent to twenty percent (20%) of the first story portion of the front wall of the building but not to exceed two hundred (200) square feet for a hotel or motel nor exceed one hundred (100) square feet to all other uses, whichever is smaller. Where a store is designed for rear or side entrances, one (1) sign may be attached flat against the building at each entrance, each sign not to exceed an area equivalent to one-half (1/2) that of the primary sign area. In addition, where a common walkway is provided which is protected by a roof or other rooflike structure, one (1) sign per store, unlighted, may be suspended from the roof to be located over the walkway perpendicular to the wall of the store. Suspended signs shall be no closer than ten (10) feet at their lowest point to the finished walkway below them and shall not exceed twenty (20) square feet in area.

(4) All signs shall conform in character with all other signs in the shopping center and shall blend in with the overall architectural design of the shopping center.

~ 345-20. C-4 Finance and Business District.

A. The purpose of this district is to encourage continued expansion of a major employment center with emphasis on offices, financial institutions, brokerage houses and the accompanying services. Its location is unique due to the combined availability of mass transit and river frontage. Marinas, theaters, restaurants and similar uses are compatible with the location and the employment center concept, yet offer an opportunity to extend the land utilization and use of mass transit beyond normal working hours while sharing parking, loading and other facilities due to the staggered peak hours.

B. Permitted principal uses (land and buildings) shall be as follows:

(1) Office buildings, financial institutions and brokerage houses.

(2) High-rise apartments.

(3) Hotels and motels.

(4) Transportation centers for rail, bus and automobiles.

(5) Marinas.

(6) Parking garages and lots.

- (7) Retail sales of goods and services, theaters, nightclubs and restaurants.
  - (8) Recreation and athletic facilities.
  - (9) More than one (1) use may be designed in one (1) building.
- C. Permitted accessory uses (land and buildings) shall be as follows:
  - (1) Parking garages and lots and off-street parking.
  - (2) Storage, fueling and supplies, sales and repair facilities at marinas.
  - (3) Incidental servicing of motor vehicles in parking garages, but not body repair work or painting, provided that all service work is performed inside.
  - (4) Meeting rooms, conference facilities, gymnasiums, exercise rooms and pools.
- D. [Amended 1-18-1977 by Ord. No. J-830] Conditional uses (N.J.S.A. 40:55D-67) shall be as follows:
  - (1) Utilities without outdoor storage and maintenance.
  - (2) Colleges, universities and schools with curriculums approved by the New Jersey Department of Education and/or Higher Education.
  - (3) Private helicopter landing pad, provided that the pad is located within two hundred (200) feet of the existing bulkhead or on top of a building within two hundred (200) feet of the existing bulkhead.
- E. Maximum height shall be two hundred fifty (250) feet.
- F. Area, yard and bulk shall be as follows:
  - (1) For uses in the C-4 District that are also permitted in the C-1 District, the area and yard requirements shall be the same as the C-1 District.
  - (2) Office, retail and service uses associated with marinas shall comply with applicable C-1 District regulations.
- G. Minimum off-street parking shall be as follows:
  - (1) For uses in the C-4 District that are also permitted in the C-1 District, the off-street parking requirements shall be the same as the C-1 District except that theaters, nightclubs and restaurants shall provide one (1) space per four (4) seats.
  - (2) Marinas shall provide one-third (1/3) space per berth, plus one (1) space per room in a motel or hotel, plus one (1) space/six hundred (600) square feet of gross floor area for other retail and service uses.
- H. Minimum off-street loading shall be as in Article V.
- I. Maximum sign areas shall be the same as the C-1 District except that billboards shall not be applicable.

~ 345-21. C-5 Neighborhood Commercial Revitalization District. [Added 4-5-1977 by Ord. No. J-851]

- A. The purpose of this district is to preserve and enhance those sections of the city's neighborhood commercial structure where the city is or has taken special effort to reverse the commercial decline. Its purpose is to complement and supplement the actions of various city, state and federal agencies, to preserve what exists and what is created and to promote growth in a properly planned manner.
- B. Permitted principal uses (land and buildings) shall be as follows:
  - (1) Retail sales.

- (2) Offices and financial institutions.
- (3) Garden apartments and medium-rise apartments as permitted in the R-3 District regulations.
- (4) Restaurants.
- (5) Parking garages and lots.
- (6) More than one (1) permitted use may be designed in one (1) building.

C. Permitted accessory uses (land and buildings) shall be as follows:

- (1) Off-street parking garages and lots and off-street loading.
- (2) Residences above first floor permitted principal use.

D. Conditional uses shall be as follows:

- (1) Utilities without outdoor storage and maintenance.
- (2) Mortuaries in accordance with R-2 District standards.
- (3) Veterinarians.

E. Maximum height shall be ten (10) stories and one hundred (100) feet.

F. Area, yard and bulk shall be as follows:

(1) Buildings of four (4) or more stories shall meet the following requirements: lot width one hundred fifty (150) feet; lot depth one hundred (100) feet; side yard zero (0) feet; front yard zero (0) feet; if the building contains no dwelling units, a rear yard of zero (0) feet at ground level and a minimum of thirty (30) feet on all stories above ground level; if the building contains one (1) or more dwelling units a minimum rear yard of thirty (30) feet on all levels.

(2) Buildings with one (1), two (2) or three (3) stories shall have the following minimum requirements: lot width twenty-five (25) feet; lot depth one hundred (100) feet; lot area two thousand five hundred (2,500) square feet; front yard zero (0) feet; side yard zero (0) feet; if the building contains no dwelling units, a rear yard of zero (0) feet at ground level and a minimum of thirty (30) feet on all stories above the ground level; if building contains one (1) or more dwelling units a minimum rear yard of thirty (30) feet on all levels.

G. Minimum off-street parking shall be as follows:

- (1) Offices, financial institutions and retail sales shall adhere to the requirements of the C-1 District regulations.
- (2) Restaurants: one (1) space per four (4) seats.
- (3) Utilities: one (1) space per two thousand (2,000) square feet of gross floor area.
- (4) Veterinarian: one (1) space per six hundred (600) square feet of gross floor area.
- (5) Parking for mortuaries shall be in accordance with the R-2 District regulations.

H. Minimum off-street loading shall as in Article V.

I. Maximum sign areas shall be the same as the C-1 District regulations except that the provisions for twenty-story buildings shall not be applicable; buildings that are set back more than ten (10) feet further from the street line than one (1) or both neighboring structures may have one (1) freestanding sign erected in the front yard in addition to an attached sign, provided that neither sign exceeds an area equal to ten percent (10%) of the first story portion of the wall to which the sign is attached, and provided further that the freestanding sign is not higher than ten (10) feet, does not project beyond any property line and does not interfere with a pedestrian or vehicular circulation pattern.



~ 345-22. I-1 Automotive, Construction, Office District.

A. The purpose of this district is to establish zones to provide for the small industrialist, automotive facilities, service stations, warehousing and similar processes. The zoning district locations are primarily those areas where these uses now exist.

B. Permitted principal uses shall be as follows:

- (1) Office buildings and restaurants.
- (2) Warehousing, wholesaling, shipping and receiving, but not including tank farms.
- (3) Automotive and truck sales, repair, bodywork and painting.
- (4) Utilities.
- (5) Service stations.
- (6) More than one (1) use may occupy one (1) building on one (1) site.
- (7) Parking garages and lots.

C. Permitted accessory uses shall be as follows:

- (1) Off-street parking and loading.
- (2) Fences and walls.
- (3) Guardhouses and employee cafeterias.
- (4) Supply and equipment storage yards.

D. [Amended 1-18-1977 by Ord. No. J-830] Conditional uses shall be as follows:

- (1) Scrap yards and scrap processing.

(2) Car washes and auto laundries on lots which can provide a minimum of fifteen (15) on-site holding or queuing spaces as an approach lane to said car wash and a minimum of three (3) holding or queuing spaces after the car passes through the wash cycle. All spaces shall be on-site and form an approach lane to the car wash. For purposes of definition, a "space" shall conform with the dimensions of a parking space in terms of length and width as defined in Article II, ~ 345-7, of this chapter. Where a car wash or auto laundry is instituted in conjunction with a service station or other similar activity the holding or queuing lane shall not conflict with the ingress or egress of any pumping island. All applications for car wash or auto laundries shall be subject to site plan review. [Added 4-20-1976 by Ord. No. J-726]

E. Maximum height shall be two (2) stories, thirty-five (35) feet.

F. Area, yard and bulk shall be as follows:

(1) Minimum requirements: lot width one hundred (100) feet; lot depth one hundred (100) feet; lot area ten thousand (10,000) square feet; front yard five (5) feet; each side yard ten (10) feet; rear yard thirty-five (35) feet. Scrap yards, scrap processing and storage areas shall either be within a structure or screened from all property lines by a fence a minimum of eight (8) feet high.

(2) Maximum limitations: building coverage thirty-five percent (35%); floor area ratio zero and seven-tenths (0.7) except that the building coverage may increase to not more than seventy percent (70%) when parking and/or loading are within the structure and parking is provided on another lot, but within five hundred (500) feet of the structure served.

(3) The floor area ratio may be increased in accordance with the following schedule, provided that no other violations of this chapter are created in the process: for every three (3) off-street parking spaces

provided in excess of the requirements of this chapter, an additional one thousand (1,000) square feet may be added to the gross floor area; for each additional one thousand (1,000) square feet of lot area that is landscaped beyond any required buffer area, an additional one thousand (1,000) square feet of gross floor area may be added to the building; for lots that are larger than the minimum lot size permitted in this district, the floor area ratio may be increased to five-hundredths (0.05) for each multiple of the minimum lot size (fractional lot area increases do not qualify). The floor area ratio shall not be increased by more than three-tenths (0.3) to a maximum of one and zero-tenths (1.0) through the application of these exceptions.

- (4) Buffers as required in Article V shall be a minimum of ten (10) feet.
- (5) Service stations shall adhere to the C-2 District regulations.
- (6) Auto and truck sales shall adhere to the C-2 District regulations for auto sales.

G. Minimum off-street parking shall be as follows:

(1) One (1) space per five thousand (5,000) square feet of gross floor area used for warehousing, indoor and outdoor storage, wholesaling, shipping and receiving plus one (1) space per six hundred (600) square feet of gross floor area for office and other uses.

- (2) Service stations shall adhere to the C-2 District regulations.
- (3) Auto and truck sales shall adhere to the C-2 District regulations for auto sales.
- (4) Restaurants: one (1) space per four (4) seats.
- (5) Utilities: one (1) space per one thousand five hundred (1,500) square feet of gross floor

area.

(6) Scrap yards and scrap processing: one (1) space per five thousand (5,000) square feet of gross floor area and outdoor storage and work areas.

(7) The amount of required parking for sites and/or buildings with multiple uses shall be the sum of the parking required for each component part.

H. Minimum off-street loading. Minimum off-street loading shall be as in Article V except that the apron length may be measured from the street center line.

I. Signs.

(1) Each principal use shall be permitted one (1) sign which shall not exceed an area equivalent to twenty percent (20%) of the first story portion of the wall on which it is attached, or two hundred (200) square feet, whichever is smaller, except service stations as outlined below. Where a building has frontage on two (2) or more streets, one (1) sign not to exceed one-half (1/2) the area permitted above and attached flat against the building shall be permitted on each street frontage.

(2) Signs shall be either attached flat to the building or freestanding on a roof, but not both; shall not be higher than the permitted height for the district; and may be lighted, but not flashing, animated or moving.

- (3) Service stations shall adhere to the C-3 District regulations.

~ 345-23. I-2 Intensive Industrial District.

A. The purpose of this district is to establish areas within the city recognizing existing street, railroad and building patterns. The district permits a variety of uses comparable to the variety of operations now in these areas. The bulk regulations are directed toward accommodating the older industries while at the same time encouraging new construction to improve site planning for such features as off-street parking, off-street loading and landscaping so as to encourage further expansion of the employment base within the city while minimizing threats of further congestion and over occupancy of sites. [Amended 5-12-1988 by Ord. No. C-707]

B. [Amended 5-12-1988 by Ord. No. C-707] Permitted principal uses shall be as follows:

- (1) Office buildings.
- (2) Warehousing, wholesaling, shipping and receiving.
- (3) Manufacturing, processing, research and assembly operations but not including the production of explosives nor the processing of petroleum into fuel, oil or other products.
- (4) Terminal facilities for rail, truck and waterborne transportation, including storage and containerization facilities but not including tank farms.
- (5) Marinas and the construction and repair of marine vessels.
- (6) Utilities.
- (7) Restaurants.
- (8) Parking garages and lots.
- (9) Narcotic and drug abuse treatment centers.

C. Permitted accessory uses shall be as follows:

- (1) Off-street parking and loading.
- (2) Fences and walls.
- (3) Guardhouses and employee cafeterias.
- (4) At marinas: boat sales and rentals, repair facilities and wholesale and retail sales of marine supplies.
- (5) Private helicopter landing pad.
- (6) On-site service and maintenance operations for equipment and operations conducted on-site.
- (7) Billboards in accordance with Article VI, ~ 345-36. [Added 10-21-1975 by Ord. No. J-655]

D. [Amended 10-21-1975 by Ord. No. J-655; 1-18-1977 by Ord. No. J-830] Conditional uses shall be as follows:

- (1) Scrap yard and scrap processing in accordance with the I-1 District.
- (2) Car washes and auto laundries on lots which can provide a minimum of fifteen (15) on-site holding or queuing spaces as an approach lane to said car wash and a minimum of three (3) holding or queuing spaces after the car passes through the wash cycle. All spaces shall be on-site and form an approach lane to the car wash. For purposes of definition, a "space" shall conform with the dimensions of a parking space in terms of length and width as defined in Article II, ~ 345-7, of this chapter. Where a car wash or auto laundry is instituted in conjunction with a service station or other similar activity the holding or queuing lane shall not conflict with the ingress or egress of any pumping island. All applications for car wash or auto laundries shall be subject to site plan review. [Added 4-20-1976 by Ord. No. J-726]

E. Maximum height shall be as follows:

- (1) There shall be no maximum height except as regulated by the area and yard requirements.
- (2) Billboards erected on a lot or attached to the side of a building shall not exceed twenty-five (25) feet at their highest point. Billboards erected on the roof of a structure shall not exceed sixty (60) feet at their highest point or not more than twenty-five (25) feet above the roof, whichever is lower.

F. Area, yard and bulk shall be as follows:

- (1) More than one (1) structure may be located on one (1) lot; lots may be one hundred percent

(100%) utilized for buildings, loading and/or parking except that required buffer areas shall be provided as required near residential uses, and structures shall adhere to setback requirements; and noncontiguous lots under one (1) ownership, which lots are used in compliance with this chapter, may have their acreage totaled together and treated collectively for the purpose of meeting floor area ratio and maximum building coverage requirements. Building coverage shall not exceed fifty percent (50%) except that parking and loading areas under roof shall not be considered as part of the building coverage nor as part of the gross floor area. Any one (1) lot which is part of the compound may be one hundred percent (100%) covered by buildings, provided that another lot has less coverage so that the average is within the chapter requirements, and provided further that no building projects beyond any required setback line or into required buffer areas.

(2) The floor area ratio shall not exceed two and five-tenths (2.5) and the building coverage shall be a percentage of all land in the compound serving the uses in question.

(3) The floor area ratio may be increased in accordance with the following schedule, and provided that no other violations of this chapter are created in the process: for every three (3) off-street parking spaces provided in excess of the requirements of this chapter, an additional one thousand (1,000) square feet may be added to the gross floor area; for each additional one thousand (1,000) square feet of lot area that is landscaped beyond any required buffer area, an additional one thousand (1,000) square feet of gross floor area may be added to the building; for each lot that is larger than eighty thousand (80,000) square feet in area, the floor area ratio may be increased zero and five-hundredths (0.05) for each multiple of forty thousand (40,000) square feet (fractional lot areas do not qualify). The floor area ratio shall not be increased by more than five-tenths (0.5) to a maximum of three and zero-tenths (3.0) through the collective application of these exceptions.

(4) Buffer areas as required in Article V shall be of such width as to produce a distance of sixty (60) feet between a residential property line on the opposite side of a street and a structure in the industrial district, and a width of twenty (20) feet between these same two (2) points along a common property line when that line also serves as a residential zoning district line.

(5) Buildings may be located up to the street line except that they shall be no closer than thirty (30) feet from the street center line. The roofline of structures shall not protrude beyond an inclined plane measured from the street center line at a ratio of one (1) horizontal to two (2) vertical except that where building additions above the plane are proposed to be less than one-half (1/2) the building dimension along that street, the ratio beyond which the building bulk shall not project shall be one (1) horizontal to four (4) vertical.

(6) Setbacks from interior property lines that divide property between two (2) different owners or from other structures on the same property shall be in addition to any required buffer area and shall not be less than twenty (20) feet if vehicular access is proposed; not less than fifteen (15) feet if proposed for pedestrian access; not less than ten (10) feet where no access is intended; and no building above the third story roofline shall project beyond an inclined plane measured from either the property line or the base of an adjoining structure at a ratio of one (1) horizontal to five (5) vertical.

(7) Freestanding billboards shall be set back from any street or property line a minimum of five (5) feet. A billboard may be attached to a building facade provided that the facade to which it is attached has a conforming setback and height, otherwise the billboard shall not be permitted to be attached. Billboards shall not be located upon any lot or building unless the lot (or the lot on which the building is located) has a width of at least one hundred (100) feet and the lot is at least three hundred (300) feet from any residential zoning district and from any C-2, C-3, C-4 and I-1 Zoning District. The minimum distance between billboards shall be at least three hundred (300) feet of which at least one hundred (100) feet shall be street frontage of one (1) or more lots that do not contain either a billboard or a building with a billboard.

G. Minimum off-street parking shall be as follows:

(1) One (1) space per five thousand (5,000) square feet of gross floor area used for warehousing, wholesaling, indoor and outdoor storage, shipping and receiving areas, terminal facilities and containerization facilities for the first one hundred thousand (100,000) square feet of gross floor area for these uses. Thereafter, parking shall be provided at the ratio of one (1) space per fifteen thousand (15,000) square feet of gross floor area.

(2) Manufacturing, processing, research, assembly operations and utilities shall provide one (1) space per one thousand five hundred (1,500) square feet of gross floor area.

(3) Offices shall provide one (1) space per six hundred (600) square feet of gross floor area.

- (4) Marinas shall adhere to the C-4 regulations.
- (5) Motels and hotels shall provide one (1) space per room.
- (6) Restaurants shall provide one (1) space per four (4) seats.
- (7) Scrap yards and scrap processing shall adhere to the I-1 District regulations.

(8) The amount of parking to be provided by buildings and lots containing more than one (1) use shall be the sum of the requirements for the various component uses.

H. Minimum off-street loading shall be as in Article V except that the apron length may be measured from the street center line.

I. Signs.

(1) Each structure shall be permitted unlighted sign area identifying the tenant(s) or owner(s). The total area of the sign(s) shall not exceed ten percent (10%) of the area of the first story of the wall to which it is attached or two hundred (200) square feet, whichever is smaller, and there shall be no more than three (3) separate signs on any one (1) wall. Where a structure is located on a corner lot, signs may be located on walls fronting on not more than two (2) streets. The total sign area facing both streets shall not exceed three hundred (300) square feet with not more than two hundred (200) square feet facing any one (1) street.

(2) In addition, each corporation, owner or major tenant may be permitted one (1) lighted or unlighted identification sign at its main entrance. The sign shall be attached flat against the building, no higher than twenty-five (25) feet and not larger than two hundred (200) square feet.

(3) No sign shall be flashing, animated or moving.

(4) Directional and safety signs shall be exempt from sign area regulations.

(5) Billboards shall not exceed an area of six hundred (600) square feet consisting of a maximum vertical dimension of twelve (12) feet and a maximum length of twenty-five (25) feet per sign in those instances where the billboard contains two (2) signs on one (1) face. Where the billboard contains one (1) sign on the face, its maximum area shall be seven hundred fifty (750) square feet with a vertical dimension not to exceed fifteen (15) feet and a length not to exceed fifty (50) feet.

~ 345-23.1. Route 440 Industrial Reuse Overlay District. [Added 6-12-1996 by Ord. No. 96-060].

A. The I-2 Zoning District abutting the C-3 Zoning District shall be overlain with an optional zoning designation that will permit certain restricted retail development. Due to the single story character of most of the development in this district, property owners may exercise development rights for any single tax lot under the existing I-2 zoning or under the overlay retail zoning, but not both. This particular zoning overlay shall be known as the "440 Industrial Reuse Overlay (440-IRO)."

B. Permitted principal uses shall be as follows:

- (1) Retail sales of goods and services, but not to include food supermarkets.
- (2) New auto and truck sales.
- (3) Public uses.

C. Permitted accessory uses shall be as follows:

- (1) Off-street parking and loading facilities.
- (2) Used car sales where ancillary to new car dealership.
- (3) Auto service ancillary to retail or new car dealership.

(4) Outdoor garden centers.

D. Area, yard and bulk shall be as follows:

(1) Minimum lot area shall be five (5) acres.

(2) Minimum yards shall be determined by buffering and coverage requirements.

(3) Bulk requirements shall be as follows:

(a) Maximum height: thirty-five (35) feet.

(b) Maximum building coverage: twenty-five percent (25%).

(c) Maximum lot coverage: ninety percent (90%).

E. Cross easements and access. In order to allow improved access to parking and loading functions, appropriate legal instruments as well as site plans shall be presented to the Planning Board to show that cross easements are in place and are safe and secure. Any alteration of a site plan which has received approval from the Jersey City Planning Board by the New Jersey Department of Transportation will require the developer to apply for amended site plan approval from the Jersey City Planning Board.

F. Urban design requirements. In order to utilize the 440-IRO zoning options, an application for development shall be submitted to the Planning Board for review and approval. Urban design requirements are intended to foster good civic design and an appealing visual environment. These requirements are also intended to promote community involvement, alternative access and enhanced amenities. Recognizing that the urban design requirements relate to aesthetic considerations and physical amenities, the Planning Board may grant waivers to these requirements, provided that such waivers relate strictly to design elements and not area, yard and bulk. Waivers may only be granted where it is clear that the site cannot support such design requirements or that such would be inappropriate at the time of development application. The Planning Board may impose any urban design requirement to be phased in at a later date. An application for development shall substantially comply with the following requirements, subject to waivers:

(1) Signs.

(a) Each tenant or store shall be permitted one (1) sign per primary entrance. The height of such signs shall not exceed twenty-five percent (25%) of the height of the wall to which they are attached, and only one (1) logo and one (1) lettered sign per street frontage shall be permitted. The location of all signs shall be determined by the urban design requirements.

(b) Each shopping center under common ownership shall be permitted one (1) freestanding, campanile identification sign. This sign shall be a square, four-sided structure, not exceeding twenty-five (25) feet in height. The sign shall be constructed of the same material as the main frontage of the shopping center, and it shall have a peaked roof which will be the same material as the visible roof(s) of the shopping center. This sign may list major tenants in a sign area not exceeding fifty percent (50%) of the vertical face of that side of the structure.

(c) Each freestanding sign and each individual property or store shall incorporate its street address number in its signage.

(2) Aesthetic character defines a shopping center before one enters it. If the retail facility exhibits a quality appearance, the perception is that the merchandise sold within is also of a high quality. The aesthetic character of retail centers also can define the perception of the host community. If centers are inviting, well-designed centers of activity, the neighborhood or municipality are similarly perceived. A fundamental purpose of zoning is to promote a desirable visual environment through creative development techniques and good civic design and arrangements (N.J.S.A. 40:55D-2, Subsection i). Therefore, the aesthetic character of a proposed facility is a valid exercise of the municipal police power exercised for the public good and welfare.

(3) Large stores [twenty-five thousand (25,000) square feet and larger] can overwhelm sites with their massive, uninterrupted facades. The character of all new or rehabilitated structures twenty-five thousand (25,000) square feet or more shall provide an interesting and varied facade to reduce the perceived scale of these large retail facilities. Plain, featureless facades are prohibited, and no facade may extend beyond one hundred (100) horizontal feet without the use of facade treatments that produce an interesting facade with texture and variation.

Facades in excess of one hundred (100) feet shall contain variations in at least two (2) of the following: material, colors, recesses and/or projections of at least two percent (2%) of the facade length in that facade plane. Ground floor facades that are intended to face public streets shall employ arcades, windows and display windows, entry areas, awnings or other such features along no less than fifty percent (50%) of their horizontal length.

(4) Smaller stores [less than twenty-five thousand (25,000) square feet] are encouraged as part of larger shopping centers to add to the site's range of activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. Where principal buildings contain additional, separately managed, leased or owned stores which occupy less than twenty-five thousand (25,000) square feet of gross floor area and have separate, exterior customer entrances, the following are required of such smaller stores:

(a) The street level facade of such stores shall be transparent between the height of three (3) feet and eight (8) feet above walkway grade for no less than sixty percent (60%) of the horizontal length of the building facade of such additional stores. Such windows must provide complete, unobstructed visual access to the interior of the store.

(b) Windows shall be recessed and should include visually prominent sills and framing.

(5) Building fabric shall provide visual interest. The elements of the following standards should be integral parts of building fabric for all buildings and not superficially applied trim or paint.

(a) Building facades must include a repeating pattern that shall include at least two (2) of the three (3) elements listed below. All elements shall repeat at intervals of not more than thirty (30) feet, either horizontally or vertically.

[1] Color change.

[2] Texture change.

[3] Material module change.

(b) Expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset, reveal, projecting rib or pilaster, shall be required to add to the visual interest of all facades expected to be normally visible to the public.

(6) Roofs and rooflines shall be varied to add interest and to reduce the massive scale of large buildings. Roof features should compliment the character of adjoining neighborhoods, be they industrial or residential. Roofs shall have no less than two (2) of the four (4) features listed below:

(a) Parapets concealing flat roofs and rooftop equipment such as HVAC equipment or satellite dish antennas from public view. The average height of such parapets shall not exceed fifteen percent (15%) 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. Such parapets shall feature three-dimensional cornice treatment.

(b) Overhanging eaves, extending no less than three (3) feet past the supporting walls.

(c) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical run for every one (1) foot of horizontal run.

(d) Three (3) or more roof slope planes.

(7) Materials and colors comprise a significant part of the visual impact of a building. Predominant exterior building materials shall be high-quality materials. These include, without limitation, brick; wood; stone; tinted, textured, concrete masonry units; and drivit-type materials, which may only be used at least eight (8) feet above finished grade. Facade colors shall be low reflectance, subtle, neutral or earth tones. The use of high-intensity colors, metallic colors, black or fluorescent colors is prohibited. Building trim and accent areas may feature brighter colors, including primary colors. Predominant exterior building materials shall not include the following: smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

(8) Entryways should give orientation and add an aesthetically pleasing character to the building. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following: canopies or porticos; overhangs, arcades; recesses/projections; raised corniced parapets

over the door; peaked roof forms; arches; outdoor patios; display windows; architectural details such as tile work and moldings which are integrated into the building structure and design; integral planters or wing walls that incorporate landscaped areas and/or places for sitting. Where additional stores will be located in the principal building, each store shall have at least one (1) exterior customer entrance, which shall conform to the above requirements.

(9) Back and side facades which are visible from adjoining properties and/or public streets should contribute to the scale and appeal of the building by incorporating the features characteristic to the front facade. All building facades which are visible from adjoining properties and/or public streets shall comply with the requirements for the primary facades. Facades that are not intended to be visible from adjoining public streets and/or adjoining properties may be subject to a request that the above requirements be waived by demonstrating that sufficient buffering and landscaping provisions are being made to effectively screen such facades from outside view.

(10) Site design and relationship to the surrounding community are important aspects of large-scale retail development. Multiple entrances are desired to facilitate pedestrian and bicycle access from public sidewalks. Multiple entrances also mitigate the effect of unbroken walls. All sides of a principal building that face directly onto an abutting street shall feature at least one (1) customer entrance. Where such building directly faces more than two (2) abutting public streets, this requirement shall apply only to two (2) sides of the building, including the side of the building facing the primary street.

(11) Parking shall be distributed around the building if there are multiple entrances, and no more than seventy-five percent (75%) of the off-street parking for such buildings shall be located between the front facade of the principal building and the primary abutting street. Parking ratios shall be determined by the size of the center, with larger centers requiring higher ratios due to less turnover of spaces. For centers containing up to four hundred thousand (400,000) square feet (sf) of gross floor area (gfa), parking shall be provided at a minimum ratio of four (4) spaces per one thousand (1,000) sf of gfa and a maximum ratio of five and five-tenths (5.5) spaces per one thousand (1,000) sf of gfa. For centers more than four hundred thousand (400,000) sf of gfa up to six hundred thousand (600,000) sf of gfa, the minimum ratio shall be four and five-tenths (4.5) spaces per 1,000 sf of gfa and a maximum ratio of six and five-tenths (6.5) spaces per one thousand (1,000) sf of gfa. For centers above six hundred thousand (600,000) sf of gfa, the minimum ratio shall be five (5) spaces per one thousand (1,000) sf of gfa, and the maximum ratio shall be seven (7) spaces per one thousand (1,000) sf of gfa. At least half of the spaces provided in excess of the minimum shall be considered overflow parking and shall be provided by the use of permeable turf pavers in lieu of impermeable asphaltic paving. Such parking shall be located along the outer edges of the parking areas and be the most remote parking areas from the customer entrances.

(12) Buffering shall be provided where any building faces adjacent residential properties by the provision of an earthen berm, no less than six (6) feet in height, containing, at a minimum, ten-foot-high evergreen trees planted no more than twenty (20) feet on center.

(13) Perimeter fencing shall be decorative where the site abuts a public street or residentially used parcel. Chain link fencing is not considered decorative. The use of razor wire or barbed wire is expressly prohibited anywhere on site.

(14) Outdoor storage shall be screened, recessed or enclosed when visible from adjoining properties. Such storage areas are most appropriate if located between buildings where more than one (1) building is located on a site or those sides of buildings that do not have customer entrances.

(a) Areas for outdoor storage, truck parking, trash collection or compaction, loading or other such uses shall not be visible from abutting streets, nor be located within twenty (20) feet of any public street, public sidewalk or internal pedestrianway.

(b) All utility 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 public streets. No attention shall be attracted to these utility areas by the use of screening materials that are different from or inferior to the principal materials of the building and the landscape.

(c) Nonenclosed areas for the storage and sale of seasonal items shall be permanently defined and screened with walls and/or fences. Materials, colors and design of such screening walls and/or fences shall conform to those used as predominant materials and colors on the building.

(15) Pedestrian accessibility opens auto-oriented developments to the surrounding neighborhoods, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. The following requirements shall provide for pedestrian use of permitted retail facilities:



(a) Sidewalks at least eight (8) feet in width shall be provided along all sides of the site that abut a public street.

(b) Continuous internal pedestrian walkways, no less than eight (8) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscape areas that include trees, shrubs, benches, flowerbeds, ground cover or other such materials for no less than fifty percent (50%) of its length.

(c) Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer service entrance and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

(d) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks or scored or tinted concrete to enhance pedestrian safety and comfort.

(16) Central features and community amenities can make shopping centers an integral part of the community. It is argued that shopping centers have become the new downtowns of our cities. It is for the benefit of such shopping centers to provide attractive and inviting pedestrian scale features because these features will make it more likely that shoppers will spend more time at these centers, enjoying a total shopping trip experience. In a shopping center in excess of one hundred fifty thousand (150,000) square feet of gross floor area, each retail establishment subject to these standards shall contribute to the establishment or enhancement of the community and public spaces by providing at least two (2) of the following amenities: patio/seating area; pedestrian plaza with benches; transportation center; window shopping walkway; outdoor play area; kiosk area; water feature; clock tower or other such deliberately shaped area and/or feature or amenity that enhances such community spaces and amenities.

(17) Delivery and loading shall not disturb adjoining residential properties. Wherever a site abuts or is adjacent to a residentially used property, no delivery, loading, trash removal or compaction or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m., unless the applicant submits evidence to the Planning Board at site plan review that sound generated by the operation shall not exceed fifty (50) decibels (db), as measured at the lot line of any adjoining residential property.

(18) Landscaping plans shall be prepared by a New Jersey certified landscape architect. A minimum landscaped area at least fifteen (15) feet deep shall be required along all public rights-of-way and thirty (30) feet deep where the site abuts a residential zoning district. A minimum of one (1) tree for every five (5) parking spaces shall be planted in and along the parking areas. All landscaped areas shall employ living, vegetative ground cover that will cover more than ninety percent (90%) of the surface of such areas within six (6) months of planting. Granite block curbing is required in all public parking areas. Trees shall be a minimum three (3) to three and five-tenths (3.5) inches in caliper as measured five (5) feet above the root ball.

(19) Vehicular access shall be limited to Route 440 or streets or driveways running off Route 440 for all sites with Route 440 frontage. No normal access shall be provided off West Side Avenue for any sites fronting on Route 440. Emergency access shall be allowed, provided that gates are installed with breakaway locking devices.

~ 345-23.2. Artists' Work and Live District Overlay. [Added 6-26-1996 by Ord. No. 96-069].

A. Purpose and intent.

(1) The Artists' Work and Live District Overlay (WALDO) shall apply to the area depicted on the revised Zoning Map, attached hereto and made a part hereof. The WALDO is intended to apply as an overlay, which means that it applies as an alternative zoning pattern, when and if chosen by the property owner. Within the WALDO, existing zoning or redevelopment plan regulations continue unrestricted. The application of the WALDO provides for a series of new permitted land uses which are in addition to those provided in the standard zoning or redevelopment plans. The WALDO only applies if so chosen by the property owner and may be applied to the redevelopment plan areas. The WALDO may be chosen for a portion of a property, while the standard zoning or redevelopment plan uses are employed in another part of the property.

(2) The purpose of the WALDO is to create and sustain a permanent artists' settlement as envisioned in the Jersey City Master Plan. For that reason, the WALDO permits certain uses in certain locations that

will promote a sustainable environment for artists. To assure that the people allowed to live in this art district are artists, it will be necessary to establish a procedure and a set of criteria to be used to determine who meets the definition of an artist as envisioned in this section of the Zoning Code.

B. Work and Live District Overlay (WALDO).

(1) There is hereby established an overlay district which will apply to the Warehouse District as shown on the attached map. The purpose of this overlay district is to promote the development of an art district in the downtown area of Jersey City, while retaining the traditional warehousing activities present in the area. This overlay zone will introduce a series of new permitted uses, including work/live space for artists certified as such by the Planning Board upon recommendation of an Artists' Certification Board. An artist, to be certified by said Board, must demonstrate a need for a large loft space in which to create his or her art. The overlay is also intended to provide a transitional zone that will serve as an interface between the artists' community and the business and residential communities nearby. This flexibility in land uses applies to the zoned areas as well as the redevelopment plan areas within the WALDO boundaries.

(2) The Artists' Work and Live District Overlay (WALDO) shall consist of two (2) related areas. They will be known as the restrictive "core" and the transitional "fringe." The core is intended to provide the essential nucleus of the artists' residential community. The fringe is intended to provide sufficient space for retail and service functions that will attract art consumers to the art district. The core will introduce retail sales and services limited to art-related products and services. The fringe will introduce a restricted amount of retail sales of goods and services. The fringe is the one-hundred-foot-wide strip along Marin Boulevard and Washington Street; the core is everything else.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

ARTIST -- For the purposes of the WALDO, a person regularly engaged in the fine arts as a career and not as a hobby and is so certified by the Planning Board. This does not mean that the art the artist creates generates the artist's main source of income, nor does it require that the creation of art occupies the greatest portion of the artist's day. An "artist" is committed to his or her work, has a body of work that demonstrates the development of that art and intends to pursue that work for the foreseeable future. As used herein, the "fine arts" shall include, but not be limited to, painting, sculpture, choreography and the composition of music.

WORK/LIVE ARTIST STUDIO -- A single, enclosed, private space of nine hundred (900) square feet or more, where at least two-thirds (2/3) of the volume of the total space is devoted to work space for the creation, display and sale of art, and the remainder is used for living purposes. A minimum of one hundred fifty (150) square feet of living space per person occupying such work/live space shall be required. Nothing in this definition shall prohibit the use and occupancy of a "work/live artist studio" in a setting where shared kitchen and/or bath facilities are available, provided that applicable health and safety codes are met and maintained.

D. Artists' Certification Board.

(1) There is hereby created an Artists' Certification Board (ACB), which shall serve as a citizens' advisory board to the Planning Board, pursuant to N.J.S.A. 40:55D-27, Subdivision a. The ACB shall be in, but not of, the Department of Housing and Economic Development, Division of City Planning. The ACB is essentially an artists' peer review committee. In order to reside in the WALDO, an artist must be so certified by the Planning Board. The Planning Board shall be guided in this certification by the recommendation made by the ACB. The Planning Board may reject the recommendation of the ACB, but the reasons for such rejection must be clearly stated by the Board.

(2) The ACB shall be comprised of persons knowledgeable in the arts. It shall consist of five (5) full members, with no more than two (2) additional alternate members who may vote in the absence of full members. A minimum of three (3) full members of the ACB shall be professional artists. All members shall be appointed by the Mayor. The initial appointments shall be for varying terms of one (1) or two (2) years in order to stagger the expiration of terms. Two (2) members shall be initially appointed to one-year terms, and three (3) members shall be appointed to two-year terms. One (1) alternate shall be initially appointed to a one-year term, and the other to a two-year term. After the initial appointments are made, all terms shall run for two (2) years.

(3) The ACB shall review applications filed by persons who are interested in occupying work/live space in the WALDO as either owners, tenants or subtenants, to determine if the applicant can be certified to occupy such space.

(4) The following shall serve as criteria to be used by the ACB in certifying an artist: the artist's commitment to the fine arts as a career; the need for large loft space in which to create his or her art; education;

current body of work; exhibition record; and references from other artists or art professionals. In no event shall the content of the art created be used as a criterion to determine eligibility to occupy work/live space in the WALDO.

(5) The recommendation of the ACB to the Planning Board shall be submitted to the Planning Board within thirty (30) days of the ACB's decision and shall state the reasons for the decision with specific reference to one (1) or more of the criteria set forth in Subsection D(4) above.

(6) Once an artist is certified by the Planning Board, the Planning Board shall forward a copy of its certification decision to the Zoning Officer, who shall retain the certification in the Zoning Officer's files. The certification shall expire five (5) years after the date of the decision by the Planning Board. Renewal applications may be filed.

E. Permitted uses in the Artists' Work and Live District Overlay (WALDO).

(1) Core district. Permitted principal uses shall be as follows:

(a) All uses permitted as principal uses in the I-2 Zone.

(b) Artist's work studios.

(c) Work/live studios for artists who are currently certified by the Artists' Certification Board (ACB) and the Planning Board.

(d) Retail sales of goods and services related strictly to art and the creation of art, including but not limited to art galleries, art supply stores and framing shops.

(e) Art performance space, including but not limited to theater, poetry, dance performance or recital, live music, but in no case to include discos, rock clubs or dance clubs. Such art performance space shall not exceed five thousand (5,000) square feet of permanent installation. Temporary installations may exceed this total but may not be so used for more than thirty-five (35) total days in any continuous period of three hundred sixty-five (365) days. The size and duration limits shall not apply to art performance space located in the Fringe District.

(f) Bars, not to exceed two thousand five hundred (2,500) square feet and not to include nightclubs, discos, rock clubs or dance clubs.

(g) Mixed use of any of the above.

(2) Core district. Permitted accessory uses shall be as follows:

(a) Art galleries within an artist's work/live space for the exhibition and sale of work created by nonresident artists, limited to not more than one-third (1/3) of the volume of the total work/live space of such artist in residence.

(3) Permitted uses in the fringe area shall be as follows:

(a) All the uses listed above in the core area.

(b) Retail sales of goods and services, limited to not more than five thousand (5,000) square feet per any single store [ten thousand (10,000) square feet along Washington Street].

(c) Bars, nightclubs, but not including discos, rock clubs or dance clubs.

(4) Parking requirements.

(a) No parking shall be required for any principal or accessory uses permitted by the WALDO. For those uses currently regulated by the I-2 zoning or redevelopment plans, the respective parking requirements of those land use regulations will continue to apply.

~ 345-24. I-3 Industrial Park District.

A. The purpose of this district is to provide industrial park regulations for modern industrial

development. Flexibility in design, improved transportation and aesthetic factors are to be integral considerations in developing this district. Those portions of the Hackensack meadowlands falling under the jurisdiction of the Hackensack Meadowlands Development Commission shall adhere to the zoning regulations adopted by that Commission and these I-3 District regulations shall not apply. The major areas included in this district are the southeastern waterfront along the New York Bay and portions of the Hackensack River frontage. All uses are to be on sites sufficient to handle their building, storage, transportation, circulation, loading and parking requirements on-site and in recognition of federal and state environmental laws.

B. Permitted principal uses shall be as follows:

- (1) Office buildings.
- (2) Warehousing, wholesaling, shipping and receiving.
- (3) Manufacturing, processing, research and assembly operations, but not including the production of explosives nor the processing of petroleum into fuel, oil or other products.
- (4) Terminal facilities for rail, truck and waterborne transportation, including storage and containerization facilities but not including tank farms.
- (5) Marinas and the construction and repair of marine vessels.
- (6) Utilities.
- (7) Restaurants.
- (8) Motels and hotels.
- (9) Parking garages and lots.
- (10) Narcotic and drug abuse treatment centers. [Added 5-3-1977 by Ord. No. J-861]

C. Permitted accessory uses shall be as follows:

- (1) Off-street parking and loading.
- (2) Fences and walls.
- (3) Guardhouses.
- (4) At marinas: boat sales and rentals, repair facilities and wholesale and retail sales of marine supplies.
- (5) Private helicopter landing pad.
- (6) Meeting rooms.

D. [Amended 6-14-1995 by Ord. No. 95-050] Conditional uses shall be as follows:

- (1) Billboards in accordance with Article VI and the provisions outlined below.

E. Height.

- (1) There shall be no maximum height except as regulated by area and yard requirements.
- (2) Billboards erected on a lot or attached to the side of a building shall not exceed twenty-five (25) feet at their highest point. Billboards erected on the roof of a structure shall not exceed sixty (60) feet at their highest point or not more than twenty-five (25) feet above the roof, whichever is lower.

F. Area, yard and bulk shall be as follows:

- (1) More than one (1) structure may be located on one (1) lot and more than one (1) use may occupy one (1) building. Separate structures on the same lot may abut one another. Where they do not abut, the

distance between them shall be at least twenty (20) feet or one (1) horizontal to two (2) vertical as measured from the base of one (1)

structure to the roofline of the other, whichever is greater. The minimum lot size shall be three (3) acres with a minimum street frontage of two hundred (200) feet.

(2) For industrial parks of one hundred (100) acres or more, the average lot size or the parcel to be used by one (1) tenant, whichever is applicable, shall not be less than three (3) acres. No lot or tenant's parcel shall be less than one (1) acre and for those lots or tenant's parcels less than three (3) acres in size an equivalent number of lots or tenant's parcels greater than three (3) acres shall be developed so that the average lot or tenant's parcel size shall not be less than three (3) acres. No lot or tenant's parcel shall have less than two hundred (200) feet of street frontage on a street improved to city specifications, and each lot or tenant's parcel shall be served by water, sewerage and drainage improvements all improved to city specifications.

(3) The floor area ratio shall not exceed one and five-tenths (1.5) except that the floor area ratio may be increased in accordance with the following schedule, provided that no other violations of this chapter are created in the process: for each one thousand (1,000) square feet of lot area that is landscaped, as approved on the site plan, an additional one thousand (1,000) square feet of gross floor area may be added to the building; for each lot that is larger than three (3) acres in area, the floor area ratio may be increased five-hundredths (0.05) for each multiple of forty thousand (40,000) square feet [fractional lot areas are not permitted, and sites larger than three (3) acres as a result of averaging lot sizes in industrial parks are not permitted]. The floor area ratio shall not be increased by more than five-hundredths (0.05) to a maximum of two and zero-tenths (2.0) through the application of these exceptions.

(4) The maximum building coverage shall be forty-five percent (45%) except that parking and loading areas under roof shall not be considered as part of the building coverage nor as part of the gross floor area and except further that warehousing, wholesaling, shipping and receiving uses when serving as the principal use shall not exceed fifty-five percent (55%) coverage.

(5) No structure shall be closer to a street center line than sixty (60) feet nor closer to a property line than thirty (30) feet. Buffer areas as required in Article V shall be at least fifteen (15) feet.

(6) No building roofline shall project higher than an inclined plane measured from any property line at a ratio of one (1) horizontal to two (2) vertical. For each one percent (1%) the building coverage is reduced, the inclined plane may be made steeper by a factor of one-tenth (0.1), e.g. forty-four percent (44%) coverage would permit an inclined plane equal to one (1) horizontal to two and one-tenth (2.1) vertical. The most steep inclined plane shall be one (1) horizontal to three and zero-tenths (3.0) vertical on lots with thirty-five percent (35%) building coverage or less.

(7) Freestanding billboards shall be set back from any street or property line a minimum of five (5) feet. A billboard may be attached to a building facade provided that the facade to which it is attached has a conforming setback and height, otherwise the billboard shall not be permitted to be attached. Billboards shall not be located upon any lot or building unless the lot (or the lot on which the building is located) has a width of at least one hundred (100) feet and the lot is at least three hundred (300) feet from any residential zoning district and from any C-2, C-3, C-4 and I-1 Zoning District. The minimum distance between billboards shall be at least three hundred (300) feet of which at least one hundred (100) feet shall be street frontage of one (1) or more lots that do not contain either a billboard or a building with a billboard.

G. Minimum off-street parking shall be as follows:

(1) Offices: one (1) space per four hundred (400) square feet of gross floor area.

(2) Manufacturing, processing, research and assembly: one (1) space per seven hundred fifty (750) square feet of gross floor area.

(3) Warehousing, wholesaling, shipping and receiving, storage, terminal facilities and containerization facilities: one (1) space per five thousand (5,000) square feet of gross floor area for the first two hundred thousand (200,000) square feet of gross floor area. Thereafter, parking shall be provided at a ratio of one (1) space per ten thousand (10,000) square feet of gross floor area.

(4) Marinas shall adhere to the C-4 regulations.

(5) Hotels and motels shall provide one (1) space per room.

(6) Restaurants shall provide one (1) space per four (4) seats.

(7) Utilities: one (1) space per one thousand five hundred (1,500) square feet of gross floor area.

(8) The amount of parking to be provided by buildings and lots containing more than one (1) use shall be the sum of the requirements for the various component uses.

H. Minimum off-street loading shall be as in Article V.

I. Signs.

(1) Each structure shall be permitted unlighted sign area identifying the tenant(s) or owner(s). The total area of the sign(s) shall not exceed twenty percent (20%) of the area of the first story of the wall to which it is attached or two hundred (200) square feet, whichever is smaller, and there shall be no more than three (3) separate signs on any one (1) wall. Where a structure is located on a common lot, signs may be located on walls fronting on not more than two (2) streets. The total sign area facing both streets shall not exceed three hundred (300) square feet with not more than two hundred (200) square feet facing any one (1) street.

(2) No sign shall be flashing, animated or moving.

(3) Directional and safety signs shall be exempt from sign area regulations.

(4) Billboards shall not exceed an area of six hundred (600) square feet consisting of a maximum vertical dimension of twelve (12) feet and a maximum length of twenty-five (25) feet per sign in those instances where the billboard contains two (2) signs on one (1) face. Where the billboard contains one (1) sign on the face, its maximum area shall be seven hundred fifty (750) square feet with a vertical dimension not to exceed fifteen (15) feet and a length not to exceed fifty (50) feet.

## ARTICLE V Supplementary Regulations

~ 345-25. Narcotic and drug abuse treatment centers. [Added 5-3-1977 by Ord. No. J-861]

A. Each center shall have parking space to satisfy the minimum needs of patients, employees, staff and visitors. Each facility shall provide not less than one (1) space for each day shift staff member and employee plus one (1) space for every five (5) clients being treated at the center. This ratio may be reduced where it can be demonstrated to the Planning Board that adequate public transportation is available for clients and staff.

B. Each center shall provide either interior or exterior recreational facilities for clients as well as landscaping in accordance with the provisions of this chapter.

C. Narcotic and drug abuse treatment centers shall not be located closer than two hundred (200) feet from any school or church and shall not front on a street abutting any residential zone.

~ 345-26. Accessory buildings.

Any accessory building attached to a principal building shall be considered part of the principal building and the total structure shall adhere to the yard requirements for the principal building regardless of the technique of connecting the principal and accessory buildings. Accessory buildings that are detached from a principal building shall be set back from all street lines the same distance as required for a principal building, but may be located not closer than one-half (1/2) the distance to any side or rear line required for a principal building. The distance between an accessory building and a principal building on the same lot shall meet the minimum requirements for fire, health and safety regulations of the Building and/or Housing Code and any state regulations.

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<sup>2</sup>Editor's Note: See Ch. 131, Construction Codes, Uniform, and Ch. 254, Property Maintenance.

~ 345-27. Apartments.

Within any district allowing apartments, no multifamily dwelling containing apartments shall be constructed unless the following minimum standards are met in addition to the requirements in Article IV, and until the site plan has been approved by the Planning Board for proposals containing ten (10) or more dwelling units.

A. The building complex may consist of any configuration that meets the other requirements of this chapter.

B. Minimum yard areas shall be measured horizontally in feet and away from the front, side and rear of each building. The total minimum distance between buildings on the same tract shall be the sum of the two (2) abutting yard requirements and no buildings as measured radially from any corners shall be closer to any other building corner than the combined distances of the side yard requirements for each building, exclusive of any driveways, except that in no instance shall any building be closer to any other building on the same tract than one-half (1/2) the height of the taller building or fifty (50) feet or the combined yards of the two (2) buildings in question, whichever is larger.

C. All parking facilities shall be in one (1) or more parking lots on the same site and within two hundred fifty (250) feet of the nearest entrance of the building they are intended to serve and with controlled access to streets.

D. Any development required to provide recreation space shall have such recreation space located and improved as shown on the approved site plan and shall have a grade less than five percent (5%) and be on the same site as the residential structure. Any recreation space provided in the interior of a building or on any roof shall have dimensions appropriate for the intended use as shown on the plans.

E. Cellar apartments are prohibited.

~ 345-28. Grading.

All lots being filled shall be filled with clean fill and/or topsoil to allow complete surface draining of the lot into local storm sewer systems or natural drainage rights-of-way. No construction shall be permitted on any lot which creates or aggravates water stagnation or a drainage problem on adjacent properties.

~ 345-29. Lighting.

All parking areas and walkways thereto and appurtenant passageways and driveways serving commercial, public, office, industrial, apartment or other similar uses and having common off-street parking for more than ten (10) vehicles or loading areas for more than three (3) vehicles, and building complexes that are lighted, shall be illuminated adequately during business and working hours in the evening for commercial, office, public, and industrial uses, and from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise for apartments. The lighting plan in and around the parking areas shall provide for lights oriented and shielded in such a way as to prevent light spillage off the site. The light intensity provided at ground level shall be a minimum of three-tenths (0.3) footcandle anywhere in the area to be illuminated and shall average a minimum of five-tenths (0.5) footcandle over the entire area. For each fixture, the total quantity of light radiated above a horizontal plane passing through the light source shall not exceed seven and five-tenths percent (7.5%) of the total quantity of light emitted from the light source. Any other outdoor lighting, such as building and sidewalk illumination, driveways with no adjacent parking and ornamental light, shall be shown on the lighting plan in sufficient detail to allow determination of the effects to adjacent properties, traffic safety and overhead sky glow. The objective of these specifications is to minimize undesirable off-premises effects. No light shall shine directly into windows or onto streets and driveways in such manner as to create a nuisance or interfere with or distract driver vision. To achieve these requirements, the intensity of such light sources, light shielding and similar characteristics shall be subject to site plan approval.

~ 345-30. Nonconforming uses, structures and lots.

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<sup>3</sup>Editor's Note: See also Ch. 218, Multiple Dwellings.

<sup>4</sup>Editor's Note: Former Sec. 403, entitled "Building permits pending," which immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Except as otherwise provided in this section, the lawful use of land, buildings or structures existing at the date of the adoption of this chapter may be continued although such use does not conform to the regulations specified by this chapter for the zone in which such land, buildings or structures are located; provided, however, that no existing buildings or structures devoted to a use not permitted by this chapter in the district in which such buildings or structures are located shall be enlarged, extended, relocated, converted to another use or altered except in conformity with the regulations of this chapter for the district in which building(s) or structure(s) are located, except as permitted below. Also, land on which a nonconforming use or structure is located shall not be reduced in size, nor shall any lot already nonconforming be made more nonconforming in any manner.

A. Abandonment. A nonconforming use shall be considered abandoned if it is terminated by the owner; if a nonconforming use of a structure, or a structure and land in combination, is discontinued for twelve (12) consecutive months; or if a nonconforming use of land ceases for a period of ninety (90) days. Should the use of such building, structure and/or land be determined to be abandoned in one (1) or more of these categories, the subsequent use of the building, structure and/or land shall be in conformity with this chapter.

B. Conversion to permitted use. Any nonconforming structure or use of a structure or land which has been changed to a conforming structure or use shall not be changed back again into a nonconforming structure or use.

C. Restoration.

(1) In the event that the owner and Zoning Officer are unable to agree with respect to any nonconforming structure or use which has been damaged by fire, explosion, flood, windstorm or act of God, or condemned, said structure shall be examined by the following three (3) people: the Zoning Officer; the owner or architect or engineer selected by the owner; and a third person agreed to by the Zoning Officer and the owner whose fee shall be agreed to and shall be paid in equal portions by the city and the owner. If in the opinion of a majority of the above three (3) people the damage or condition warranting condemnation is greater than fifty percent (50%) of the value of replacing the entire structure, the structure or use shall be considered completely destroyed and may be rebuilt to the original nonconforming structure or use specifications only upon approval of a use variance as provided by state statutes. In the event of a condemned structure, or where the damage is less than fifty percent (50%) of the value of replacing the entire structure in the opinion of the majority of the above three (3) people, the nonconforming structure or use may be rebuilt and the property used for the same nonconforming structure or use, provided that it does not exceed any height, area and volume of the original structure, the site plan application shall be filed within ninety (90) days of the receipt of written notice of the determination of damage by the above three (3) people and the reconstruction shall commence within one (1) year and ninety (90) days from the date the building was damaged or condemned and the reconstruction shall be carried on without interruption. The total value of the structure shall be based on the current cost of replacing those portions damaged or condemned to their original status plus the current cost of replacing the remaining usable elements of the structure. The percent damaged shall then be the current replacement costs of the portion damaged or condemned computed as a percentage of the current total replacement cost of the entire structure. [Amended 10-27-1981 by Ord. No. MC-42]

(2) In the event of a condemned structure, or where the damage is less than fifty percent (50%) of the value of replacing the entire structure in the opinion of the majority of the above three (3) people, the nonconforming structure or use may be rebuilt and the property used for the same nonconforming structure or use, provided that it does not exceed any height, area and volume of the original structure, the site plan application shall be filed within ninety (90) days of the receipt of written notice of the determination of damage by the above three (3) people, and the reconstruction shall commence within one (1) year and ninety (90) days from the date the building was damaged or condemned and the reconstruction shall be carried on without interruption.

(3) The total value of the structure shall be based on the current cost of replacing those portions damaged or condemned to their original status plus the current cost of replacing the remaining usable elements of the structure. The percent damaged shall then be the current replacement costs of the portion damaged or condemned computed as a percentage of the current total replacement cost of the entire structure.

D. Repairs and maintenance. Such repairs and maintenance work as required to keep a structure in sound and safe condition may be made to a nonconforming structure or a structure containing a nonconforming use, provided that the repairs and maintenance work do not change the use, expand the building or the functional use of the building or increase the nonconformity in any manner.

E. Sale. Any nonconforming use, structure or lot may change ownership and continue to function as the same nonconforming use, structure or lot, provided that the other provisions of this section are met.



F. Nonconforming lots and structures.

(1) Any existing lot on which a building or structure is located and which lot does not meet the minimum lot size, or a structure which violates any yard requirements, may have additions to the principal building and/or construct an accessory building without an appeal to the Board of Adjustment, provided that: the total permitted building coverage is not exceeded; the accessory building and/or any addition to the principal building do not violate any other requirements of this chapter such as, but not limited to, height, setback and parking.

(2) Any vacant lot existing at the effective date of adoption or amendment of this chapter whose area or dimensions do not meet the requirements of the district in which the lot is located may have a building permit issued for a use permitted for that zoning district without an appeal to the Board of Adjustment, provided that the building coverage limit is not exceeded, parking requirements are met and the yard and height provisions are reduced to the same percentage the area of the undersized lot bears to the zone district requirements, except that no side yard shall be less than one-half (1/2) that required by the chapter or two (2) feet, whichever is greater, and no building shall be required to have a height less than one (1) story or twelve (12) feet.

~ 345-31. Off-street parking and loading.

A. Garages and parking and loading spaces. All parking and loading spaces and garages shall have direct, unobstructed access to a paved driveway connecting the parking and loading space and/or garage to the adjacent street constructed in accordance with the requirements outlined below.

B. Landscaping.

(1) Parking lots for more than ten (10) vehicles and all loading areas shall provide a screen planting of dense evergreen material not less than three (3) feet high along all street lines and in addition thereto, but not in a limitation thereof, along all property lines except those instances where a building intervenes and except in sight triangles at driveway and sidewalk access points. In lieu of screen planting a four-foot-high decorative masonry wall or fence with a maximum three-fourths-inch spacing or any combination of plantings or such defined walls or fences may be provided. [Amended 10-21-1975 by Ord. No. J-644]

(2) In lieu of screen planting, artificial shrubbery, a decorative masonry wall or fence with a maximum of three-fourths-inch spacing or any combination of artificial shrubbery, plantings, walls and fences may be provided, not less than four (4) feet in height, maintained in good condition and without advertising. Within the parking area, a minimum of three percent (3%) of the parking area shall be landscaped and maintained with shrubs no higher than three (3) feet and trees with branches no lower than six (6) feet so that the landscaping is dispersed throughout the parking area.

C. Lighting. Lighting used to illuminate off-street parking and loading areas shall be arranged and shielded to prevent the spillage of light off the premises and be in accordance with the lighting requirements of the chapter.

D. Surfacing and curbing.

(1) All parking and loading areas and access drives shall be paved as outlined below, or the equivalent, and approved as part of the site plan approval. All parking areas regardless of size and location shall be suitably drained and maintained. Areas of ingress and egress, loading and unloading areas, major interior driveways and access aisles and other areas likely to experience similar heavy traffic shall be paved with not less than four (4) inches of compacted base course of plant-mixed bituminous stabilized base course constructed in layers not more than two (2) inches compacted thickness and prepared and constructed in accordance with Division 3, Section 2A, of the New Jersey State Highway Department Standard Specifications for Roads and Bridge Construction (1961) and amendments thereto. A minimum two-inch compacted wearing surface of bituminous concrete (FABC), shall be constructed thereon in accordance with Division 3, Section 10, of the aforesaid New Jersey State Highway Department Specifications and amendments thereto.

(2) Parking stall areas and other areas likely to experience similar light traffic shall be paved with not less than three (3) inches of compacted base course of plant-mixed bituminous stabilized base course, prepared and constructed in accordance with Division 3, Section 2A, of the New Jersey State Highway Department Standard Specifications for Road and Bridge Construction (1961) and amendments thereto. At least one and one-half (1 1/2) inches compacted wearing surface of bituminous concrete (FABC) shall be constructed thereon in accordance with Division 3, Section 10, of the aforesaid New Jersey State Highway Department Specifications and amendments thereto.

(3) Where subbase conditions of proposed parking area are determined by the City Engineer to be wet, springy or of such nature that surfacing would be inadvisable without first treating the subbase, the treatment of the subbases shall be made in the following manner: the areas shall be excavated to a depth of at least six (6) to twelve (12) inches below the proposed finished grade and filled with suitable subbase material as determined by the City Engineer. Where required by the City Engineer, a system of porous concrete pipe subsurface drains shall be constructed beneath the surface of the parking area and connected to a suitable drain. After the subbase material has been properly placed and compacted, the parking area surfacing material as described above shall be spread thereon.

(4) All off-street parking lots, except those of one- and two-family residences, shall be provided with curbing of poured-in-place concrete and concrete wheel stops, so that vehicles cannot be driven onto required landscaped areas, buffer zones, interior roadways and street rights-of-way so that each parking lot has controlled entrances and exits and proper drainage control. Curbing of poured-in-place concrete and concrete wheel stops shall be located to prevent any part of the vehicle from overhanging the street right-of-way, property line, interior roadways or internal walkways. Parking spaces shall be located with access to each space from an aisle. Access to streets from the parking lot shall be limited to driveways. [Amended 10-21-1975 by Ord. No. J-643]

(5) All off-street parking lots shall have adequate designations to indicate traffic flow and parking spaces.

E. Access. Access drives from any one (1) lot crossing the street line shall be limited to a maximum of two (2) along the frontage of any single street in one (1) city block and the center lines of any separate access points shall be spaced at least fifty-six (56) feet apart, or whatever greater width results from the interior parking design when using the design criteria outlined below; handle no more than two (2) lanes of traffic; be at least twenty-five (25) feet or one-half (1/2) the lot frontage, whichever is greater, but need not exceed two hundred (200) feet from the street line of any intersecting street; and be at least twenty (20) feet from any property line unless located on the property line for joint use by the tenants or owners on both sides. Continuous open driveways in excess of twenty (20) feet at the street line shall be prohibited, except that for nonresidential uses driveways of more than twenty (20) feet may be permitted, provided that there is site plan approval giving due consideration to the proposed width, curbing, direction of traffic flow, radii of curves and traffic lane divider. Curbing shall be either depressed at the driveway or have the curbing rounded at the corners with the driveway connected to the street in the same manner as another street.

F. Location of parking and loading spaces. Required off-street parking spaces shall be located on the same site as any residential use, but for industrial, office and other employment uses may be on a separate lot as long as the parking spaces are within five hundred (500) feet of the use or portion of a complex served regardless of the number of spaces required by this chapter. Such separate lots when used to meet the parking provision of this chapter shall have the parking use added to the deed of the property. Off-street parking may occupy required side and rear yard areas. Front yard parking may be permitted but not within required setback area, except in one- and two-family residential units where it shall be permitted. All off-street parking, except off-street parking being provided for one- and two-family residential units where no more than two (2) parking spaces are being provided, shall be subject to site plan approval. All parking shall be no closer than either five (5) feet to any street line or beyond the edge of any buffer as required by this chapter. No parking of vehicles shall be permitted in fire lanes, driveways, aisles or turning areas at any time. Nothing shall prohibit driveways serving one- and two-family residential dwelling units from being considered one (1) off-street parking space except that no portion of the driveway within the street right-of-way shall be considered as any portion of an off-street parking space. Off-street loading facilities shall be located so that no vehicle being loaded or unloaded, maneuvering into a loading space or waiting to be parked into a loading space shall interfere with any traffic flow on a street, sidewalk, parking space, aisle, fire lane, driveway, railroad track or turning area nor shall they occupy any part of required lawn or buffer areas. [Amended 10-21-1975 by Ord. No. J-645; 2-23-1984 by Ord. No. MC-552]

G. Type of facility. Parking and loading spaces may be above, on or below the surface of the ground. When parking spaces are provided within a garage or other structure, said structure shall adhere to the proper accessory or principal building setbacks, as applicable.

H. The provision of parking and loading spaces shall also include adequate driveway and necessary turning areas for handling the vehicles for which provision is made. Parking and loading spaces shall be designed to permit each motor vehicle to proceed to and from the parking and loading space provided for it without requiring the moving of any other motor vehicle. Aisles providing access to parking spaces shall have the following minimum distances. Where the angle of parking is different on both sides of the aisle, the larger aisle width shall prevail.

For Parking Spaces

For Parking Spaces

Angle of Parking Space (degrees)	8.5 Feet Wide		9.5 Feet Wide	
	One-Way Aisle (feet)	Two-Way Aisle (feet)	One-Way Aisle (feet)	Two-Way Aisle (feet)
90°	25	25	22	22
60°	20	22	18	20
45°	18	20	15	18
30°	15	18	12	18
parallel	12	18	12	18

I. The number and design of off-street loading spaces shall adhere to the following: where more than one (1) use is on a lot, the total number of spaces shall be the sum of the component requirements.

(1) Minimum standards for number of off-street loading spaces:(1)

Land Use	Gross Floor Area	
	At Which First Berth is Required (square feet)	At Which Second Berth is Required* (square feet)
Manufacturing, processing, assembly, marinas, scrap yards, scrap processing	5,000	40,000
Warehouse, auto/truck sales and repairs, bodywork, painting	5,000	40,000
Storage, shipping, receiving	10,000	25,000
Retail	10,000	20,000
Service establishments	10,000	40,000
Community recreational (including bowling alleys)	10,000	100,000
Restaurants/nightclubs	10,000	25,000
Laundry	10,000	25,000
Office building, financial institution and research	10,000	100,000
Hotel/motel	10,000	100,000
Apartment buildings	25,000	100,000
Schools	10,000	100,000
Hospitals	10,000	100,000

Sanitariums (homes)	10,000	100,000
Terminals and transportation centers	5,000	40,000
Auditoriums	10,000	100,000
Arenas	10,000	100,000
Funeral homes/ mortuaries	10,000	100,000

NOTES:

\*Three (3) or more spaces shall be calculated at multiples of this column.

(1) Zoning, Parking & Traffic, Eno Foundation 1972, pp 123 and 129.

(2) Minimum yard and dock standards for off-street loading:

A Overall Length of Berth (feet)	B Berth Width (feet)	C Apron Length (feet)	D Dock Approach (A and C) (feet)
40	10	46	86
	12	43	83
	14	39	79
45	10	52	97
	12	49	94
	14	46	91
50	10	60	110
	12	57	107
	14	54	104
55	10	65	120
	12	62	117
	14	58	113
60	10	72	132
	12	63	123
	14	60	120

~ 345-32. Performance standards for all uses.

A. Buffers. Buffer areas are required along lot and street lines of all lots containing uses permitted in the industrial districts where said property lines or the center line of adjacent streets abut residential uses or residential zoning district lines, except that where a new residential use is proposed on a lot adjoining an existing industrial use, the proposed residential use shall provide the buffer. Also, where a structure abuts a side or rear property line and the yard area between the structure and the side or rear property line has no improvements other than landscaping and the yard area is not used for any purpose whatsoever, the yard with its landscaping is sufficient to meet the buffer provisions and no additional buffer area need be provided. Buffer areas shall comply with the following standards:

(1) The buffer area shall be measured from the zoning district line or, where the zoning district line follows the center line of the adjacent street, shall be measured from the street line.

(2) Buffers may be either screen plantings or decorative walls and all such areas shall be maintained and kept clean of all debris, rubbish, weeds and tall grass. Any screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year or one (1) growing season.

(3) No activity, storage of materials or parking of vehicles shall be permitted in the buffer area except access drives from public streets, unlighted directional signs and permitted signs as specified in the district regulations.

(4) Buffer widths for screen planting areas shall be established in each zoning district. Where a new residential use is proposed on a lot adjoining an existing industrial use, the standards for the buffer shall be as required in the industrial district. Any planted areas shall be planted and maintained with massed evergreens, deciduous trees and shrubs of such species and size as will produce, within two (2) growing seasons, a living screen at least four (4) feet in height and of such density as will obscure, throughout the full course of the year, the glare of automobile headlights emitted from the premises. The screen planting shall be placed so that at maturity it will not protrude across any street or property line and so that a clear sight triangle as set forth in this chapter shall be maintained at all street intersections and at all points where private accessways intersect public streets.

(5) Where only the front of any proposed building shall be visible from the adjacent residential district and all parking, loading, outside equipment and storage areas are in either the side or rear yards, the parking, loading, outside equipment and storage areas shall be screened from view by buildings, decorative walls or landscaped areas as outlined above and the front of the building shall be landscaped.

B. Electricity. Electric and electronic equipment shall be shielded so there is no interference with any radio or television reception at the lot line or beyond, or in the case of multifamily dwellings, beyond the operator's dwelling unit, as the result of the operation of such equipment.

C. Glare. Exterior lighting and light resulting from any manufacturing or assembling operations shall be shielded, buffered and directed as required by the lighting requirements of this chapter so that any glare, direct light or reflection will not interfere with the normal use of nearby properties, dwelling units and streets.

D. Air, water and environmental pollution. No use shall emit heat, odor, vibrations, noise or any other pollutant into the ground, water or air that exceeds the most stringent applicable state or federal regulation.

E. Storage and waste disposal. No materials or wastes shall be deposited upon a lot in such form or manner that they can be transferred off the lot, directly or indirectly, by natural forces such as precipitation, evaporation or wind. All materials or wastes which might create a pollutant, a hazard or be attractive to rodents or insects shall be stored indoors and/or be enclosed in appropriate containers to eliminate such pollutant potential, hazard or attraction. No highly flammable or explosive substance shall be stored on a property except under conditions approved by the Department of Fire and Emergency Services and the New Jersey Department of Labor and Industry.

F. Landscaping. All open space, including yards, shall be landscaped with lawns, trees, shrubbery and other appropriate plant material. All shrubs shall be at least two (2) feet in height. All trees shall be a minimum of six (6) feet in height. All plants, trees and shrubs shall be defined as to type and in accordance with the then current list approved by the Division of Neighborhood Improvement, Department of Public Works, of the City of Jersey City. [Added 10-21-1975 by Ord. No. J-648]

G. Maintenance of landscaped areas. All landscaped areas must be properly maintained. In the event that an applicant for a certificate of occupancy or his or her successors shall at any time after the issuance of an occupancy certificate fail to maintain any landscaped areas the Construction Code Official shall serve written notice setting forth any failure to maintain said landscaped area in a reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within four (4) weeks thereof and shall state the date and place of any hearing thereon which may be held. If the deficiencies set forth in the original notice or in any modification thereof are not cured within said four (4) weeks or any extension thereof the Construction Code Official, in order to preserve the taxable value of the surrounding property and to prevent the landscaped areas from becoming a public nuisance, shall revoke the certificate of occupancy issued to said premises until such time as the deficiencies are cured. [Added 10-21-1975 by Ord. No. J-649]

H. Minimum landscaped areas. All new projects and all projects subject to site plan review shall have a minimum of five percent (5%) of the total lot area devoted to landscaping to be defined as plants, trees and shrubs. In addition thereto three percent (3%) of all paved areas shall be devoted to landscaping as so defined. Said landscaping shall be defined as to type and be in accordance with the then current list approved by the Division of Neighborhood Improvement of the City of Jersey City. [Added 10-21-1975 by Ord. No. J-650]

~ 345-33. Number of structures and uses on a lot. [Amended 10-21-1975 by Ord. No. J-651]

Not more than one (1) principal structure shall be located on a single lot, nor shall a principal structure be located on the same lot with any other principal structure.

~ 345-34. Service stations.

A. No service station shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street as any firehouse, school, park, playground, church, hospital, public building or institution, except where such property is in another block or abuts another street which the lot in question does not abut. Where an existing service station is in a zoning district which permits a service station as a principal use, the erection of a firehouse, school, park, playground, church, hospital, public building or institution within two hundred (200) feet of an entrance or exit of the existing service station shall not cause the existing service station to be in violation of this chapter. Driveways, aprons, parking areas and other portions of the site traveled by motor vehicles shall be located and paved in accordance with the off-street parking provisions of this chapter.

B. All appliances, pits, storage areas and trash facilities, other than gasoline filling pumps or air pumps, shall be within a building. Gasoline filling pumps and air pumps shall be permitted within the required yard space between service station buildings and street lines, but shall be no closer than thirty (30) feet to any street line. Other buildings and structures shall be no closer than sixty (60) feet to any street line. All lubrication, repair or similar activities shall be performed in a fully enclosed building, and no dismantled parts shall be placed outside of an enclosed building. Gasoline filling pumps and air pumps may be located in side or rear yards, provided that they are no closer than fifty (50) feet or the yard requirement of that district, whichever is greater, to the side or rear property line.

C. No junked motor vehicles or parts thereof shall be permitted on the premises of any service station. A number not exceeding six (6) motor vehicles may be located upon any service station premises outside of a closed or roofed building for a period of time not to exceed seven (7) days, provided that the owners are awaiting repair of said motor vehicles.

D. The exterior display and parking of motor vehicles, trailers, boats or other similar equipment for rental and sales purposes shall be permitted as a part of a service station operation, provided that the area devoted to the display and parking of such vehicles and similar equipment does not exceed twenty percent (20%) of the lot area and does not occupy any of the required off-street parking area for the service station.

~ 345-35. Sight triangles.

On a corner lot in any district, sight triangles shall be required in which no grading, planting or structure shall be erected or maintained more than three (3) feet above the street center line or lower than twelve (12) feet above the street center line except that intersections controlled by a traffic signal and intersections having either a stop sign or flashing light or where the structure is set back at least twelve (12) feet from the curbline shall not require a sight triangle except further that traffic control devices, street name poles and utility poles shall be exempt. The "sight triangle" is defined as that area outside the right-of-way which is bounded by the intersecting street lines and the straight line connecting sight points, one (1) each located on the two (2) intersecting street center lines, the following distance away from the intersecting center lines: primary and secondary arterial streets at one hundred (100) feet; major and minor collector streets at sixty (60) feet; and local streets at forty (40) feet. Where the intersecting streets are both arterial, both collectors or one (1) arterial and one (1) collector, two (2) overlapping sight triangles shall be required formed by connecting the sight points noted above with a sight point forty (40) feet on the intersecting street. The classification of streets shall be those in the Master Plan of the city.

~ 345-36. Signs and billboards.

No sign of any type shall be permitted to obstruct driving vision, traffic signals, traffic direction and identification signs, other places of business, other signs or windows of the buildings on which they are located.

A. Animated, flashing and illusionary signs. Signs using mechanical and/or electrical devices to display movement or the illusion of movement are prohibited in all areas except the central business district and the locations outlined in Article VI, except that signs displaying the time and/or temperature shall be permitted.

B. Height (see Article VI) and projection beyond walls. No freestanding or attached sign shall exceed the maximum height permitted in the district. No sign shall project into or hang over the right-of-way portion of a street or any other area traversed by motor vehicles or beyond any bulkhead line. Where signs project beyond a building, facade or wall

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<sup>5</sup>Editor's Note: See also Ch. 215, Motor Vehicle Repair Shops.

<sup>6</sup>Editor's Note: For statutory provisions dealing with this topic, see N.J.S.A. 40:48-2.26.

over a pedestrian way on the site, the lowest portion of the sign shall be at least ten (10) feet above the walkway. All signs shall be attached so that the face of the sign is parallel to the wall to which it is attached and the face of the sign shall be permitted to be no further than eighteen (18) inches from the wall. Attached signs shall have only one (1) face.

C. Illuminated signs. No sign with red, green, amber or blue illumination in a flashing, beam or beacon form shall be erected. All lighted signs shall be indirectly illuminated so that such light source is properly shielded from residences and streets.

D. Maintenance. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.

E. [Amended 11-18-1975 by Ord. No. J-667] Real estate signs. Real estate signs, whether "For Sale" signs or "Sold" signs shall comply with the following:

(1) Residential districts. "For Sale" signs:

(a) Any agent, or employee of said agent, shall be required to have an exclusive agreement of sale contract between himself and the party selling the premise prior to posting a "For Sale" sign.

(b) After posting said "For Sale" sign the real estate agent shall, upon request of any inspector of the Division of Construction Code Official of the City of Jersey City, submit proof of said exclusive agreement. Refusal to supply this information by the agent shall be a violation of this section.

(c) The restrictions of this subsection shall apply to any individual property owner acting as his or her own agent for the sale of his or her property. Any sign that the individual property owner displays must list his or her address and private phone number at which he or she can be reached.

(2) Residential districts. "Sold" signs:

(a) "Sold" signs shall be permitted to be posted on premises for no more than fourteen (14) days.

(b) Notice of said posting shall be made in writing to the Division of Construction Code Official before the "Sold" sign is posted. This notice shall state the name and address of the real estate agent, premises where the posting will take place and the proposed date of posting.

(3) Residential districts. Restrictions applying to both "For Sale" and "Sold" signs:

(a) The lowest portion of the sign shall be no higher than ten (10) feet above ground level. No such sign shall exceed six (6) square feet in area. No more than one (1) such sign per premise shall be permitted. All signs shall be attached to the premises.

(b) No person, including but not limited to his or her agent or employee, shall exhibit more than two (2) signs on any street between two (2) intersections or within two hundred fifty (250) feet from any one (1) intersection; whichever distance is greater.

(4) Commercial and industrial districts: no freestanding or attached signs shall exceed the maximum height permitted in the district. All such signs shall not exceed forty (40) square feet in area or three percent (3%) of the side of the building upon which the sign is located, whichever is greater. No more than one (1) sign along each street on which the building has frontage shall be permitted.

(5) Penalty for violations of Subsection E. Notwithstanding any other section of this chapter, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this section shall, for each and every violation, be punishable as provided in Chapter 1, General Provisions, ~ 1-25. Each and every day that such a violation continues after such notice shall be considered a separate and specific violation of this section without the service of an additional notice.

F. Sign area shall be measured around the outside edges of a framed or enclosed sign or by the area utilized by isolated words and/or symbols, including the background whether open or enclosed, but said area shall not include any supporting framework and bracing incidental to the display itself.

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<sup>7</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

G. 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. No sign shall project into a sight triangle below the second story floor level or the height of a traffic signal or traffic directional sign in the intersection, whichever is higher.

H. Signs with two (2) exposures shall be measured for area by using the surface area of only one (1) side of the sign when the faces are parallel. No more than two (2) sides may be used.

I. Temporary signs. No more than two (2) signs advertising the name of the building, general contractor, subcontractor, financing institution, public agencies and officials and professional personnel are permitted on a construction site beginning with the issuance of a building permit and terminating with the issuance of a certificate of occupancy for the entire building.

~ 345-37. Off-tract improvements. [Added 4-13-1989 by Ord. No. C-702]

A. Purpose. The purpose of this section is to assure a pro rata allocation of the costs of off-tract improvements required by new development.

B. The term "Board" refers to both the Planning Board and the Board of Adjustment. All other terms used in this chapter shall be defined in accordance with the definitions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

C. As a condition of approval of a subdivision, site plan or variance the Board may require an applicant for development to pay a pro rata share of the cost of circulation improvements and water, sewerage and drainage facilities, including land and easements, located off-tract of the property limits which are necessitated or required by development. In its resolution of approval, the Board shall provide the factual and legal basis for the required improvements. An applicant's share of the cost of providing improvement shall be based upon the following criteria:

(1) Full allocation. If the proposed development requires the construction of off-tract improvements and no other properties receive a special benefit, the Board may require the applicant to bear the entire cost of constructing the improvements.

(2) Proportional allocation. If the proposed development requires the construction of off-tract improvements and other properties receive a benefit from the improvements, the Board shall determine the applicant's share of the cost of constructing the improvements in accordance with ~ 345-38 through 345-41.

D. The capacity and design of proposed improvements shall be based upon either:

(1) The circulation and comprehensive utility service plans of the Master Plan, or in lieu of a Master Plan.

(2) Maps of the existing sewer, water and street systems.

E. Copies of the most current sewer, water and traffic maps and all amendments to these maps shall be filed with the Office of the City Clerk for examination during regular business hours.

~ 345-38. Allocation formula for sanitary sewers; standards of construction. [Added 4-13-1989 by Ord. No. C-702]

The applicant's proportionate share of distribution facilities, including the installation, relocation or replacement of collector, trunk and interceptor sewers and appurtenances, shall be computed as follows:

A. The capacity and the design of the sanitary sewer system shall be based on standards specified in Appendix A.

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<sup>8</sup>Editor's Note: Former Sec. 413, entitled "Site plan review," as amended, which immediately followed this section, was deleted 11-25-1987 by Ord. No. C-544.

<sup>9</sup>Editor's Note: See also Ch. 281, Sewers.

<sup>10</sup> Editor's Note: Appendix A is on file and available for examination in the office of the City Clerk.



B. The Municipal Engineer shall provide the applicant with the existing and reasonably anticipated peak hour flows as well as capacity limits of the affected sewer system.

C. If the existing system does not have adequate capacity to accommodate the applicant's flow given existing and reasonably anticipated peak hour flows or requires replacement, the applicant shall pay a proportionate share of the cost of replacement or enlargement, computed as follows:

$$\frac{\text{Total cost of enlargement or improvement cost}}{\text{Developer's cost}} = \frac{\text{Capacity of enlargement or improvement (gallons per day--gpd)}}{\text{Development-generated gallons per day to be accommodated by the enlargement or improvement}}$$

~ 345-39. Allocation formula for water supply; standards of construction. [Added 4-13-1989 by Ord. No. C-702]

The applicant's proportionate share of water distribution facilities, including the installation, relocation or replacement of water mains, hydrants, valves and associated appurtenances, shall be computed as follows:

A. The capacity and the design of the water supply system shall be based on the standards specified in Appendix A.

B. The city shall provide the applicant with the existing and reasonably anticipated capacity limits of the affected water supply system in terms of average demand, peak demand and fire demand.

C. If the existing system does not have adequate capacity to accommodate the applicant's needs or requires replacement, the applicant shall pay a pro rata share of the cost of replacement or enlargement, computed as follows:

$$\frac{\text{Total cost of enlargement or improvement}}{\text{Developer's cost}} = \frac{\text{Capacity of enlargement or improvement (gallons per day--gpd)}}{\text{Development-generated gallons per day to be accommodated by the enlargement or improvement}}$$

~ 345-40. Allocation formula for roadways. [Added 4-13-1989 by Ord. No. C-702]

The applicant's proportionate share of street improvements, alignment, channelization, barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements uncovered elsewhere, the construction or reconstruction of new or existing streets and other associated street or traffic improvements shall be computed as follows:

A. The Traffic Engineer shall provide the applicant with the existing and reasonably anticipated future peak hour flows for the off-tract improvement.

B. The applicant shall furnish a plan for the proposed off-tract improvement which shall include the estimated peak hour traffic generated by the proposed development and the proportion to be accommodated by the proposed off-tract improvement. The ratio of the peak hour traffic generated by the proposed development to the future additional peak hour traffic to be accommodated by the proposed off-tract improvement shall form the basis of the proportionate share. The proportionate share shall be computed as follows:

$$\frac{\text{Total cost of enlargement or improvement}}{\text{Developer's cost}} = \frac{\text{Capacity of enlargement or improvement (peak hour traffic)}}{\text{Development-generated peak hour traffic to be accommodated by the enlargement or improvement}}$$

<sup>11</sup> Editor's Note: Appendix A is on file and available for examination in the office of the City Clerk.

Developer's cost

Development peak hour  
traffic to be accommodated  
by enlargement or improvement

~ 345-41. Allocation formula for drainage improvement; standards of construction. [Added 4-13-1989 by Ord. No. C-702]

The applicant's proportionate share of stormwater and drainage improvements, including the installation, relocation or replacement of storm drains, culverts, catch basins, manholes, riprap, relocation or replacement of other storm drainage facilities or associated appurtenances, shall be determined as follows:

A. The capacity and the design of the drainage system to accommodate stormwater runoff shall be based on the standards, specified in Appendix A, computed by the applicant's engineer and approved by the Municipal Engineer.

B. The capacity of the enlarged, extended or improved system required for the subdivision and areas outside of the developer's tributary to the drainage system shall be determined by the applicant's engineer subject to approval of the Municipal Engineer. The plans for the improved system shall be prepared by the developer's engineer and the estimated cost of the enlarged system calculated by the Municipal Engineer. The proportionate share for the proposed improvement shall be computed as follows:

Total cost of enlargement or improvement	=	Capacity of enlargement or improvement (total capacity expressed in cubic feet per second)
Developer's cost		Development-generated peak rate of runoff expressed in cubic feet per second to be accommodated by the enlargement or improvement

C. Site drainage shall be routed to a permanent surface or subsurface system adequate to dispose of anticipated runoff from the site and from contributing off-site watershed areas. Storm drainage shall be connected only to approved outfalls. Site drainage shall be adequate to accommodate runoff from a storm equivalent to a ten-year return frequency. Stormwater management should acknowledge regional drainage problems and resources.

~ 345-42. Escrow accounts. [Added 4-13-1989 by Ord. No. C-702]

A. Any funds received from an applicant pursuant to ~ 345-38 through 345-41, inclusive of this Article V, shall be deposited in a city fund entitled the "Infrastructure Capital Improvement Trust Fund" which shall be maintained as a separate city fund in the manner prescribed by N.J.S.A. 40A:5-1 et seq., the Local Budget Law. The Department of Finance is authorized to establish a separate account within the Infrastructure Capital Improvement Trust Fund for each applicant and shall hold, invest and disburse the moneys in the same manner as other funds of the city and in the manner prescribed by N.J.S.A. 40A:5-1 et seq., the Local Fiscal Affairs Law, and Ch. 3, Administration of Government, of the city. The city is authorized to charge to each such account the costs and expenses of the undertaking, making, construction, installation and acquisition of the improvements which are the subject of an agreement with the applicant. The city shall be permitted to charge the architects' fees, accounting, engineering and inspection costs, legal costs, preliminary planning, test and survey expenses related to any such improvements to such account. All investment income earned on such accounts shall be credited thereto and applied for such improvements. Any funds and the income thereon not expended for such improvements shall be returned to the applicant at the time and in the manner prescribed by the agreement between the applicant and the city. If there are any moneys remaining in an account on the fifth anniversary of an agreement, they shall be returned to the applicant unless the agreement provides for a later time for such distribution. All required funds shall be paid before construction permits are issued. The Construction Official shall issue no construction permits until the Municipal Engineer certifies that the required funds have been paid.

B. The applicant may request a conference with municipal officials to review the documents to be submitted.

<sup>12</sup>Editor's Note: Appendix A is on file and available for inspection in the office of the City Clerk.

The documents submitted should provide sufficient data and explanation to assure compliance with all municipal codes and specifications and assure that the proposed development meets design and improvement standards.

~ 345-43. Conditional uses. [Amended 1-18-1977 by Ord. No. J-830; 12-13-1984 by Ord. No. MC-726]

Before a building permit or certificate of occupancy shall be issued for a conditional use under N.J.S.A. 40:55D-67, application shall be made to the Planning Board which after careful review of any applicable sections of this chapter may authorize the issuance of such permit if in the judgment of the Planning Board it will not be detrimental to the health, safety and general welfare of the city. The types of uses considered conditional uses for which permits are granted shall be deemed to be permitted uses in their respective districts, except that each use shall be considered as an individual case and the Planning Board shall give due consideration to all reasonable elements which could affect the public health, welfare, safety, comfort and convenience, such as, but not limited to, the proposed use, the character of the area, the concentration of such uses in the area, the impact of the proposed use on the area, vehicular traffic patterns and access parking and loading, pedestrian ways, landscaping, lighting, signs, vehicular travel patterns and access, sewage treatment, utilities and building and structure locations. In all requests for approval of conditional uses, the burden of proof that the use will satisfy these standards shall be on the applicant and failure to provide satisfactory proof shall be a basis for denial of the use. Conditional uses in residential districts shall be designed to reflect maximum compatibility with the residences, including design, landscaping, site layout and site design. Before any conditional use shall be granted by the Planning Board, a site plan review by the Planning Board shall be completed.

~ 345-44. Swimming pools.

A. Pools for private use shall be located on a lot containing a residence building. Pools shall be located in the rear yard only. Setbacks shall be measured from the water's edge and no pool shall occupy more than seventy-five percent (75%) of the rear yard. All pools shall adhere to the setbacks as set forth in this chapter for accessory buildings.

B. Pools in apartment complexes shall be located within the site and may be located in the rear or side yard or on a roof or in the building. All pools shall be landscaped to be below grade with setbacks measured from the water's edge adhering to requirements for a principal structure. No pool shall occupy more than fifty percent (50%) of the area of the yard in which it is located.

C. All lighting shall be screened from dwelling units in the area to prevent direct or reflected light from being a nuisance. No amplifying system shall be erected with any pool. All health and safety codes shall be met in the erection and maintenance of a pool.

D. Enclosure of swimming pools shall be required as set forth in the Uniform Construction Code.

~ 345-45. Townhouses.

A. The building complex may consist of any configuration that meets the other requirements of this chapter.

B. An overall structure shall have a compatible architectural theme but there shall be variations in the design of each townhouse by using such techniques as, but not limited to:

- (1) Varying unit widths.
- (2) Varying setbacks by at least three (3) feet.
- (3) Providing different exterior materials.
- (4) Changing the rooflines and roof designs.
- (5) Changing the types of windows, shutters, doors and exterior colors.

C. No townhouse shall be closer than ten (10) feet to the edge of any off-street parking facility or to the future right-of-way of the street.

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<sup>13</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>14</sup>Editor's Note: See Ch. 131, Construction Codes, Uniform.

D. No townhouse shall be less than eighteen (18) feet wide, measured from the exterior of exterior walls and the center line of interior walls.

E. Off-street parking shall be grouped into one (1) or more parking lots, with controlled access to streets. There shall be no direct access to the street from individual garage or parking space.

~ 345-46. Use of required yards.

No open space provided around any principal or accessory building for the purposes of complying with the front, side, rear or other yard provisions of this chapter shall be considered as providing the yard provisions for another principal or accessory building.

~ 345-47. Required front yards; building setbacks.

Front yards shall be measured from the street line as defined in this chapter. On a lot which extends through a block in a manner resulting in frontage on two (2) or more streets, including corner lots, the building setback from each street, whether considered the front, side or rear yard, shall not be less than the required depth of a front yard in the district in which said lot, or applicable portion of the lot, is located.

## ARTICLE VI Exceptions and Modifications

~ 345-48. Lot area requirements.

A. Whenever title to two (2) or more contiguous lots is held by the same owner, regardless of whether or not each of said lots may have been approved as portions of a subdivision or acquired by separate conveyance or by other operation of law, and one (1) or more of said individual lots should, by reason of exceptional shallowness, topographical conditions, area or yard space or similar measurements, not conform with the minimum lot area and/or dimension requirements for the zone in which it is located, the contiguous lots of said owner shall be considered as a single lot and the provisions of this chapter shall hold.

B. Whenever land has been dedicated or conveyed to the city by the owner of a lot existing at the time of adoption of this chapter in order to meet the minimum street width requirements of Chapter 299, Subdivision of Land, or to implement the Official Map or Master Plan of the city, the Superintendent of Buildings shall not withhold a building and/or occupancy permit for the building or use on the lot whose depth and/or areas are rendered substandard in area only because of such dedications and where the owner has no other adjacent lands to provide the minimum requirements.

C. See ~ 345-30, Nonconforming uses, structures and lots.

~ 345-49. Bonuses in C-1 and C-4 Districts.

A. In an effort to encourage building and site designs that will produce public benefits, the following bonuses are permitted. The purpose is intended to provide improved pedestrian circulation by providing either wider walkways or alternate routes of travel.

B. The maximum cumulative bonus allowable shall be twenty percent (20%) over the permitted floor area. Bonuses shall be granted only when the design features used to generate the bonus are employed in a manner to complete the objective, e.g., if building design features have resulted in bonuses of eighteen percent (18%), another feature designed in a partial manner only to the extent that the final two percent (2%) can be achieved will not be permitted unless the bonus feature is completed to satisfactorily implement the intended circulation improvement.

C. Floor areas added as the result of bonuses shall provide off-street parking and loading at seventy-five percent (75%) of the required rate, but the building shall not extend beyond the setback envelope specified by the chapter.

Bonus Area Allowed		Bo
Bonus Feature	Unit of Feature Upon per Unit of Feature Which Bonus is based	(square feet)

Rapid transit access(1)	For each linear foot of direct, below grade, access to a subway station mezzanine or platform at Journal Square, Grove Street or Exchange Place	3,000 for portions of improved walkway where existing tunnel or other open way exists and is used below grade. 5,000 for portions requiring new tunnelling
Pedestrian bridge(2)	For each foot of enclosed pedestrian bridge	270
Multiple building entrances to nonresidential ground floor uses(3)	For each principal street level entrance after the first entrance on each street, giving access to the entire ground floor level	8,000
Sidewalk widening(4)	Each creditable square foot of sidewalk widening area	6
Pedestrian walkway through the middle of a block(5)	Each linear foot by which the walking distance between streets is shortened as measured along the shortest route presently open to the general public	40
Plaza(6)	Each creditable square foot of plaza at street level	6

**NOTES:**

(1)Constructing an enclosed walkway measuring a minimum of twelve (12) feet in width by ten (10) feet in height, providing change booth and turnstiles in the walkway; providing a pair of escalators, each a minimum of thirty-two (32) inches wide; providing a stairway at least six (6) feet wide; and providing appropriate lighting and ventilating equipment for the specific length and location of the tunnel/walkway proposed.

(2)Constructing an enclosed pedestrian walkway at upper levels from one building to another. The enclosure shall be a minimum of twelve (12) feet wide with a minimum floor to ceiling height of ten (10) feet. It shall be both heated and air conditioned. The minimum height above the grade below it shall be twenty-five (25) feet.

(3)Each entrance for which a bonus is received shall be designed to give access to the entire ground floor level of a building which in turn shall provide interior entrances to individual uses. In order to receive this bonus, entrances to individual uses directly from the street level shall be omitted where this request is made. Each entrance for which a bonus is received shall be located a minimum of one hundred (100) feet from any other entrance and a minimum of fifty (50) feet from any side or rear property line. Each additional entrance shall provide a minimum of four (4) doors [or two (2) revolving doors].(4)Each square foot of improved and traversable sidewalk area measured outside the street right-of-way, provided that the widened area adjoins the street right-of-way throughout the calculated area, and provided that the area above the sidewalk is unobstructed to a height of at least twenty-five (25) feet.

(5)The shortest route open to the public prior to the proposed bonus feature shall be measured horizontally

starting at the edge of the proposed pedestrian walkway at the street line and proceeding along the shortest route to the nearest portion of the proposed walkway's exit on the opposite street line. The bonus shall be calculated by taking this length, deducting the length of the proposed walkway, and multiplying the difference by the bonus rate. The walkway shall be at least twenty (20) feet wide with twenty (20) feet of vertical clearance at any point. It shall not be designed as an aisle through a store nor as a place of business.

(6) A plaza shall be at least twenty-five (25) feet in height, cover a minimum of fifty percent (50%) of the area under the proposed building and have no more than ten percent (10%) of its area occupied by obstructions required structurally for the accompanying building and at least ten percent (10%), but not more than an additional twenty percent (20%), of its area occupied by street furniture, landscaping or other aesthetic features. When located through the interior of a building, it shall be designed and used as a walkway off which access to abutting offices, stores or other uses can be gained. It shall not be designed as an aisle through a store nor as a place of business.

~ 345-50. Corner lots.

Structures located on a corner shall be set back from both streets the required front yard distance, but in no case less than required for a sight triangle.

~ 345-51. Height limits.

Penthouses and roof structures for the housing of stairways, tanks, ventilating fans, air-conditioning equipment, dust collectors or similar equipment required to operate and maintain the building as well as fire or parapet walls, skylights, spires, cupolas, flagpoles, chimneys, water tanks or similar structures may be erected above the height limits prescribed by this chapter but in no case more than the following distances above the maximum height permitted in the district, except church spires shall have no height restrictions and except further that for buildings containing parking garages, the building height may be exceeded by a height equivalent to the height of the parking garage for required parking. In no event shall the portions of a roof above the permitted height exceed twenty percent (20%) of the roof area.

Building Height (feet)	Maximum Height of the Exceptions Noted Above
Up to 35	10 feet
35 to 100	20% of building height or 12 feet, whichever is greater
101 and over	20 feet or 20% of building height, whichever is greater

~ 345-52. Housing. [Amended 2-22-1995 by Ord. No. 95-002]

A. In the recognition that New Jersey's Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) has, as one (1) of its many purposes, "To encourage senior citizen community housing construction" (N.J.S.A. 40:55D-2l), and that housing markets exist for senior citizens and that housing provided for those persons aged sixty-two (62) and older can and should have a place in a well-planned city's zoning standards, the following provisions are adopted for the particular age group specified and shall supersede similar standards for the district in which that housing is located. All other provisions of the chapter shall remain in effect.

B. Such housing shall be a permitted use in the R-2, R-3, R-3A and R-4 Residential Zones.

C. It is specifically intended that the zoning regulations for these special housing proposals do not limit the use of the land in residential districts to residential use(s) only for the age group noted above, but rather that where an applicant requests such age-restricted housing or certifies to the Planning Board that he chooses to provide housing for this particular age group, the Planning Board is authorized to allow development according to the following zoning standards on the condition that no occupant shall be younger than that requested and certified to by the applicant; otherwise the certificate of occupancy shall be void until the occupants all conform to the conditions of age requested by the applicant or until the other zoning standards required for the district in which it is located are met.

D. The resident head of household in such age restricted housing shall be sixty-two (62) or older.

A reduction in the number of off-street parking spaces shall be permitted to a minimum of one-fourth (1/4) space per dwelling unit. Each dwelling unit shall have a minimum gross floor area complying with the minimum property standards as promulgated by the United States Department of Housing and Urban Development. For all such senior citizen housing, the permitted density shall not exceed one hundred fifty (150) dwelling units per acre.

~ 345-53. Planned unit development.

Notwithstanding the provisions of this chapter, the development of land under a planned unit development ordinance shall adhere to the provisions of the Planned Unit Development Ordinance of the city.

~ 345-54. Building setbacks in R-1 and R-2 Districts.

Where the existing pattern of building setbacks as measured from the street right-of-way are variable or are predominantly greater or less than required by this chapter, new buildings or additions to existing buildings may be located by the applicant to conform more with the prevailing setback than with the provisions of this chapter, provided that one (1) of the following conditions exists:

A. If the lot(s) under consideration represent forty percent (40%) or more of the street frontage in that block, the proposed building shall be set back in conformity with this chapter.

B. If the average setback of all buildings along the street in that block deviates more than ten percent (10%) from the requirements of this chapter, the proposed building may be required to be set back a distance equal to the average setback, whether that setback be greater or less than this chapter.

C. Where there is a building on both lots adjoining the lot in question, the proposed building may be required to be set back a distance equal to the two (2) adjacent buildings, provided that neither of the two (2) existing buildings deviate more than ten percent (10%) from the average setback along the street in that block. Where one (1) or both of the adjacent buildings deviate more than ten percent (10%) from the average setback, the proposed building shall be set back the same distance as the average setback for the block.

D. None of the above deviations from the setback requirements of this chapter shall be required if the new setback will prevent the off-street parking requirements of this chapter from being met or if the new setback will encroach upon a required sight triangle.

~ 345-55. Signs and billboards.

A. Except for the Hackensack meadowlands area under the jurisdiction of the Hackensack Meadowlands Development Commission where their sign regulations shall control, any use located in any I-2 and I-3 District may have one (1) sign or billboard not more than three (3) times as high and/or three (3) times as large as permitted in the district in which it is located, provided that the increase in the height and area shall be computed in direct proportion to the increase in the setback of the sign from the street line or lot line it faces. In both districts, no sign or billboard may have an increase in height or area until the sign or billboard is set back a greater distance than required for principal buildings in the I-3 District [If it is angled between two (2) such lines, the shorter distance shall be applied]. For example, a sign or billboard set back twice the minimum distance required for a principal building using the I-3 District requirements may have either twice the height or twice the area, but not both, or a combination such as a fifty percent (50%) increase in height and a fifty percent (50%) increase in area. Signs and billboards located between Henderson Street and the Hudson River may have an increase in their area in proportion to their increased setback, but the area shall be not more than one thousand (1,000) square feet and be lighted, provided that said signs or billboards are visible only from the Hudson River side of the sign.

B. The back side of the larger or higher sign or billboard may contain a sign area limited to the area of a sign permitted for the district in which it is located. The increases permitted under this provision shall be subject to the following further conditions: these provisions shall not permit a height or area more than three (3) times the allowed height or area for the district in which it is located; only one (1) such sign or billboard shall be permitted per use which shall be accompanied by a reduction in the area of the identifying sign to not larger than five percent (5%) or one hundred (100) square feet, whichever is smaller; said increases in height and area shall be permitted only within the I-2 and I-3 Districts, provided that they are no lower than thirty-five (35) feet in height at their lowest point and no closer than one thousand five hundred

(1,500) feet to the right-of-way of the New Jersey Turnpike Extension, the General Pulaski Skyway, U.S. Routes 1 and 9, Tonnelles Avenue, Route 440, County Road, Secaucus Road and any I-2 and I-3 Zoning District line; each higher or enlarged sign and billboard under this provision shall receive site plan approval whether or not the structure, use or property on which it is located or to which it is attached requires a site plan approval; the sign or billboard shall be attached to the roof of a structure or a wall, but not be freestanding from the ground; signs or billboards erected higher or larger under these provisions shall be no closer than three thousand (3,000) feet to any other sign or billboard erected higher or larger under these provisions; and all signs or billboards shall comply with all state and federal highway beautification regulations to the extent said regulations are more restrictive than the above.

~ 345-56. Special exceptions.

See applicable provisions in Article V and Article VII.

~ 345-57. Transition zone.

In any residential district, the first lot which abuts an industrial district line and which is on the same side of the street as the industrial district may be used for one (1) professional office building, provided that the proposal meets the most restrictive requirements for lot coverage, setbacks, floor area ratio and height for any use as set forth in the zoning district in which it is located. Off-street parking shall be provided at the rate of one (1) space per three hundred (300) square feet of gross floor area. This provision shall not permit a professional office on the first lot of a residential district in those instances where the zoning district boundary line follows the center line of a street, railroad or watercourse.

~ 345-58. Urban renewal projects and neighborhood development programs.

In any area officially declared and delineated as an urban renewal project area or a neighborhood development program area by duly adopted ordinance(s) of the governing body of the City of Jersey City, the standards and controls and designations contained in the plans adopted by ordinance(s) of the governing body for such legally adopted urban renewal project area or neighborhood development program area shall take precedence over any standards and controls and designations contained in this chapter, except that site plan approval shall be required as outlined in this chapter. Where the standards and controls and designations of an urban renewal project area or neighborhood development program area do not provide alterations to the provisions of this chapter, those provisions of this chapter that remain unchanged shall prevail.

~ 345-59. Automatic amusement devices as conditional uses. [Added 12-13-1984 by Ord. No. MC-726]

Where permitted as conditional uses, automatic amusement device arcades shall be permitted only upon approval by the Planning Board pursuant to ~ 345-43. In addition to the criteria specified in ~ 345-43 the Planning Board shall determine, based upon plans submitted by the applicant, that:

A. There is sufficient space for such automatic amusement devices to prevent overcrowding of uses and interference with pedestrian circulation within the rest of the premises.

B. There is no undue concentration of such automatic amusement device arcades or adverse effects on young children under the age of seventeen (17) years.

C. The plans for the arcade comply with the following specific requirements:

(1) Automatic amusement device arcades shall be located at least one-fourth (1/4) of a mile from school buildings and school playgrounds, the distance to be measured from building line to building line at their closest points.

(2) Automatic amusement device arcades shall be located in a separate room from other uses of the premises and from pedestrian circulation to and from such other uses. The room shall be arranged such that there is a management attendant within the room or such that management attendants outside the



room can easily see and supervise the interior of the room.

(3) Adequate space shall be provided for each automatic amusement device so as to allow its use without overcrowding. A minimum width of two (2) feet shall be provided for each device where the device is designed for use by one (1) player and three and one-half (3 1/2) feet where the device is designed for use by two (2) players. The depth of space in front of the device shall be at least five (5) feet and there shall be a minimum aisle width beyond this five (5) feet of an additional three (3) feet.

(4) Readily visible signs shall be installed, with their location, size and text shown in the plan submitted to the Planning Board, stating explicitly that the use of such devices by children under the age of seventeen (17) years during school hours is prohibited by Chapter 137, Curfew, of the Jersey City Code.

ARTICLE VII  
Zoning Board of Adjustment  
[Amended 1-18-1977 by Ord. No. J-831]

~ 345-60. Board established.

A. Composition.

(1) A Zoning Board of Adjustment is hereby established pursuant to N.J.S.A. 40:55D-69 et seq. consisting of seven (7) members appointed by the Mayor to serve for terms of four (4) years from January 1 of the year of their appointment. The terms of the members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four (4) years after their appointment; provided that the initial term of no member shall exceed four (4) years. Thereafter, the term of each member shall be for four (4) years. Nothing in this chapter shall, however, be construed to affect the term of any present member of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the term for which they were appointed.

(2) Alternate members shall be designated at the time of appointment by the authority appointing them as "Alternate No. 1" and "Alternate No. 2." The term of each regular member shall be four (4) years and the term of each alternate member shall be two (2) years. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

B. No member of the Zoning Board of Adjustment may hold any elective office or position under the municipality.

C. A vacancy occurring otherwise than any expiration of term shall be filled for the unexpired term only.

~ 345-61. Organization.

The Board of Adjustment shall elect a Chairperson and Vice Chairperson from its members and shall also select a Secretary who may be either a Board member or a municipal employee.

~ 345-62. Notice requirements for hearings.

A. Whenever a hearing is required on an application for development pursuant to N.J.S.A. 40:55D-1 et seq. the applicant shall give notice per the statute.

B. Proof of notice. All applications requiring public notice shall provide proof of such notice in the form of registered or certified mail receipts or certified mailing list attested to by the post office and an affidavit of service where personal service is involved.

~ 345-63. Appeals to Council. [Added 1-18-1977 by Ord. No. J-833; amended 8-23-1984 by Ord. No. MC-673]

A. Any interested party may appeal to the City Council final decisions of the Board of Adjustment approving special reasons and use variances pursuant to Section 57d of the Municipal Land Use Act, N.J.S.A. 40:55D-70d.

B. The fee for appeals authorized by Subsection A shall be as provided in Chapter 160, Fees and Charges.

C. The prevailing party shall within ten (10) days of the City Council's decision:

(1) Publish a notice of the decision in a newspaper of general circulation within Jersey City.

(2) Provide the City Clerk with a copy of the notice of publication and the transcript of the hearing before the City Council.

~ 345-64. Payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for development submitted to the Planning Board or to 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.

~ 345-65. Building permits.

In no instance shall any temporary permits, short permits or any other form of building permits be issued where the issuance of said permits would supersede the legally mandated process of subdivision (minor or major), site plan review or variance application.

~ 345-66. Certificate of occupancy. [Amended 10-27-1981 by Ord. No. MC-42]

No certificate of occupancy shall be issued where site plan review is required without certification by the Planning Board to both the Conservation Officials and the Zoning Officer that all site plan review requirements have been met.

## ARTICLE VIII

### Application Requirements; Fees

[Amended 3-1-1977 by Ord. No. J-843; 12-13-1984  
by Ord. No. MC-726; 11-25-1987 by Ord. No. C-544]

~ 345-67. Filing procedures.

A. The applicant shall submit all necessary documents to the Clerk of the Board of Adjustment or Planning Board. Clerks shall be employed by the Division of Urban Research and Design and designated by resolution of their respective Boards.

B. The Director of the Division of Urban Research and Design shall determine that an application is complete for the purpose of commencing the time period for action by the municipal agency per N.J.S.A. 40:55D-10.3. The applicant will be notified in writing of any deficiencies within forty-five (45) days of receipt by the Clerk. If a submission is deemed incomplete, no tolling of time shall occur, nor shall deficient applications be scheduled for a hearing.

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Editor's Note: Original Sec. 28-46, entitled "Pending application," which immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Editor's Note: Original Sec. 28-46.2, entitled "Title," which immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

C. For the purpose of expediting applications and reducing development costs, a developer may request a preapplication conference, the purpose of which is to:

(1) Acquaint the applicant with the substantive and procedural requirements of Chapter 299, Subdivision of Land, and this chapter.

(2) Exchange information about the proposed development plan and applicable elements of the Master Plan, this chapter and other development regulations.

(3) Advise the applicant of any public sources of information that may aid the application.

(4) Review the condition of existing service facilities, the impact of the proposed project on those facilities and improvements necessary to accommodate the project and the areas affected by the project.

(5)

Meet with any of the appropriate municipal representatives designated to participate in the review process to identify policies and regulations that create opportunities for or pose significant constraints to the proposed development, including the staffs of:

(a) The Division of Construction Code Official.

(b) The Division of Engineering and Facilities Maintenance.

(c) The Environmental Commission.

(d) The Department of Fire and Emergency Services.

(e) The Historic Preservation Commission.

(f) The Police Department.

(g) The Department of Public Works.

(h) The Division of Traffic and Street Maintenance.

(i) The Urban Research and Design Division.

(6) Permit input into the general design of the project.

~ 345-68. Thresholds for site plan review.

The following categories of site plans for new construction, rehabilitation and additions, pursuant to N.J.S.A. 40:55D-37a, fall within the review threshold and must receive Board approval prior to issuance of either a building permit or certificate of occupancy:

A. Residential. Creation of ten (10) or more dwelling units, regardless of number of structures and/or phases, and whether developed by one (1) entity or several.

B. Nonresidential:

(1) Projects on parcels of ten thousand (10,000) or more square feet.

(2) Projects whose total gross floor area is ten thousand (10,000) or more square feet.

(3) Additions increasing gross floor area by fifty percent (50%) or more.

(4) Additions increasing coverage by all structures on a project parcel by fifty percent

(50%) or more.

(5) Additions increasing gross floor area of all structures on a project parcel by fifty percent (50%) or more.

C. Common for residential and nonresidential:

(1) Off-street parking facilities, except for one- or two-family structures meeting minimum parking requirements and providing minimally sized parking stalls.

(2) Changes in use requiring alteration of existing parking and/or loading facilities.

(3) Changes in the volume and/or configuration of existing parking and/or loading facilities.

(4) All new construction, "substantial rehabilitation," defined as rehabilitation costing more than fifty percent (50%) of the building's assessed value, or alteration in the use of any property located within a duly adopted redevelopment area, regardless of above.

~ 345-69. Site plan checklist.

The following details shall be provided on a site plan drawing for it to be judged complete:

A. All pages shall bear an original signature and seal of an architect or engineer licensed in New Jersey.

B. A key map shall be included:

(1) Drawn at a scale of not less than one (1) inch to six hundred (600) feet.

(2) The area within a one-thousand-foot radius of the site to be depicted.

(3) A clear indication of streets in the area.

(4) The specific lots involved in the application.

C. The site plan shall have a zoning comparison chart contrasting existing standards in the use zone or redevelopment area and proposed site details as listed below, with variances, if any, clearly noted (site plans submitted in conjunction with a use variance application shall have a third chart indicating the standards of the use zone being substituted):

(1) Density.

(2) Height.

(3) Floor area ratio.

(4) All setbacks.

(5) Parking:

(a) Number of spaces.

(b) Stall dimensions.

(c) Aisle dimensions.

(6) Loading:

(a) Number of berths.

(b) Berth dimensions.

- (7) Access:
  - (a) Circulation.
  - (b) Curb cut dimensions.
- (8) Signage.
- (9) Landscaping.
- (10) Recreation areas.
- (11) Bonus provisions.
- (12) Building coverage for each structure if more than one (1) is part of the development parcel.
- (13) Lot dimensions.
- (14) Lot size in square feet.
- (15) Buffer areas.
- (16) Gross floor area and net floor area.

D. The scale shall be a minimum of one (1) inch equals twenty (20) feet for tracts up to forty (40) acres and one (1) inch equals fifty (50) feet for tracts over forty (40) acres.

E. The site plan size shall be one (1) of the following:

- (1) Eight and one-half by thirteen (8 1/2 x 13) inches.
- (2) Fifteen by twenty-one (15 x 21) inches.
- (3) Twenty-four by thirty-six (24 x 36) inches.
- (4) Thirty by forty-two (30 x 42) inches.

F. The following number of site plans shall be submitted:

- (1) Six (6) when the initial application is filed. [Amended 2-23-1989 by Ord. No. C-895]
- (2) Another ten (10) when the application is deemed complete.
- (3) If deemed of aid to a member of a board, additional copies of some or all pages of a site plan shall be required, optionally at the smallest legible scale. The maximum number of such sets shall be twelve (12).

G. The following details shall be submitted on all site plans:

- (1) Landscaping:
  - (a) Type.
  - (b) Caliper.
  - (c) Square footage.
  - (d) Height.
  - (e) Planting schedule.

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<sup>15</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

(f) Maintenance procedures.

(2) Engineering:

(a) Surveys showing block and lot numbers with metes and bounds description of the property lines, existing and proposed easements, location of the project relative to adjacent property owners and size and location of any existing or proposed structures with setbacks dimensioned.

(b) Topographic data showing existing and proposed elevations with referenced monuments.

(c) Development stages or staging plans.

(d) Existing and proposed public rights-of-way with the existing and proposed utilities and service connections to the project showing pipe sizes, materials, lengths, rim and invert elevations for sewers, valves and any other relevant information.

(e) Entrance to the project from public streets with curbs, drop curbs, aprons and sidewalks.

(f) Storm system demand, strategy and design, supported by engineering report showing drainage calculations and impact on existing drainage facilities and necessary improvement(s).

(g) Standards for curbs, wheel stops, walks, catch basins, trenches, street grade and intersections, pavement cross sections and profiles, traffic control and directional signs.

(h) Parking lot drainage.

(i) Water service connections in accordance with Jersey City requirements for water and fire meter installation and standards for water supply system, including valves, hydrants and thrust blocks.

(j) Proposed erosion control plan and method of compliance with soil erosion district regulations both during construction and after occupancy.

(k) Water supply system demand, strategy and design, supported by engineering report.

(l) Sanitary sewers system demand, strategy and design, supported by engineering report.

(m) If judged to cause a major increase in vehicles, a traffic study showing the existing as well as projected volumes and proposed measures to accommodate the traffic generated by the development.

(3) Floor plans with all room dimensions.

(4) Materials used in paved areas.

(5) Materials used in walks.

(6) Other surface treatments.

(7) Lighting:

(a) Wattage.

(b) Location.

(c) Height.

(d) Attachment details.

(e) Area of diffusion.

(8) Fences/walls:

- (a) Height.
  - (b) Materials.
  - (c) Width of internal details (i.e., steel pickets).
  - (d) Spacing of internal details.
- (9) Indication of review/approval (if applicable).
- (10) Refuse:
  - (a) Location of dumpster, etc.
  - (b) Screening height, materials.
  - (c) Details of removal.
- (11) Signs:
  - (a) Lettering.
  - (b) Dimensions.
  - (c) Location.
- (12) Elevations of all facades indicating colors of materials.
- (13) Elevations of roof indicating heating, ventilation and air-conditioning equipment and communication equipment and antennae indicating screening height, colors and materials.
- (14) North arrow: all site plans are to be designed so that north is facing the top of the page.
- (15) Street addresses.
- (16) Dates of drawings and revisions, if any.
- (17) Graphic scale.
- (18) Project title.
- (19) One (1) illustrative site plan depicting details using the following color scheme:
  - (a) Asphalt paved areas: gray concrete.
  - (b) Paved areas: beige.
  - (c) Buildings: dark.
  - (d) Brown landscaped areas: light green.
  - (e) Trees and shrubs: dark green.
  - (f) Water: light blue.
  - (g) Signs: red.
  - (h) Lighting fixtures: black.
- (20) A color photo (print) of the site at present.

H. The Board of Adjustment and Planning Board may seek the advice of any other municipal boards,

commissions, professionals, individuals or agencies. An application for site plan approval involving property within a municipal historic district or a municipal historic landmark shall require Historic Preservation Commission review. The Historic Preservation Commission shall render its decision regarding the applicable elements of the site plan prior to action by the Planning Board or Board of Adjustment. An application before either Board shall be deemed incomplete unless said application has complied with the rules and procedures described in Article XII, Historic Preservation.

I. All of the improvements listed above shall be subject to inspection and approval by the appropriate city inspector(s) who shall be notified, in writing, by the applicant at least forty-eight (48) hours prior to the start of any construction. No underground installation, paving or other work done in stages shall be poured, covered, backfilled or removed until inspected and approved. Electrical, gas and telephone utilities distribution supply lines are exempt from this inspection requirement.

J. A certificate of occupancy (CO) shall not be issued until all the required improvements are installed, approved and functioning properly, all in accordance with the provisions of this chapter. As an alternative, a performance guarantee, in a form approved by the City Attorney, in an amount to be determined by the City Engineer to be sufficient to assure completion of all remaining improvements within one (1) year, shall be provided; landscaping must survive four (4) complete seasons.

~ 345-70. Completed applications.

Applications shall be deemed complete upon submission of the following:

A. Minor subdivision.

- (1) One (1) completed original application form and one (1) copy.
- (2) Application fee.
- (3) Certificate of taxes and water bills paid.
- (4) Affidavit of ownership for all properties involved.
- (5) Ten percent (10%) disclosure statement if applicable as per N.J.S.A. 40:55D-48.1.
- (6) Ten (10) copies of written metes and bounds bearing original signature and seal of the New Jersey licensed surveyor preparing them.
- (7) Ten (10) copies of originally signed and sealed plat map containing all information required by the city's development regulations and Chapter 199, Subdivision of Land.

B. Major subdivision.

- (1) One (1) completed original application form and one (1) copy.
- (2) Application fee.
- (3) Certificate of taxes and water bills paid.
- (4) Affidavit of ownership for all properties involved.
- (5) Ten percent (10%) disclosure statement if applicable as per N.J.S.A. 40:55D-48.1.
- (6) Ten (10) copies of original metes and bounds bearing original signature and seal of the New Jersey licensed surveyor preparing them.
- (7) Certified list and block diagram of all property owners within two hundred (200) feet as per N.J.S.A. 40:55D-12, Subsection c.

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<sup>16</sup>Editor's Note: See Ch. 160, Fees and Charges.

<sup>17</sup>Editor's Note: See Ch. 160, Fees and Charges.



- (8) Affidavit of publication.
  - (9) Notice to property owners.
  - (10) Certified mail receipts:
    - (a) Mounted on eight and one-half by eleven (8 1/2 x 11) bond paper.
    - (b) Six (6) to a page.
    - (c) Arranged in the same order as indicated on the certified list of property owners (a properly certified United States Postal Form 3877 will be accepted in lieu of mounted receipts, provided that the addressees are arranged in the same order as indicated on the certified list).
    - (d) Return receipt requested; postcards will not be accepted.
  - (11) The requirements to Subsection B(8), (9) and (10) are required to be submitted at least two (2) days prior to the hearing.
- C. Board of Adjustment "A" and "B" Appeals:
- (1) One (1) copy of the application for building permits or certificate of occupancy, if available.
  - (2) Notice of rejection which has been signed by the Zoning Officer, if available.
  - (3) Notice of appeal from the opinion of the Zoning Officer, if applicable.
  - (4) One (1) completed appeal application and one (1) copy.
  - (5) Application fee.
  - (6) A statement of principal points relative to the appeal as per N.J.S.A. 40:55D-70, Subsection a or b.
- D. Board of Adjustment "C" and "D" Variances:
- (1) One (1) copy of the application for building permit or certificate of occupancy, if available.
  - (2) Notice of rejection which has been signed by the Zoning Officer, if available.
  - (3) Notice of appeal from the opinion of the Zoning Officer, if applicable.
  - (4) One (1) completed original application form for variance and one (1) copy.
  - (5) Application fee.
  - (6) Certificate of taxes and water bills paid.
  - (7) Affidavit of ownership for all properties involved.
  - (8) Ten percent (10%) disclosure statement if applicable as per N.J.S.A. 40:55D-48.1.
  - (9) Certified list and block diagram of all property owners within two hundred (200) feet as per N.J.S.A. 40:55D-12, Subsection c.
  - (10) A statement of principal points relative to the application under N.J.S.A. 40:55D-70, Subsection c or d.
  - (11) Affidavit of vacant and nonconforming use.

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<sup>18</sup>Editor's Note: See Ch. 160, Fees and Charges.

<sup>19</sup>Editor's Note: See Ch. 160, Fees and Charges.

- (12) Six (6) sets of plans of proposed building or alteration with the following information:
- in New Jersey.
- (a) All pages must bear an original signature and seal of an engineer or architect licensed
- (b) Key map.
- [1] Scale not less than one (1) inch to six hundred (600) feet.
- [2] The area within a one-thousand-foot radius of site to be depicted.
- [3] A clear indication of streets in the area.
- [4] The specific lots involved in the application.
- (c) A zoning comparison chart contrasting existing standards in use zone and proposed site details as listed below; variances should be clearly noted (use variances are to have a third chart indicating the standards of the use zone being substituted).
- [1] Density.
- [2] Height.
- [3] Floor area ratio.
- [4] All setbacks.
- [5] Parking: number of spaces, stall dimensions and aisle dimensions.
- [6] Loading: number of berths and berth dimensions.
- [7] Access: circulation and curb cut dimensions.
- [8] Signage.
- [9] Landscaping.
- [10] Recreation uses.
- [11] Bonus provisions.
- [12] Building coverage for each structure if more than one (1) is part of development
- parcel.
- [13] Lot dimensions.
- [14] Lot size in square feet.
- [15] Buffer areas.
- [16] Gross floor area and net floor area.
- (d) The scale shall be a minimum of one (1) inch equals twenty (20) feet for tracts up to forty (40) acres and one (1) inch equals fifty (50) feet for tracts over forty (40) acres.
- (e) The following details are to be provided on all plans.
- [1] Floor plans with all room dimensions.
- [2] North arrow: all plans are to be designed so that north is facing the top of the
- page.

- [3] Street addresses.
- [4] Dates of drawings and revisions, if any.
- [5] Graphic scale.
- [6] Project title.

(13) A color photo (print) of the site at present.

(14) Affidavit of publication.

(15) Notice to property owners.

(16) Certified mail receipts:

(a) Mounted on eight and one-half by eleven (8 1/2 x 11) bond paper.

(b) Six (6) to a page.

(c) Arranged in the same order as indicated on the certified list of property owners (a properly certified United States Postal Form 3877 will be accepted in lieu of the mounted receipts, provided that the addressees are arranged in the same order as indicated on the certified list).

(d) Return receipt requested; postcards will not be accepted.

(e) The requirements of Subsection D(14), (15) and (16) are required to be submitted at least two (2) days prior to the hearing.

E. In the granting of special use permits, hardship variances or land use variances under N.J.S.A. 40:55D-70, as amended, a time limit of one (1) year from the date of the variance approval shall be set. Within this time, the owner shall secure a building permit from the Director of the Division of Construction Code Official and must commence construction, which shall be diligently pursued to completion in a continuous manner under the time limits of the building permit; otherwise, the variance granted shall become null and void. The applicant may be granted one (1) one-year extension by the Board of Adjustment, or governing body as the case may be, for just cause shown. The extension shall be granted, provided that the conditions which existed and the proofs which were given at the time of the original variance have not changed. No relief shall be granted or action taken by the Board of Adjustment unless such relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of this chapter.

F. Site plan review:

(1) Site plans as described in ~ 345-69D.

(2) One (1) completed original application form and one (1) copy.

(3) Application fee.

(4) Certificate of taxes and water bills paid.

(5) Affidavit of ownership for all properties involved.

(6) Ten percent (10%) disclosure statement if applicable as per N.J.S.A. 40:44D-48.1.

(7) Affidavit of performance.

(8) If a site plan is approved with conditions, the site plan shall be returned to the applicant with a written explanation of the conditions. A copy of the written explanation shall be directed to the Construction Code Official. No construction permits of any type shall be issued until all conditions have been met and the appropriate site plan drawings and resolution have been signed by both the Chairperson and Secretary of the appropriate Board. Following

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<sup>20</sup>Editor's Note: See Ch. 160, Fees and Charges.

compliance with all conditions of approval, if any, the site plan and resolution shall be dated and signed by the Chairperson and Secretary of the Board granting approval and shall be submitted to the Construction Code Official. No construction permits of any type shall be issued until the site plan drawings and resolution have been signed by the Chairperson and Secretary to the approving Board and have been received by the Construction Code Official.

G. Planning Board conditional use (always a part of a site plan application):

- (1) A statement of principal points indicating compliance with all conditions as per ~ 345-69.
- (2) Certified list and block diagram of all property owners within two hundred (200) feet as per N.J.S.A. 40:55D-12, Subsection c.
- (3) Affidavit of publication.
- (4) Notice to property owners.
- (5) Certified mail receipts:
  - (a) Mounted on eight and one-half by eleven (8 1/2 x 11) bond paper.
  - (b) Six (6) to a page.
  - (c) Arranged in the same order as indicated on the certified list of property owners (a properly certified United States Postal Form 3877 will be accepted in lieu of the mounted receipts, provided that the addressees are arranged in the same order as indicated on the certified list).
  - (d) Return receipt requested; postcards will not be accepted.
  - (e) The requirements of Subsection G(3), (4) and (5) are required to be submitted at least two (2) days prior to the hearing.

H. Planning Board variance (always a part of a site plan or subdivision application):

- (1) One (1) completed original and one (1) copy.
- (2) Application fee.
- (3) Certified list and block diagram of all property owners within two hundred (200) feet as per N.J.S.A. 40:55D-12, Subsection c.
- (4) A copy of a statement of principal points relative to the application as per N.J.S.A. 40:55D-70c.
- (5) Affidavit of publication.
- (6) Notice to property owners.
- (7) Certified mail receipts:
  - (a) Mounted on eight and one-half by eleven (8 1/2 x 11) bond paper.
  - (b) Six (6) to a page.
  - (c) Arranged in the same order as indicated on the certified list of property owners (a properly certified United States Postal Form 3877 will be accepted in lieu of the mounted receipts, provided that the addressees are arranged in the same order as indicated on the certified list).
  - (d) Return receipt requested; postcards will not be accepted.
  - (e) The requirements of Subsection H(5), (6) and (7) are required to be submitted at least two (2) days prior to the hearing.

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<sup>21</sup>Editor's Note: See Ch. 160, Fees and Charges.

I. A notice shall be published in a newspaper of record by the Clerk to the Board within four (4) weeks of memorialization of the Board's action in the form of a signed resolution of the Board. The applicant, or the applicant's attorney, shall be responsible for the preparation of the Board's resolution, which shall be submitted to the Board's attorney for review as to content and legal form before memorialization action by the Board. Upon publication of such notice, an affidavit of publication shall be placed in the application file by the Clerk for the Board to complete the file. Any action of the Boards may be appealed in accordance with N.J.S.A. 40:55D-1 et seq. and local ordinances.

~ 345-71. Fees. [Amended 2-23-1989 by Ord. No. C-895]

A. Every application for review or hearing before the Board of Adjustment or Planning Board shall be accompanied by a check for the amount(s) as provided in Chapter 160, Fees and Charges.

B. The applicant shall arrange to provide the Division of Urban Research and Design with two (2) copies of the transcript for its files and shall pay the complete cost for the transcript of his or her application. Any balance due the transcription firm engaged by the Division for its services shall be payable immediately upon billing.

C. Copies of resolutions rendered by either the Board of Adjustment or the 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 Board of Adjustment or the Planning Board pursuant to N.J.S.A. 40:55D-53.

## ARTICLE IX Administration and Enforcement

~ 345-72. Zoning Officer. [Amended 10-27-1981 by Ord. No. MC-42]

It shall be the duty of the Zoning Officer and his or her staff to administer and enforce this chapter. No structure shall be erected without a building permit and no structure or lot shall use or have its use changed so as to be in violation of this chapter. In no case shall a building permit be issued for the construction or alteration of any structure nor shall a certificate of occupancy be issued for a new occupant with a new use, or new use by the present occupant, until the proposed construction or alteration or use conforms to the provisions of this chapter. It shall be the duty of the Zoning Officer to cause any structures, plans or premises to be inspected or examined and order the owner in writing that any condition be remedied which is found to exist in violation of any provisions of this chapter. It shall be the duty of the Zoning Officer to keep a record of all applications and all permits which are either issued or denied, with notations of any conditions involved, which data shall form a part of the city public records.

~ 345-73. Building permits; procedure.

Applications for building permits shall be submitted in a form required by the Building Code of Jersey City and with sufficient data to confirm conformance with all applicable portions of this chapter. Building permit applications shall also be accompanied by an approved site plan as required by this chapter prior to the granting of a building permit.

~ 345-74. Certificates of occupancy.

A. It shall be unlawful to use or permit the use of any structure or part thereof, hereafter erected, enlarged, moved or changed to another use, wholly or in part, or occupied by a new use until a certificate of occupancy shall have been issued by the Construction Code Official. No certificate of occupancy shall be issued for any new building or part thereof until all streets, drainage, parking, loading, water, sewer and other items shown on a site plan or subdivision are properly completed and functioning. Such certificate shall show that such structure, or part of a structure, and the

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<sup>22</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>23</sup> Editor's Note: See Chapter 131, Construction Codes, Uniform.

<sup>24</sup> Editor's Note: See also Ch. 119, Certificates of Occupancy.

proposed use thereof conform to the requirements of this chapter. It shall be the duty of the Superintendent of Buildings to issue a certificate of occupancy only when he or she has received written confirmation from the Zoning Officer that the structure, or part of a structure, and the proposed use thereof conform to this chapter; and when he or she is satisfied that the structure conforms to all other applicable codes and ordinances of the city. [Amended 10-27-1981 by Ord. No. MC-42]

B. Should the Zoning Officer decline to approve a structure based on the provisions of this chapter, his or her reasons for doing so shall be so stated on two (2) copies of the application and one (1) copy returned to the applicant. [Amended 10-27-1981 by Ord. No. MC-42]

C. Revocation. On the serving of notice of any violation of any of the provisions or requirements of this chapter with respect to any structure or use thereof, or of land, as provided in Article X of this chapter, the certificate of occupancy for such use shall thereupon, without further action, be null and void, and a new certificate of occupancy shall be required for any further use of such structure or land.

## ARTICLE X Violations and Penalties

### ~ 345-75. Violations and penalties.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter or any order, decision or determination by the Board of Adjustment and who refuses to abate said violation within thirty (30) days after written notice has been served upon them by registered mail or by personal service shall, for each and every violation, be punishable as provided in Chapter 1, General Provisions, ~ 1-25. Each and every day that such a violation continues after such notice shall be considered a separate and specific violation of this chapter without the service of an additional notice.

### ~ 345-76. Actions to prevent unlawful acts. Editor's Note: For statutory provisions dealing with this topic, see N.J.S.A. 40:55D-18.

In case any building or structure is erected, constructed, reconstructed, altered, moved, repaired, converted, maintained or used or any land is used in violation of or contrary to the provisions of this chapter or any order, decision or determination by the Board of Adjustment, the city may institute any appropriate action or proceeding in city, county or state court to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

### ~ 345-77. Actions instituted by citizens.

Any citizen of the city may notify the Construction Official in writing of conditions in violation of this chapter. An appeal may be made to the governing body in writing and thereafter to the courts.

## ARTICLE XI Construal of Provisions

### ~ 345-78. Construal of provisions.

Any and all ordinances or parts thereof inconsistent with the provisions of this chapter shall be interpreted in accordance with ~ 345-3; provided, however, that the adoption of the chapter will not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing ordinance of the City of Jersey City.

## ARTICLE XII Historic Preservation [Added 5-11-1989 by Ord. No. C-945]

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<sup>25</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

~ 345-79. Purpose.

As a matter of public policy the City Council aims to preserve, enhance and perpetuate for prosperity those aspects of the city having historical, cultural, architectural and archaeological merit. Such preservation promotes and protects the health, safety, prosperity, education, comfort and general welfare of the people living in and visiting Jersey City and is viewed as a natural resource for all citizens of Jersey City. More specifically, the Zoning Ordinance and Master Plan shall have as its purpose the promoting of health, safety and general welfare of the community by protecting and preserving places, vistas and areas of historical, cultural, architectural and archaeological importance and significance by regulating and restricting: the height, number of stories and size of buildings and other structures; the percentage of lot that may be occupied; the size of the yards, courts and other open spaces; the density of population; and the location and use of buildings, structures and land for trade, industry, residence or other purpose. In the case of designated places and areas of historical, cultural, architectural and archaeological importance and significance, to regulate and restrict the rehabilitation, restoration, construction, alteration, reconstruction or razing of buildings, structures, objects, sites and landscape features (N.J.S.A. 40:55D-62 through N.J.S.A. 40:55D-68). Further, it is the goal of the Council to strengthen civic pride through neighborhood conservation; to ensure the harmonious, orderly and efficient growth and development of the city; to encourage throughout the city the integration of persons of differing ethnic, racial and economic backgrounds; to provide a review process for the appropriate preservation and development of important historical, cultural, architectural and archaeological resources; to maintain a generally harmonious outward appearance of both historic and modern structures through compatibility of scale, form, color, proportion, texture and material; and to establish criteria and procedures for data investigation and identification of resources of historical, cultural, architectural and archaeological importance. The Council recognizes that the preservation of the past shall not jeopardize or be at the expense of the elderly, long-term residents or low- and moderate-income households of Jersey City, nor cause them to be displaced or suffer economic hardship.

~ 345-80. Definitions and word usage.

A. For the purpose of this Article certain phrases and words are herein defined as follows: words used in the present tense include the future; words singular in number include the plural and vice versa; the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, occupied or intended to be used; the word "lot" includes the word plot, premises and tract; the word "building" includes the word structure or dwelling, residence, premises or use and includes a part or portion of a building as well as the whole building; the word "shall" is used to state what is mandatory and not discretionary; the word "zone" includes the word district. Any word or term not defined herein shall have a meaning of standard usage.

B. As used in this Article, the following terms shall have the meanings indicated:

ACCESSORY BUILDING, STRUCTURE OR USE -- A building, structure or use which is customarily associated with and is subordinate and incidental to the principal building, structure or use and which is located on the same lot therewith. An accessory building attached to the principal building shall comply in all respects with the requirements applicable to the principal building.

ALTERATION -- An addition, change or modification, requiring a permit, for a building, structure, object, site or landscape feature or the service equipment thereof, that affects safety, health or structure and the addition, change or modification of which is not classified as a minor alteration or ordinary repair.

ALTERATION, MINOR -- Replacement or renewal of existing work, requiring a permit, of a building, structure, object, site or landscape feature or part of the service equipment therein, with the same or equivalent materials or equipment parts, that are made in the ordinary course of maintenance and that do not in any way affect health, fire or structural safety of the building, structure, object, site or landscape feature or affect the design or integrity of the historic fabric of the building, structure, object, site or landscape feature.

APARTMENT -- One (1) or more rooms comprising a dwelling unit in a multifamily dwelling and/or serving as the home or residence of an individual or a household.

APPURTENANCE -- Any accessory or subordinate building, object or structure or landscape feature located on the site of a landmark or in a historic district.

ARCHAEOLOGICAL -- 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** -- Relating or conforming to the rules of architecture; having or conceived of as having a single unified overall design, form or structure.

**AREA** -- A specific geographic division of the City of Jersey City.

**BASEMENT** -- A portion of the building partly underground, but having less than one-half (1/2) of its clear height below average contact grade around the periphery of the foundation.

**BILLBOARD** -- A large panel designed to carry outdoor advertising.

**BOARDINGHOUSE** -- A building, other than a hotel, motel or group home, where for compensation one (1) or more rooming units are rented and where meals may be served to occupants.

**BUILDING** -- 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.

**BUILDING COVERAGE** -- The area of a lot, or of an industrial complex of more than one (1) lot, that is covered with buildings. "Building coverage" expressed as a percentage shall mean the percentage of a lot or assemblage of lots occupied by one (1) or more buildings. "Maximum building coverage" expressed as a percentage of the lot or assemblage of lots means that the lot or assemblage of lots may have that much building coverage, provided that the site design contains all other requirements of this chapter such as, but not limited to, parking, loading, buffers and circulation. If these other requirements of the chapter are not met, the "building coverage" shall be reduced until all provisions of the chapter are satisfied.

**BUILDING HEIGHT** -- The vertical distance measured to the highest point of the roof and measured from the mean elevation of the finished grade five (5) feet away from the foundation along the side(s) of the building facing a street or the street line, whichever is closer to the foundation. On a corner lot, the height shall be measured from the average of the mean elevation along both streets calculated as outlined above.

**BUILDING, PRINCIPAL** -- See "principal use."

**CAPABLE OF EARNING A REASONABLE RETURN** -- Having the capacity, under reasonable, efficient and prudent management, of earning a reasonable return. The net annual return (as defined herein) yielded by an improvement parcel (as defined herein) during the test year (as defined herein) shall be presumed to be the earning capacity of such improvement parcel, in the absence of substantial ground for a contrary determination by the Commission.

**CELLAR** -- A portion of a building having one-half (1/2) or more than one-half (1/2) of its clear height below average contact grade around the periphery of the foundation.

**CEMETERY** -- Any site which contains at least one (1) burial, marked or previously marked, dedicated to and used or intended to be used for the permanent internment of the human dead, to include perpetual-care and non-perpetual-care cemeteries, even though suffering neglect or abuse.

**CERTIFICATE OF APPROPRIATENESS** -- 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 Jersey City Historic Preservation Commission.

**CERTIFICATE OF NO EFFECT** -- 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 the Director of Urban Research and Design and is 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.

**CITY** -- City of Jersey City, Hudson County, New Jersey.

**CLINIC** -- A professional office where the services of more than one (1) practitioner can be obtained and where patients are studied or treated on an outpatient basis and where no overnight accommodations are provided.

**CLUSTER** -- A group of cultural resources with compatible buildings, objects or structures geographically or thematically relating to and reinforcing one another through design, setting, materials, workmanship, congruency and association.



**COMMON PROPERTY** -- A parcel or parcels of land, together with the improvements thereon, in which the ownership, use and enjoyment of the same are shared by the owners and tenants of the individual dwelling units in the development.

**COMPATIBLE PROPERTY** -- A resource in a historic district or cluster distinguished by its scale, material, compositional treatment and other features that provide the setting for more important resources and add to the character of the scene.

**CONSTRUCTION** -- The act of adding an addition to an existing building or structure; the erection of a new principal or accessory building or structure on a lot or property; alterations.

**CONTRIBUTING PROPERTY** -- A resource in a historic district or cluster that contributes to the district's or cluster's historical significance through location, design, setting, materials, workmanship, feeling and association and which shall be afforded the same considerations as landmarks.

**CULTURAL** -- Activities or acts related to the past or present social and material traits of a group or groups of people.

**DEMOLITION** -- The dismantling or razing of all or part of a landmark building, structure, object, site or landscape feature including interior spaces and all operations incidental thereto.

**DENSITY** -- A number expressing dwelling unit(s) per gross acre.

**DESIGN GUIDELINES** -- Standards set forth in this chapter by the Historic Preservation Commission, or which are subsequently adopted by the Jersey City Council, which aim to preserve and provide a continuity of the historic, cultural and architectural character a historic district or of a landmark building, object, site, structure or landscape feature.

**DEVELOPMENT** -- Any 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 mixing, excavation or landfill, and any use or change in the use of any building or other structure or land or extension of use of land for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

**DISTRICT** -- A geographically definable area, urban or rural, possessing a significant concentration, linkage or continuity of buildings, objects, sites, structures or landscape features united by past events or aesthetically by plan or physical development which may also comprise individual elements separated geographically but thematically linked by association or history.

**DORMITORY** -- A building to provide sleeping and living accommodation with sanitary and general living facilities designed and generally used to accommodate students of a university or college.

**DWELLING** -- A building which is designed or used exclusively as the living quarters for one (1) or more housekeeping units.

**DWELLING, APARTMENT** -- See "apartment."

**DWELLING, DETACHED** -- A building physically detached from other buildings or portions of buildings which is occupied or is intended to be occupied for residence purposes by one (1) housekeeping unit.

**DWELLING, MULTIPLE** -- A building containing more than two (2) dwelling units.

**DWELLING UNIT** -- A room or series of connected rooms containing living, cooking, sleeping and sanitary facilities for one (1) housekeeping unit. The "dwelling unit" shall be self-contained and shall not require the use of outside stairs, passing through another dwelling unit or another indirect unit to get to any portion of the "dwelling unit," nor shall one "dwelling unit" require shared facilities with another "dwelling unit."

**ECONOMIC RETURN** -- A profit from use of a building, object, site or structure that accrues from investment or labor.

**EFFECT** -- A change in the quality of the historical, architectural, archaeological or cultural significance of a resource or in the characteristics that qualify the resource as historically important.

**EFFECT, ADVERSE** -- A negative change in the quality of the historical, architectural, archaeological or

cultural significance of a landmark or historic district or in the characteristics of a landmark or historic district that are historically important.

FLOOR AREA RATIO -- The ratio of gross floor area to the lot.

FOOTCANDLE -- A unit for measuring illumination equaling the amount of direct light on a surface.

GARAGE, PARKING -- Buildings used exclusively for the parking or storing of motor vehicles and in which services limited to washing, polishing and other cleaning services may be provided.

GARAGE, PRIVATE -- An accessory building or structure, or portion of a main building or structure, for the parking of passenger motor vehicles and in which no occupation, business or services for profit are conducted.

GRADE:

(1) For buildings adjoining\* one (1) street only, elevation of the established curb at the center of the wall adjoining\* the street.

(2) For buildings adjoining\* more than one (1) street, the average of the elevations of the established curbs at the center of all walls adjoining\* the streets.

(3) For buildings having no wall adjoining\* the street, the average level of the ground adjacent to the exterior walls of the buildings.

[\*NOTE: All walls approximately parallel to and not more than fifteen (15) feet from the street line are to be considered as "adjoining" a street.]

GROSS FLOOR AREA -- "Gross floor area" in residences shall be measured by using the outside dimension of the building, excluding the area of a garage, attic, open porch or patio and further excluding the area used as a cellar, basement, utility, heating and cooling rooms. Only those portions of floor areas in residential structures which are at or above grade and have a ceiling height above them of seven and one-half (71/2) feet or more or those floor areas on the top story which meet the definition of a half story shall be included in the "gross floor area." In nonresidential structures, floor areas used for storage and other purposes, regardless of the ceiling height, shall be included in the "gross floor area," but floor areas used for parking, loading docks, utility, heating and cooling rooms shall be excluded. The "gross floor area" of any use sharing a common wall with another use shall be measured from the center of interior walls and the outside of exterior walls.

HISTORIC -- A building, structure, object, site or landscape feature having a degree of significance or importance over or at a period of time.

HISTORIC/CULTURAL RESOURCE -- Those buildings, objects, sites, structures or landscape features of historical, cultural, architectural or archaeological importance and the demolition, destruction or alteration of which would constitute an irreplaceable loss to the quality and character of Jersey City; inventoried interior spaces designed or intended to be occupied as part of the structure or which are accessible to the public; such buildings, objects, sites, structures or landscape features, their appurtenances and the property on which they are located are considered historic as defined in this chapter.

HISTORIC DISTRICT -- An area defined as a historic district by City Council, state or federal authority and which may contain within definable geographic boundaries one (1) or more landmarks or clusters, including their accessory buildings, fences and other appurtenances, and natural resources having historical, cultural and archaeological significance and which district may have within its boundaries other buildings or structures, that while not of such historical, cultural, architectural or archaeological significance as to be designated landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the district.

HISTORIC PRESERVATION COMMISSION -- The Jersey City Historic Preservation Commission. Also referred to as the "Commission."

HOME OCCUPATION -- An occupation being conducted wholly or in part from a residence or its residential lot as an accessory use. Such occupations shall be conducted solely by resident occupants of the residential building or lot, except that no more than two (2) persons who are not residents of the building may be employed. No more than nine hundred (900) square feet or the equivalent of the first floor area of the building, whichever is smaller, shall be used for such purpose; that the livable floor area for the residence be at least fifty percent (50%) of the total floor area; that no display of products shall be visible from the street; that the residential character of the building shall not be

changed; that the occupation shall be conducted entirely within either the dwelling unit or an accessory building, but not both; that no occupational sounds shall be audible outside the building; that no chemical, machinery or equipment shall be used which will cause interference with radio and television reception in neighboring residences or cause disturbing odors; and that the use does not reduce the parking or yard requirements of the principal use.

**HOTEL** -- A building designed for occupancy as a temporary place of abode for individuals and/or families who are lodged with or without meals, in which there are ten (10) or more guest rooms or suites and on which no provision is made for cooking in any individual room or suite.

**IMPROVEMENT PARCEL** -- A unit of real property which includes a landmark designated under this chapter and is treated as a single entity for the purpose of levying real estate taxes.

**INCIDENTAL** -- Something that happens over time without intention or calculation.

**INTRUSION** -- A building, object, site, structure or landscape feature which detracts from a landmark, historic district or cluster of historical significance because of its incompatibility with the historic district's or cluster's sense of time and place and historical development; or its incompatibility of scale, height, materials, texture or color; or whose integrity has been irretrievably lost.

**INVENTORY** -- A systematic listing of cultural, historical, architectural or archaeological resources prepared by the city, state or federal government or a recognized local historic authority, following standards set forth by federal, state and city regulations for evaluation of cultural properties.

**LAND AREA** -- The area contained within the lot lines of a lot not including any portion of a street right-of-way.

**LANDMARK** -- Any building, object, site, structure or landscape feature, any part of which is thirty (30) years old or older, which has a special character or special historic or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a "landmark" pursuant to the provisions of this article.

**LANDSCAPE FEATURE** -- Any grade, body of water, stream, rock, plant, shrub, tree, path, walkway, road, plaza, fountain, wall, sculpture or other form of natural or artificial landscaping.

**LOADING SPACE** -- An off-street space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading, having fifteen (15) feet of vertical clearance and lengths and widths that meet the zoning ordinance.

**LOT** -- A tract or parcel of land which may abut a street, but not including any portion of a street, which tract or parcel of land is legally separate from any other tract or parcel of land.

**LOT, CORNER** -- A lot on a junction abutting two (2) or more intersecting streets, where the interior angle of intersection does not exceed one hundred thirty-five degrees (135°).

**LOT COVERAGE** -- The square footage or other area measurements by which all buildings and paved surfaces occupy a lot as measured on a horizontal plane around the periphery of the foundations and paved areas and including the area under the roof of any structure.

**LOT DEPTH** -- The shortest horizontal distance between the street line and a line drawn parallel to the street line through the midpoint of the rear lot line. On a corner lot, the larger of the dimensions shall be considered its "depth."

**LOT FRONTAGE** -- The horizontal distance between side lot lines measured along the street line. The minimum "lot frontage" shall be the same as the lot width except where side lot lines are not parallel or where the lot fronts on a street with a curved alignment having an outside radius of less than five hundred (500) feet, in which case the minimum distance between the side lot lines measured at the street line shall not be less than seventy-five percent (75%) of the required minimum lot width. In the case of a corner lot, any street frontage which meets the minimum frontage required for that zone may be considered the "lot frontage."

**LOT, INTERIOR** -- A lot not bounded by a street.

**LOT LINE** -- Any line forming a portion of the exterior boundary of a lot and the same line as the street line for the portion of a lot abutting a street. "Lot lines" extend vertically in both directions from ground level.

**LOT WIDTH** -- The straight and horizontal distance between side lot lines at setback points on each side lot line measured an equal distance back from the street line. The minimum "lot width" shall be measured at the minimum required building setback line.

**LUMEN** -- A unit of measure for the flow of light.

**MIXED USE** -- A lot or structure containing more than one (1) zoning use.

**MODULAR HOME** -- A dwelling unit where major component parts are manufactured and shipped to the construction site where they are assembled and connected to major utilities.

**MOTEL** -- Same as "hotel."

**NET ANNUAL RETURN** -- The amount by which earned income yielded by the improvement parcel during a test year exceeds the operating expenses of such parcel, including mortgage interest and amortization.

**NIGHTCLUB** -- Any room, building or place in which any musical entertainment, singing, dancing or other similar amusement is permitted in connection with the restaurant business or business of directly or indirectly selling food or drink to the public.

**NONCONFORMING BUILDING OR STRUCTURE** -- A building or structure which in its location upon a lot, or in its size, does not conform to the regulations of this chapter for the district in which it is located.

**NONCONFORMING LOT** -- A lot of record which does not have the minimum width, frontage, depth or contain the minimum area for the district in which it is located.

**NONCONFORMING USE** -- A use occupying a building, structure or lot which does not conform to the use regulations of the historic district in which it is located.

**NONCONTRIBUTING** -- A building, object, site or structure which neither adds to nor detracts from a historic district's or cluster's sense of time and place and historical development.

**NOTICE TO PROCEED** -- A document attesting that an emergency situation exists, as certified by the Building or Zoning/Administrative Officer, requiring an immediate issuance of a building permit or other permit to commence to stabilize, secure, repair or protect a landmark building, structure, object, site or landscape feature.

**OBJECT** -- An "object" is a material thing of functional, aesthetic, cultural, historical, archaeological or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

**OFFICE** -- A place for the transaction of business where reports are prepared, records kept and services rendered, but where no retail sales are offered and where no manufacturing, assembly or fabricating takes place.

**ORDINARY REPAIRS** -- Replacement or renewal of existing fabric of a landmark building or a structure, site, object or landscape feature within a historic district or of parts of the service equipment therein, with the same material or equipment parts, that are made in the ordinary course of maintenance and that do not in any way affect health, fire or structure safety of the landmark building, structure, site, object or landscape feature; or do not affect the design or integrity of the historic fabric of the landmark building, structure, object, site or landscape feature.

**PARKING SPACE** -- An area of not less than eight and one-half (8 1/2) or nine and one-half (9 1/2) feet wide (depending on the angle of parking and access aisle width) by twenty (20) feet in length, either within a structure or in the open, for the parking of motor vehicles, exclusive of driveways, access drives, fire lanes and public rights-of-way, except that nothing shall prohibit private driveways for detached dwelling units, row houses and townhouses from being considered off-street "parking spaces," provided that no portion of such private driveway within the right-of-way line of the street shall be considered as any portion of an off-street "parking space." The area of a "parking space" is intended to be sufficient area to accommodate the exterior extremities of the vehicle, whether in addition thereto; wheel blocks are installed within this area to prevent the bumper from overhanging one (1) end of the parking space. The width and length of each space shall be measured perpendicular to each other regardless of the angle of the parking space to the access aisle or driveway.

**PERMITTED USE** -- Any use of land or buildings as permitted by this Article.

**PLANNED UNIT DEVELOPMENT** -- A tract of land to be developed as a single entity within which housing variety, related services, nonresidential uses and open spaces, singularly or in combination, are an integral part of the design.

**PLAZA** -- An open area for the general public's use and which is designed for pedestrian access from the street level(s) which it abuts and which is an open area designed in addition to any required yard area or open spaces generated by maximum coverage regulations (quite often an area generated by erecting a building on stilts) and which may have improved surfacing, sitting areas and landscaping.

**PRINCIPAL STRUCTURE** -- A structure in which the principal use of a lot on which the structure is located is conducted.

**PRINCIPAL USE** -- The main use of land or structures as distinguished from a subordinate or accessory use.

**PRIVATE SCHOOL** -- An institution of academic education whose general course work is comparable to the public school system and whole curriculum is approved by the New Jersey Department of Education or the New Jersey Department of Higher Education.

**PROFESSIONAL OFFICE** -- The office of a licensed physician, psychiatrist, psychologist, chiropractor; lawyer; registered architect; licensed engineer; licensed planner; and licensed land surveyor.

**PUBLIC PURPOSE** -- The use of land or buildings by the governing body or some officially created city agency or authority.

**REASONABLE RETURN** -- A net annual return of twelve percent (12%) of the current valuation of an improvement parcel.

**RECONSTRUCTION** -- The act or process of reassembling, reproducing or replacing by new construction the form, detail and appearance of a property and its setting as it appeared at a particular period of time by means of the removal of later work, or by the replacement of missing earlier work or by reuse of original materials.

**REHABILITATION** -- The act or process of returning a building, object, site, structure or landscape feature to a state of utility through repair, remodeling or alteration that makes possible an efficient contemporary use while preserving those portions or features of the building, object, site or structure that are significant to its historical, architectural and cultural values.

**RELOCATION** -- Any change of the location of a building, object site, structure or landscape feature in its present setting or to another setting.

**RESOURCE** -- A collection of buildings, objects, sites, structures, landscape features or areas that exemplify the cultural, social, economic, political, archaeological or architectural history of the nation, state or city.

**RESTAURANT** -- A place of business where food and drink are prepared and/or where food and drink are consumed while at counters and tables on the premises.

**RESTORATION** -- The act or process of accurately recovering the form and details of a building, object, site or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

**RETAIL SALES** -- Department stores, variety stores, apparel and accessory sales, furniture and appliance stores, grocery stores, secondhand and antique stores where all sales are under one roof, cleaning establishments such as dry cleaning and laundromats where an attendant is provided, but in no instance shall bars, service stations or drug rehabilitation centers be considered "retail sales."

**ROOMING ROUSE** -- A dwelling unit wherein three (3) or more rooms are rented for sleeping purposes but where no cooking facilities are available and no meals are served.

**ROW HOUSE** -- One (1) of an unbroken line of houses sharing one (1) or more sidewalls with its neighbors, or one (1) of a number of similarly constructed houses in a row; usually in a housing development.

**SERVICE STATION** -- A place where motor fuel, lubricants and miscellaneous accessories for motor vehicles are sold and/or dispensed and where services are rendered for engine and mechanical repairs.

**SETBACK LINE** -- A line drawn parallel to the street line or lot line and drawn through the point of a building nearest the street line or lot line. The term "required setback" means a line that is established a minimum horizontal distance from the street line and beyond which a building or part of a building is not permitted to extend toward the street line or lot line.

**SIGN** -- Any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interest of any person or product when the same is placed to be seen by the general public.

**SITE** -- The location of a significant event, a prehistoric or historic occupation or activity, or a building, structure, object or landscape feature, whether standing, ruined or vanished, where the location itself maintains historical, cultural, architectural or archaeological value regardless of the value of any existing structure.

**SITE PLAN REVIEW** -- The examination of the specific development plans for a lot. Whenever the term "site plan approval" is used in this chapter it shall be understood to mean a requirement that the site plan be approved by the Planning Board.

**STABILIZATION** -- 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.

**STORY** -- That portion of a building comprised between a floor and the floor or the roof next above it. A "half story" is a story at the top of a building, the height of which shall not be less than seven and one-half (7 1/2) feet above at least one-third (1/3) the area of the floor when the room is used for sleeping, study or similar activity.

**STREET** -- Any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing state, county or municipal roadway, or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq., as amended), or a street or way on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and any way shown on a plat approved by the city, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street line.

**STREET LINE** -- The edge of the street right-of-way forming the dividing line between the street and a lot.

**STRUCTURE** -- An assembly of materials having a fixed location, including but not limited to buildings, signs, fences, tanks, towers or poles, but excluding walks, walkways, driveways, streets and roads.

**STRUCTURE HEIGHT** -- Same as "building height."

**TEST YEAR** -- As determined by the applicant to be the most recent full calendar year; or the owner's most recent fiscal year; or any twelve (12) consecutive months ending not more than one (1) year prior to the filing of an application for a certificate of hardship.

**THEMATIC GROUP** -- A finite group of resources related to one another in a clearly distinguishable way by association with a single historic person, event or development force, as one (1) building type or use, as designed by a single architect, as a single archaeological site form or as a particular set of archaeological research.

**TOWNHOUSE** -- One (1) dwelling unit in a line of three (3) or more connected dwelling units where each dwelling unit is compatibly designed in relation to all other units, but is distinct by such design features as width, setback, roof, design, color, exterior materials and other features, singularly or in combination. Each dwelling unit may have one (1), two (2) or three (3) stories, but nothing in the definition shall be construed to allow either one dwelling unit over the other or one dwelling unit behind the other.

**TRACT** -- An area of land composed of one (1) or more contiguous lots having sufficient dimensions and area to make one (1) lot meeting the requirements of the Zoning Ordinance for the use(s) intended. The original land area may be divided by one (1) existing public street and still be considered one (1) "tract," provided that a linear distance equal to more than seventy-five percent (75%) of the frontage of the side of the street having the larger street frontage lies opposite an equivalent linear distance of street frontage on the other side of the street.

**UNUSUAL AND COMPELLING CIRCUMSTANCES** -- Those uncommon and extremely rare instances, factually detailed, which would warrant the Historic Preservation Commission action due to the evidence presented.

UTILITY -- Water, sewerage, telephone, gas or electric service from a private or public utility company under the regulations of the New Jersey Public Utility Commission. On-site storage of gasoline, compressed gas, steam or use of conveyor belts, elevators, water mains or other means of storing, servicing or transporting goods and services on-site shall not be considered a "utility."

VALUATION OF AN IMPROVEMENT PARCEL -- The current assessed valuation established by the city, which is in effect at the time of the filing of an application for a certificate of hardship. The Commission may make a finding that the valuation of the improvement parcel is an amount different from such assessed valuation if there has been a bona fide sale of such parcel or a comparable parcel since the last property valuation at a readily ascertainable price.

VISTA -- A view through or along an avenue, street or opening which as a view corridor frames, highlights or accentuates a prominent building, object, site, structure, scene or panorama, or patterns or rhythms of buildings, structures, objects, sites or landscape features; to include views of areas at a distance.

YARD, FRONT -- An open space extending across the full width of the lot and lying between the street line and the closest point of any building on the lot. The depth of the "front yard" shall be measured horizontally and at right angles to either a straight street line or the point of tangent of curved street lines. The minimum required "front yard" shall be the same as the required setback.

YARD, REAR -- An open space extending across the full width of the lot and lying between the rear lot line and the closest point of the principal building on the lot. The depth of the "rear yard" shall be measured horizontally and at right angles to either a straight rear lot line or the point of tangent of curved rear lot lines. The minimum required "rear yard" shall be the same as the required setback.

YARD, SIDE -- An open space extending from the front yard to the rear yard and lying between each side lot line and the closest point of the principal building on the lot. The width of the required "side yard" shall be measured horizontally and at right angles to either a straight side line or the point of tangent of curved side lot lines. The minimum required "side yard" shall be the same as the required setback.

~ 345-81. Historic Preservation Commission established.

A. Pursuant to Article 40:55C-107 of the New Jersey Municipal Land Use Law, the City of Jersey City's Municipal Council shall create a Historic Preservation Commission which shall consist of nine (9) regular members and may have not more than two (2) alternate members. Of the regular members a total of at least one (1) less than a majority shall be of Classes A and B.

B. Qualifications of members. At least four (4) of the regular members shall be of and designated as Class A and B. The remaining regular members may be of and shall be designated as Class C. The two (2) alternates must meet the qualifications of Class C and shall be designated "Alternate No. 1" and "Alternate No. 2." The Classes are defined as:

(1) Class A: a person who is knowledgeable in building design and construction or architectural history.

(2) Class B: a person who is knowledgeable or with a demonstrated interest in local history.

(3) Class C: any citizen of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board or Board of Adjustment.

(4) Alternate members shall meet the qualifications of Class C members. The Mayor shall appoint all members of the Commission and shall designate at the time of appointment the regular members by class and the alternate members as "Alternate No. 1" and "Alternate No. 2".

(5) All members and alternates of the Commission shall have a demonstrated interest, competence or knowledge in historic preservation and shall reside in Jersey City.

~ 345-82. Commission appointments; terms; organization.

A. Regular members: the first appointment shall be as follows:

- (1) One (1) member shall be appointed for a term of one (1) year.
- (2) Two (2) members shall be appointed for a term of two (2) years.
- (3) Three (3) members shall be appointed for a term of three (3) years.
- (4) Three (3) members shall be appointed for a term of four (4) years.
- (5) All subsequent appointments shall be for a term of four (4) years or until appointment and qualification of successor.

B. Alternate members: the first appointments shall be as follows:

- (1) Alternate No. 1 shall be appointed for a term of one (1) year.
- (2) Alternate No. 2 shall be appointed for a term of two (2) years.
- (3) All subsequent appointments shall be for a term of two (2) years or until appointment and qualification of a successor.

C. Initial terms shall commence on April 1, 1987; successive terms shall commence on April 1 of each respective year.

D. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only. Notwithstanding any other provision herein, the term of any members common to the Historic Preservation Commission and the Planning Board shall be for the terms of membership on the Planning Board; and the term of any member common to the Historic Preservation Commission and the Board of Adjustment shall be for the term of membership on the Board of Adjustment. All vacancies shall be filled with qualified members within sixty (60) days.

E. The Historic Preservation Commission shall elect a Chairperson and Vice Chairperson from its members and select a Secretary who may or may not be a member of the Historic Preservation Commission or a municipal employee. Alternate members may participate in discussion 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 as to which alternate member is to vote, Alternate No. 1 shall vote.

F. No member of the Historic Preservation Commission shall be permitted to act on any matter in which the member has, either directly or indirectly, any personal or financial interest.

G. A member of the Historic Preservation Commission may, after public hearing, be removed for cause.

H. The Mayor, Director of Urban Research and Design and the Construction Official shall be ex officio members.

~ 345-83. Meetings; rules of Commission.

A. A majority of the regular members shall constitute a quorum. Ex officio members are not entitled to vote. A majority vote of those present and voting shall prevail, but not less than a majority [five (5) affirmative votes] of the full regular membership may approve an application for historic designation or a certificate of appropriateness.

B. The Historic Preservation Commission shall adopt written rules for the transaction of its business and for the consideration of applications for certificates of appropriateness and certificates of no effect. Such rules shall not be inconsistent with the provisions of this chapter and shall include but not be limited to rules pertaining to all notices and hearings required herein. All rules of procedure shall be available to the public.

C. The Historic Preservation Commission shall establish a regular schedule of meetings on at least a monthly basis. Additional meetings may be called by the Chairperson or Vice Chairperson when the regular meetings are inadequate to meet the needs of its business or to meet time constraints imposed by law. All meetings of the



Commission shall comply with the Open Public Meetings Act in which at least ten (10) days prior to such meeting the Commission shall give public notice of the time, date, place and subject of the meeting by way of newspaper of general circulation and posting by City Clerk at City Hall. An applicant and/or affected property owner shall be notified directly in writing by certified mail return receipt requested at least ten (10) days prior to the date of the meeting.

~ 345-84. Expenses of Commission.

A. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Historic Preservation Commission.

B. The Historic Preservation Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the Municipal Attorney.

~ 345-85. Fees.

Every application to the Historic Preservation Commission for a review or hearing shall be accompanied by a check payable to the City of Jersey City for the amount as provided in Chapter 160, Fees and Charges. Where an application involves more than one (1) of the following categories, only the fee applicable to the category requiring the highest fee shall be required.

~ 345-86. Administrative Officer designated.

The city's Zoning Officer shall act as the Administrative Officer (Municipal Land Use Law, N.J.S.A. 40:55D-111) and shall administer the preservation element of the Zoning Ordinance.

~ 345-87. City Historic Preservation Officer.

A. The City Historic Preservation Officer shall advise the Historic Preservation Commission on each application that shall come before the Commission. In addition to serving as representative to the Commission, the City Historic Preservation Officer has responsibility for coordinating the city's preservation activities with those of state and federal agencies and with local, state and national preservation organizations in the private sector.

B. The City Historic Preservation Officer may recommend to the City Council buildings, sites, structures and districts for Council resolution directing the Historic Preservation Commission to review and comment for possible designation in accordance with the criteria established by the National Historic Preservation Act of 1966, and by the criteria herein.

C. The City Historic Preservation Officer may also recommend to the Commission buildings, objects, sites, structures and districts for nomination to the National Register of Historic Places. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended and by the criteria herein.

D. The City Historic Preservation Officer shall be an employee of the Division of Urban Research and Design whose minimum professional qualifications shall be a graduate degree in historic preservation, planning, history, architectural history or archaeology, or a Bachelor's Degree and one (1) year of professional experience; a professional degree in architecture or historic architecture with a state license to practice architecture, or a Bachelor's Degree and one (1) year of professional experience; an Associate's Degree in any of the above professional degrees with four (4) years of professional experience.

~ 345-88. Powers and duties of Commission.

A. The duties, responsibilities and powers of the Historic Preservation Commission are set forth in this section and ~ 345-89 through 345-93.

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<sup>26</sup>Editor's Note: See N.J.S.A. 10:4-6 et seq.

<sup>27</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

B. The Historic Preservation Commission shall have the following duties and responsibilities:

(1) To identify and record all buildings, sites, structure, objects or landscape features of significant historical or architectural value based upon standards of the United States Department of the Interior and to aid the public in understanding their worth, methods of preservation, techniques of documentation and related matters. The Commission shall be guided by the standards of the United States Department of the Interior.

(2) To undertake to maximize the entire city's knowledge and enjoyment of these historic resources and, as appropriate, promote this asset beyond the boundaries of the city.

(3) To advise the City Council and Planning Board of the relative merits of proposals involving public funds to restore, preserve and protect landmark buildings, places and structures, sites, objects and landscape features including the preparation of a long-range plan therefore, securing state, federal and other grants and aid to assist therein and monitoring such projects once underway.

(4) To advise and assist city officers, employees, boards and other bodies, including those at county, regional, state and federal levels, on all matters which have potential impact on the landmark buildings, sites, structures, object or landscape features in the city or on the ambience of a historic district.

(5) To recommend to the Planning Board and the City Council the establishment and boundaries of additional historic districts where appropriate.

(6) To recommend to the Board of Adjustment and the Planning Board the grant or denial of development applications where such are deemed to be within the intent and purposes of this Article (N.J.S.A. 40:55D-109, Subsection d, and N.J.S.A. 40:55D-110).

(7) To assemble and arrange for the proper care, cataloging and availability of materials relevant to the city's history.

(8) To maintain a system for the survey and inventory of historic resources that is compatible and coordinated with the statewide Inventory of the Office of New Jersey Heritage.

(9) To cooperate with local, county, state or national historical societies, governmental bodies and organizations to maximize their contributions to the intent and purposes of this Article.

(10) To recommend to applicable county, state and federal agencies, where appropriate, recognition of historic districts and landmark buildings, places and structures.

(11) To request the City Council to seek, on its own motion or otherwise, injunctive relief of violations of this Article or other actions contrary to the intent and purposes of this Article.

(12) To make recommendations to the Planning Board on the land use and Community Facilities Plan elements of the Master Plan and on the implications for preservation of landmark, historic districts or any other Master Plan elements.

(13) To advise the Planning Board on the inclusion of historic districts or landmarks in the recommended capital improvement program.

(14) To provide the Administrative Officer with written reports on the application of the Zoning Ordinance provisions concerning historic preservation.

(15) To carry out such other advisory, educational and informational functions as will promote historic preservation in the municipality.

(16) To review all proposed National Register nominations in accordance with New Jersey's Certified Local Government Guidelines.

(17) To issue certificates of appropriateness, certificates of no effect or notice to proceed in accordance with the rules and standards set forth herein.

No permit shall be issued or amended nor shall any construction, alteration, minor alteration, ordinary maintenance and repair or demolition be started on a landmark building, structure, object, site, landscape feature or within a historic district prior to review by the Historic Preservation Commission and the issuance of either a certificate of appropriateness, a certificate of no effect or a notice to proceed.

A. Application for review. Application for a certificate of appropriateness or a certificate of no effect shall be made on forms available in the office of the Division of Urban Research and Design. Completed applications shall be returned to the office of Urban Research and Design and shall be accompanied by:

- (1) Appropriate sketches and/or signed drawings.
- (2) Current photograph(s) of facade showing detail and a copy of Tax Assessor's c. 1937 photo showing facade.
- (3) Specification sheets listing all materials to be used, including catalog lot sheets, sample paint chips, etc.
- (4) A detailed description explaining the proposed construction, alterations, minor alterations, ordinary maintenance and repair or other changes. If the proposed changes are to be presented to the Planning Board or Board of Adjustment, the same documentation for submission to those Boards may be submitted to the Commission in addition to the above-required items.

B. Review process.

(1) Completed applications must be submitted to the office of the Division of Urban Research and Design a minimum of fourteen (14) business days prior to a Commission's regularly scheduled meeting. The Historic Preservation Officer shall review the application and refer all applications for new construction, alterations, relocation or demolition to the Historic Preservation Commission for review. 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 or refer the application to the Commission. A certificate of no effect shall require the signature of the Director of Urban Research and Design and the Historic Preservation Officer.

(2) In making such a determination the Historic Preservation Officer shall consider 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. This criteria is listed in addition to that which is found elsewhere in this chapter. At a minimum an annual review by the Commission of all certificates of no effect issued shall be completed during the regular meeting prior to the Commission's reorganization meeting to determine compliance with the criteria contained herein.

(3) The Commission must review all completed applications within thirty-five (35) days after receipt thereof. If the Historic Preservation Commission should fail to act within the thirty-five-day period the completed application shall be deemed approved. In addition to complying with the requirements of the Open Public Meetings Act, the Commission shall give public notice at least ten (10) days prior to said meeting of the time, date, place and subject of the meeting by way of newspaper of general circulation and posting by the City Clerk at City Hall. Also an official notice from the Division of Urban Research and Design shall be posted on the affected property in such a manner that it is visible and readable from the public right-of-way.

(4) The Commission shall reach a decision on the completed application within thirty-five (35) days of the public meeting. If the Historic Preservation Commission should fail to act within the thirty-five-day period the completed application shall be deemed approved. Nothing herein shall prohibit an extension of time by mutual agreement between the applicant and the Commission. The applicant shall not be required to appear or to be represented at the meeting in which the application is being considered.

(5) The Commission may advise the applicant 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. At least five (5) votes are required to approve a certificate of appropriateness.

(6) The outcome of all Commission decisions shall be recorded by the Historic Preservation Officer

and presented to the Zoning/Administration Officer and Building Official by 11:00 a.m. of the following business day.

(7) If an application is approved, a certificate of appropriateness or certificate of no effect shall be issued promptly by the Commission. The Chairperson or acting Chairperson and one (1) other Commission member shall sign all certificates.

(8) If the Commission disapproves an application, the Commission shall state its reasons in writing to the applicant within ten (10) days of such decision.

C. Reapplication for certificate of appropriateness. If a request for a certificate of appropriateness or a certificate of no effect is denied, another application for the same site, structure, building, object or landscape feature shall not be resubmitted for consideration until one (1) year has elapsed from the date of disapproval unless a substantially different application is resubmitted or if there has been a change in circumstances. The Commission may waive, by five (5) affirmative votes, the aforementioned time restriction if an application presents substantial evidence providing the above. If a waiver is granted a new application shall be filed as to the procedures set forth herein.

~ 345-90. Appeals to Board of Adjustment.

A. An applicant dissatisfied with the action of the Commission relating to the issuance or denial of a certificate of appropriateness or certificate of no effect relating to a request for permits shall have the right to appeal to the Board of Adjustment (N.J.S.A. 40:55D-70, Subsection a) within twenty (20) days after receipt of notification of such action. The applicant shall be advised by the Clerk to 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.A. 40:55D-70, Subsection a. If the Board of Adjustment affirms the Commission's denial, the applicant may seek legal remedies as cited in N.J.S.A. 50:55D-17, Subsection h.

B. A certificate of appropriateness or a certificate of no effect 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 require five (5) affirmative votes. If a permit is also required and is obtained prior to expiration of the one-year period, then the certificate shall be valid for the life of the permit.

~ 345-91. Emergency procedure.

A. In the event that an Act of God or any other unexpected event shall cause a property owner the need for immediate issuance of a building permit or other permit to commence to stabilize, secure, repair or protect a landmark building, structure, object, site or landscape feature damaged from such event, and a certificate of appropriateness or a certificate of no effect is a condition precedent to the issuance of such permit, and the Building Officer or Zoning/Administrative Officer certifies the immediate necessity for such permit issuance, a notice to proceed may be issued in accordance herewith.

B. Upon notice to the full Historic 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 a notice to proceed may be issued upon a majority vote of the members convened. The notice to proceed will only apply to work which is deemed necessary for stabilization, securing, repair or protection of the landmark buildings, structure, object, site or landscape feature.

C. All other subsequent work must be submitted for review by the Historic Preservation Commission under the application procedures found elsewhere in this Article.

~ 345-92. Certificate of economic hardship.

A. Application for a certificate of economic hardship shall be made on a form prepared by the Division of Urban Research and Design. Such an application may be made in connection with or following the filing of an application for a certificate of appropriateness to demolish an improvement on a landmark site or to alter or reconstruct an improvement on a landmark site. The Preservation Commission shall schedule a public hearing concerning the application and provide notice in the same manner as in ~ 345-83C of this Article; any person may testify at the hearing

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<sup>28</sup>Editor's Note: See also Ch. 3, Administration of Government, ~ 3-80C.

concerning economic hardship.

B. Criteria.

(1) Commercial property. In order for the Commission to issue a certificate of economic hardship, the applicant must establish to the satisfaction of the Commission that the improvement parcel with such improvements as exist at the time of the request is not capable of earning a reasonable return as herein defined. If such a finding is made by the Commission it shall approve the application for a certificate of economic hardship and any pending application for a certificate of appropriateness for that improvement parcel. The Preservation Commission shall review all the evidence and information submitted by the applicant for a certificate of economic hardship and shall make a determination within forty-five (45) days of receipt of the application.

(2) Noncommercial property. The Preservation Commission may solicit expert testimony or require that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application.

(a) Estimate of the cost of the proposed construction, alteration, demolition or removal or an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a certificate of appropriateness.

(b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the rehabilitation.

(c) Estimated market value of the property in its current condition; after completion of the proposed construction, alternation, demolition or removal; after any changes recommended by the Preservation Commission; and in the case of a proposed demolition, after renovation of the existing property for continued use.

(d) In the case of proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

(e) Amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

(f) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years.

(g) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.

(h) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.

(i) Assessed value of the property according to the two (2) most recent assessments.

(j) Real estate taxes for the previous two (2) years.

(k) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.

(l) Any other information, including the income tax bracket of the owner, applicant or principal investors in the property considered necessary by the Preservation Commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

C. The Preservation Commission shall review all of the evidence and information required of an applicant for a certificate of economic hardship and make a determination within forty-five (45) days of receipt of the application whether the denial of a certificate of appropriateness has deprived, or will deprive, the owner of the property of reasonable use of the property.

A. All nominating applications for proposed historic district(s) or landmark(s) shall be submitted to the City Council for review and the City Council may, in accordance with N.J.S.A. 40:55D-64, by resolution, direct the Historic Preservation Commission to review and comment on all nominating applications (National Register of Historic Places forms) for proposed historic districts/landmarks within forty-five (45) days of receipt of the City Council's approval. The application will be deemed approved if the forty-five-day period should elapse without a decision by the Commission unless objected to by the owner of any proposed landmark or the majority of the owners of property within the proposed historic district. Nominating applications not referred by resolution of the City Council to the Historic Preservation Commission may not be resubmitted within one (1) year unless there is a substantial change in the application.

B. All property owner(s) within a proposed historic district and the owner(s) of a proposed landmark shall be notified by certified mail return receipt requested at least ten (10) days prior to the City Council and Historic Preservation Commission hearings. Notification shall also be served at least ten (10) days prior to the City Council or Commission hearings by way of a newspaper of general circulation and the posting of a notice by the City Clerk at City Hall. In addition, an official notice from the Division of Urban Research and Design shall be posted on the affected property in such a manner that it is visible and readable from the public right-of-way.

C. The Commission shall reach a decision on the application within thirty-five (35) days after the meeting; otherwise, the application shall be deemed to be approved unless objected to by the owner of any proposed landmark or the majority of the owners of property in a proposed historic district. Upon passage of the proposed designation, the Commission shall designate a landmark site for each landmark and shall define the location and boundaries thereof. The application shall be submitted to the Planning Board for review and recommendation pursuant to N.J.S.A. 40:55D-111 and if approved shall in turn be submitted to the City Council for final approval.

D. As per N.J.S.A. 40:55D-63, a protest against any proposed designation of a landmark or historic district may be filed with the City Clerk, signed by the owners of twenty percent (20%) or more of the proposed landmark or twenty percent (20%) or more of the owners of property within the proposed historic district or of the lots or lands extending two hundred (200) feet in all directions therefrom, inclusive of street space, whether within or without the municipality. Such designation shall not become effective following the filing of such protest except by the favorable vote of two-thirds (2/3) of all members of the City Council.

E. Reapplication for designation as historic district/landmark. If an application for a designation as historic district/landmark is denied, another application for the same site, building, structure or object shall not be resubmitted for consideration until one (1) year has elapsed from the date of denial unless the application is substantially different or if there had been a change in circumstance. The Commission may waive, by five (5) affirmative votes, the aforementioned time restrictions if an application presents substantial evidence proving the above. If a waiver is granted, a new application shall be filed as to the procedures set forth herein.

F. Criteria for designation of historic districts/landmarks. As stated in the United States Department of the Interior's National Register Criteria for Evaluation, the following criteria shall be used by the Commission for its review for designation of historic districts and/or landmarks.

(1) The quality of significance in American, 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:

(a) That are associated with events that have made a significant contribution to the broad patterns of our history;

(b) That are associated with the lives of persons significant in the past;

(c) 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

(d) That have yielded, or may be likely to yield, information important in prehistory or history.

G. Criteria consideration (exceptions). 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 the National Register. 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.
- (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.
- (3) A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life.
- (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.
- (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.
- (6) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance.
- (7) A property achieving significance within the past fifty (50) years if it is of exceptional importance.

H. [Amended 6-22-1994 by Ord. No. 94-056] Historic districts/landmarks previously designated by the City Council. The following historic districts and landmark buildings, objects, sites, structures or landscape features heretofore designated by the City Council as "historic" after designation reports and public hearings under any preexisting ordinances of the City of Jersey City shall be recognized as historic and shall enjoy the protection of law as herein provided.

Districts	Dates
Paulus Hook	M/R 3-15-1977, S/R 8-7-1977, N/R 6-21-1982
Van Vorst Park	M/R 2-1-1977, S/R 8-2-1978, N/R 3-5-1980
Hamilton Park	M/R 2-1-1977, S/R 4-27-1978, N/R 1-27-1979
Harsimus Cove	M/R 7-21-1983, S/R 10-15-1987, N/R 12-9-1987
Landmarks	Dates
Dickinson High School	M/R 5-27-1980, S/R 12-23-1981, N/R 6-1-1982

I. [Added 6-22-1994 by Ord. No. 94-056] Historic districts/landmarks designated by City Council after the enactment of City Ordinance C-945 on May 11, 1989. Pursuant to this section, the following historic districts and landmark buildings, objects, sites, structures or landscape features are designated and recognized as "historic" and shall enjoy the protection of law as herein provided.

Landmarks	Dates
Ellis Island	City of Jersey City Historic Preservation Commission 5-3-1994
	City of Jersey City Planning Board 5-10-1994
	City Council 6-22-1994

J. Historic districts/landmarks previously designated by the New Jersey Register of Historic Places or the National Register of Historic Places. All historic districts and landmark buildings, objects, sites, structures or landscape features heretofore designated on the New Jersey Register of Historic Places or the National Register of Historic Places are eligible for local designation. If the property owner(s) so desire, they may request City Council designation within ninety (90) days of enactment of this chapter, but they are under no obligation to request local designation. A certified letter shall be forwarded to the property owners of the state and national designated properties informing them of the opportunity for local designation.

K. Uses of property designated historic.

(1) Nothing contained in this Article or in the designation of property as being a landmark or in an historic district shall affect the present legal use of property.

(2) Use classifications as to all such property shall continue to be governed by the general Zoning Ordinance of the City of Jersey City and the procedures therein established. In no case, however, shall any use be permitted which requires the demolition, relocation or alteration of a historic district so as to adversely affect the character of the district or historic landmark, except upon compliance with the terms of this Article.

L. Removal of designation. 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 and affirmed by the Planning Board and City Council under provisions of this Article to remove designation of a historic district or landmark.

M. Permits for property under consideration for designation. If a permit is being sought for a building, structure, object, site or landscape feature which has already undergone a Commission hearing and has been recommended for designation as a landmark but has yet to be reviewed by the Planning Board and City Council, the applicant shall follow the same procedure herein set forth for property already designated until final disposition of the Commission's recommendation by the City Council.

N. Property owned by nonprofit or tax-exempt corporations or associations. No building, object, site, structure or landscape feature which is owned by a nonprofit or tax-exempt corporation or association shall be subject to the provisions of this chapter. No building, object, site, structure or landscape feature designated as a landmark on the New Jersey Register of Historic Places or the National Register of Historic Places which is owned by a nonprofit corporation or association shall be subject to the provisions of this chapter except those specifically referred to in Subsection H of this section.

~ 345-94. Standards for Commission's decisions.

The following standards shall guide the Commission's decisionmaking concerning all applications described herein:

A. General standards. The Commission shall state which of the following standards are applicable in review of applications before the Commission.

(1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building structure or site and its environment or to use a property for its originally intended purpose.

(2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(3) All buildings, structures and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.

(4) Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

(6) Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical or pictorial evidence rather than on conjectural design or the availability of different architectural elements from other buildings or structures.

(7) The surface cleaning shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.



(8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project.

B. Standards for protection [general standards in Subsection A(1) through (8) are inclusive].

(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.

(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.

(3) If any historic material or architectural features are removed, they shall be properly recorded and, if possible, stored for future study or reuse.

C. Standards for stabilization [general standards in Subsection A(1) through (8) are inclusive].

(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.

(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.

D. Standards for preservation [general standards in Subsection A(1) through (8) are inclusive].

(1) Preservation shall maintain the existing form, integrity and materials of a building, structure or site. Substantial reconstruction or restoration of lost features generally are not included in a preservation undertaking.

(2) Preservation shall include techniques of arresting or retarding the deterioration of a property through a program of ongoing maintenance.

E. Standards for rehabilitation [general standards in Subsection A(1) through (8) are inclusive].

(1) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

(2) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

F. Standards for restoration [general standards in Subsection A(1) through (8) are inclusive].

(1) Every reasonable effort shall be made to use a property for its originally intended purpose or to provide a compatible use that will require minimum alteration to the property and its environment.

(2) Reinforcement required for structural stability or the installation of protective or code-required mechanical systems shall be concealed whenever possible so as not to intrude or detract from the property's aesthetic and historical qualities, except where concealment would result in the alteration or destruction of historically significant materials or spaces.

(3) When archaeological resources must be disturbed by restoration work, recovery of archaeological material shall be undertaken in conformance with current professional practices.

G. Standards for reconstruction [general standards in Subsection A(1) through (8) are inclusive].

(1) Reconstruction of a part or all of a property shall be undertaken only when such work is essential to reproduce a significant missing feature in a historic district or scene, and when a contemporary design solution is not acceptable.

(2) Reconstruction of all or a part of a historic property shall be appropriate when the reconstruction is essential for understanding and interpreting the value of a historic district or when no other building, structure, object or landscape feature with the same associative value has survived and sufficient historical documentation exists to ensure an accurate reproduction of the original.

(3) The reproduction of missing elements accomplished with new materials shall duplicate the composition, design, color, texture and other visual qualities of the missing element. Reconstruction of missing architectural features shall be based upon accurate duplication of original features, substantiated by historical, physical or pictorial evidence rather than upon conjectural designs or the availability of different architectural features from other buildings.

(4) Reconstruction of a building or structure on an original site shall be preceded by a thorough archaeological investigation to locate and identify all subsurface features and artifacts.

(5) Reconstruction shall include measures to preserve any remaining original fabric, including foundations, subsurface and ancillary elements. The reconstruction of missing elements and features shall be done in such a manner that the essential form and integrity of the original surviving features are unimpaired.

H. Standards for new construction [general standards in Subsection A(1) through (8) are inclusive].

(1) In considering whether to approve or disapprove an application for a permit for new construction in an historic district, the Commission shall be guided by standards of the Secretary of the Interior and the following compatibility standards.

(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.

(a) 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 said resource and integrating it respectfully into the new development.

(b) Building height. Height should be visually compatible with adjacent buildings. The apparent physical size, scale and height should relate to existing resources.

(c) Openings on frontal facades. 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.

(d) Relationship of unbroken planes to voids (i.e., punctured planes) in front facades. The relationship of unbroken planes (i.e., walls) to voids (i.e., windows and doors) on the facade of a building or structure should be aesthetically harmonious with that of buildings and structures of historic significance in the surrounding environment.

(e) Relationship of vacant land to buildings/structures. The relationship of a building or structure to the vacant land between an adjoining building or structure should not violate the existing paradigmatic spatial relationship of historically significant structures to the vacant land between said structures and adjoining buildings. The building mass in large architectural 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.

(f) 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.

(g) Relationship of major exterior building materials. The major exterior building materials on the facade of a building or on a structure should reflect the predominant major building materials existent on the facades of historically significant buildings and on structures in the surrounding environment.

(h) 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.

(i) 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.

(j) Scale of buildings. The scale of buildings and structures shall be in scale with the buildings and structures of historic significance.

(k) 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 results in visual clutter. A good sign should be designed to relate harmoniously to exterior building materials and colors. A good sign should express a simple clear message with wording kept to a minimum.

(l) 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 features reticulate to buildings or structures of historic significance.

I. Relocation of a landmark or property located in a historic district. In considering whether to recommend, approve or disapprove an application for a permit to relocate a building, object or structure designated a historic landmark or located in a historic district, the Commission shall be guided by the following considerations:

(1) The historic character and aesthetic interest 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.

(4) Whether the proposed relocation area is compatible with the historical and architectural character of the building, object or structure.

J. Demolition.

(1) The following shall be considered in regard to an application to demolish an individual landmark building, structure, site or object or one contained within a historic district:

(a) Its historic, architectural and aesthetic significance.

(b) Its use.

(c) 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.

(d) 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.

(e) The probable impact of its removal upon the ambience of the historic district.

(f) The structural soundness and integrity of the building so as to comply with the requirements of the state uniform code.

(g) The effect on the remaining portion of the building, structure, site, object or landscape feature in cases of partial demolition.

(2) In the event that a structure is unsafe or unsound so as to impose a danger to health or safety, the power and authority of the City of Jersey City 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.

(3) If an application to demolish is denied, the applicant shall follow the appeal process detailed herein for denial of certificates of appropriateness.

K. Other guidelines. The Commission shall utilize locally generated guidelines or historic preservation aids in addition to the Secretary of the Interior's Standards.

~ 345-95. Commission interaction with Planning Board and Board of Adjustment.

For applications to either the Planning Board and Board of Adjustment pursuant to N.J.S.A. 40:55D-110, those Boards shall make available to the Historic Preservation Commission a copy of every application submitted to either Board for development in historic districts or on landmarks. The Commission shall advise those Boards concerning appropriate applications within the intent and purpose of this chapter. An application before these Boards shall be deemed incomplete unless said application has complied with the rules and procedures described herein. The Commission shall state its reason, in writing, for acceptance or rejection of an application to the respective Board within ten (10) days after a Historic Preservation Commission hearing concerning the application. The Commission's advice shall be forwarded to the Clerk of the respective Board and the Commission shall, through its delegation of one (1) of its members or staff, testify orally at hearings on applications to explain any written report which may have been submitted.

~ 345-96. Maintenance of records, archives and consistent policies.

A. In order to make available to the public information useful to the preservation and protection of landmark buildings, structures, objects, sites and landscape features to provide the basis for consistency of policy, the Commission shall maintain complete files and records, including but not limited to Commission Bylaws, data used in the classification of landmark buildings, structures, objects, sites and landscape features, minutes of Commission meetings, applications for certificates of appropriateness or certificates of no effect along with collateral data, decisions and reasonings and appeals associated therewith and information, documentation, materials and references submitted by the public related to historic preservation. A verbatim record of the proceedings shall be kept and available in accordance with the provisions of the Municipal Land Use Law.

B. Such materials shall be the property of the city but held in the custody of the Commission which shall keep a complete file of all records in the offices of the Division of Urban Research and Design, the city libraries or other suitable facilities for depositories and lending materials from time to time for public use and display.

C. All existing and future designation of landmark buildings, structures, objects, sites or landscape features and all property contained within a Historic District shall be forwarded to the County Clerk to be recorded on affected property deeds.

~ 345-97. Cemeteries.

A. All applicants for permits, excluding burial permits, affecting cemeteries shall be referred to the City Historic Preservation Officer for the purpose of determining whether or not the cemetery is historically, culturally, architecturally or archaeologically significant. Such determination shall be made in accordance with criteria set herein.

B. If said cemetery is determined by the City Historic Preservation Officer to be exceptional or significant, any proposed change, excluding burials, must be presented for approval of planned work.

~ 345-98. Governmental constraints.

A. 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 certificate of appropriateness or certificate of no effect 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 historic districts or individual landmarks. 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.

B. In those instances where the city cannot require cases involving the county, regional, state and federal government, the city urges the voluntary cooperation of such agencies in seeking a certificate of appropriateness and hereby authorizes the Commission to consider such requests and applications.

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<sup>29</sup>Editor's Note: See N.J.S.A. 40:55D-1 et seq.

~ 345-99. Signs and billboards.

A. General provisions.

(1) All signage within a historic district or on a landmark shall conform to all city codes and shall require a certificate of appropriateness before issuance of a building permit. Any sign hereafter erected, displayed or repaired [more than fifty percent (50%) of replacement] within a historic district or on a landmark shall conform with the provisions of this Article and any other ordinance or regulation of the City of Jersey City.

(2) All signage shall reflect the historic character of the area of the proposed sign placement and will respect the size, scale and mass of the facade, building height and rhythms and sizes of windows and door openings.

(3) Billboards, junior billboards and large mechanical portable signs shall not be permitted within historic districts or on historic landmarks. Other signs which shall not be permitted are:

(a) Any sign placed upon a building, structure, object or site in any manner which disfigures, damages or conceals any window opening, door or significant architectural feature/detail of any building.

(b) Any sign which is not directly identified or associated with a permitted use in a specific district or landmark.

(c) Any sign which is abandoned for more than six (6) months or damaged beyond fifty percent (50%) of its replacement value.

(d) Any attachment to an already affixed sign which does not meet the provisions of the City Code.

(e) Any roof-mounted signs, except in the case of landmark signs.

(4) Signs shall comply with the following regulations:

(a) No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.

(b) No sign other than official traffic signs shall be erected within or shall project over the lines of any street right-of-way unless specifically authorized.

(c) No sign shall be back-lighted within the historic districts. No signs shall be lighted with flashing lights.

(d) In addition to the other requirements of this Article, every sign referred to in this Article must be constructed of durable materials, must be kept in good condition and repair and shall not be allowed to become dilapidated.

(5) If a sign is found in violation of this Article, the Zoning Officer shall notify the sign's owner, operator or lessee of said violation; three (3) days after notification the Zoning Officer/Administrative Officer shall file an action in Municipal Court if the violation is not corrected.

(6) Hanging signs are permitted in the historic districts subject to the following restrictions:

(a) The maximum projection of hanging signs from the building surface shall not exceed four (4) feet. In no event shall any sign extend over the public right-of-way.

(b) The support of such signs shall be of materials in keeping with the historic character of the district.

(c) The size of such signs shall be in proportion to the building facade which it is displayed, but in no event shall the size of the sign exceed eight (8) square feet.

(d) The face of the sign shall represent the name of the firm, store or establishment or

represent the craft, guild or profession practiced therein.

(e) The minimum distance between the ground and the bottom of such signs shall be eight (8) feet.

(f) Hanging signs shall not be allowed in noncommercial areas as defined in the Historic Zoning Districts.

B. Residential building signs permitted.

(1) A nameplate sign situated within the property lines and bearing only the name and address of the principal occupants or home occupation/professional office, provided that the sign does not exceed twenty-four (24) square inches in total area.

(2) One (1) "For Sale" or "For Rent" sign erected on the property to be sold or rented, but not to be placed on any tree, not to exceed four (4) feet in area.

C. Mixed use/commercial buildings signs permitted. The following, in addition to Subsections A and B above shall apply:

(1) Wall signs are permitted on each building wall that faces on a street subject to the following limitations and requirements.

(a) Not more than one (1) wall sign shall be permitted for each business establishment or use located in the building except for corner buildings which will be allowed one (1) minor sign not to exceed six (6) square feet.

(b) No such sign shall extend farther than six (6) inches from the face of building wall to which it is attached.

(c) The height of any sign shall not exceed three (3) feet or twenty percent (20%) of the height of the building wall to which it is attached, whichever is the lesser.

(d) The total of the widths of all such signs may be equal to the building wall to which they are attached.

D. Applications for approval for signage in historic districts or on historic landmarks shall use the application process described herein for certificates of appropriateness.

~ 345-100. Violations and penalties.

A. Any person violating any of the provisions of this Article shall, upon conviction thereof, be subject to the penalties herein.

B. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

C. If any person shall undertake any activity vis-a-vis an individual landmark or landmark building, structure, object, site or landscape feature within a historic district without first having obtained a certificate of appropriateness or certificate of no effect such person shall be deemed to be in violation of this Article.

D. Upon learning of the violation, the Zoning Officer/Administrative Officer shall serve upon the owner or a representative of the lot whereon the violation is occurring a notice describing the violation in detail and giving the owner fourteen (14) days to abate the violation by restoring the landmark or improvement to its status quo ante. If the owner cannot be personally served within the municipality said 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 or her last known address as it appears on the municipal tax rolls.

E. In the event that the violation is not abated within fourteen (14) days of service or posting on-site, whichever is earlier, the Zoning Officer shall cause to be issued a summons and complaint, returnable in the Municipal Court, charging violation of this Article.

F. The penalty for violations shall be as provided in Chapter 1, General Provisions, ~ 1-25.

G. 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 Jersey City Property Tax Office and the Hudson County Register of Deeds and Mortgages.

H. The Construction Official, or designated staff member, shall inspect work approved by a certificate of appropriateness or certificate of no effect and report to the Commission the results of such inspections.

~ 345-101. Appeals.

Property owners wishing to appeal the finding of the Zoning Officer that a violation exists must apply in writing to the Jersey City Construction Board of Appeals setting forth the owner's name and address, the address, block and lot of the building or site in question, the permit number, the specific sections of the Article in question and a brief statement setting forth the position of the property owner and the nature of the relief sought. The fee for an appeal is fifty dollars (\$50.) to be forwarded with the application to the Board of Appeals office at 26 Journal Square, Jersey City, New Jersey.

~ 345-102. Injunctive relief.

In the event that any action, which would permanently change adversely the landmark or historic district, such as demolition or removal, is about to occur without a certificate of appropriateness or certificate of no effect having been issued, the Zoning Officer shall apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction of any landmark.

~ 345-103. Permit review.

All permit applications affecting historic districts, landmarks, buildings, structures, objects, sites or landscape features shall promptly be referred to the Zoning Officer and Historic Preservation Officer for review and appropriate action prior to any permit issuance. (See ~ 345-98, Governmental constraints.)

~ 345-104. Severability.

In the event that any portion of this Article, except ~ 345-93N, 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.

~ 345-105. Amendments to Harsimus Cove Historic Zoning District.

A. Permitted principal uses (land and buildings) shall be as follows: attached single-family; row house; townhouse; attached dwelling with one (1), two (2) or three (3) units; public and private schools; governmental uses; houses of worship and mortuaries; utilities; and parks and playgrounds.

B. Permitted accessory uses (land and buildings) shall be as follows:

- (1) Private garages not on arterial roads.
- (2) Off-street parking screened in accordance with this chapter not on arterial roads.
- (3) Professional offices/home occupations.

(a) The following professional offices shall be permitted on ground and parlor floors: licensed physicians, psychologists, psychiatrists, chiropractors; lawyers; registered architects; licensed engineers; licensed planners; and licensed land surveyors.

(b) Home occupations shall be permitted on any floor in which the occupational use meets

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<sup>30</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

the definition of home occupation.

C. Conditional uses (see N.J.S.A. 40:55D-67) shall be as follows:

(1) Retail sales, services and offices are limited to the ground and parlor floors of attached dwelling units having direct pedestrian access from one (1) of the following streets or parts thereof: Erie Street between Bay and Fifth Streets, limited to those properties where a commercial use is already in place.

(2) Utilities in accordance with all R-1 District standards.

D. Maximum height shall be as follows:

(1) Residential/mixed use: four (4) stories, forty (40) feet.

(2) Utilities: twenty (20) feet.

(3) Public and private schools: forty (40) feet.

(4) Governmental uses: fifty (50) feet.

(5) Houses of worship: not to exceed the height of a house of worship within a one-mile radius.

(6) Mortuaries: forty (40) feet to the highest point of the main structure.

E. Area, yard and bulk shall be as follows:

Maximum Dwelling	Maximum							
	Minimum				Maximum			
	Minimum	Minimum Lot	Unit					
	Maximum Maximum* Building Rear Coverage (feet)	Lot Width (feet) (feet)	Lot Minimum Depth (feet)	Area (square feet)	Density Per Acre	Minimum* Front (feet)	FrontSide (feet)	SideRear (feet)
Attached single-family row house, townhouse	60% 30	18	100	1,800	25	4	10	0
Attached dwelling units	60% 30	18	100	1,800	75	4	10	0
Public and private schools	30% 42.5	100	100	10,000	N/A	10	20	10
Governmental uses	35% 36.25	100	100	10,000	N/A	10	20	10
Houses of worship	50% 17.5	50	100	5,000	N/A	10	20	10



Mortuaries	50% 17.5	100	100	10,000	N/A	10	20	10
Utilities	60% 5	25	100	2,500	N/A	10	20	10

\*NOTE: Front yard setbacks shall line up with the contiguous property on either side.

F. Maximum parking shall be as follows:

(1) Rehabilitation, infill or new residential construction (including mixed-use buildings) may provide one (1) parking space per dwelling unit. Projects of ten (10) dwelling units or more shall provide, on-site, between five-tenths (0.5) and one (1) parking space per dwelling unit.

(2) Utilities: no parking.

(3) Public and private schools: one (1) space per four (4) teachers and/or teacher's aides.

(4) Governmental uses: five-tenths (0.5) space per one thousand (1,000) square feet.

(5) Houses of worship: one (1) space per each ten (10) seats, not counting the first one hundred (100) seats. One (1) seat shall be considered twenty-two (22) inches in calculating the capacity of pews or benches.

(6) Mortuaries: three (3) spaces per viewing room.

~ 345-106. Amendments to Van Vorst Park Historic Zoning District.

A. Permitted principal uses (land and buildings) shall be as follows: attached single-family; row house; townhouse; attached dwelling with one (1), two (2) or three (3) units; public and private schools; governmental uses; houses of worship and mortuaries; utilities; parks and playgrounds.

B. Permitted accessory uses (land and buildings) shall be as follows:

(1) Private garages not on arterial roads.

(2) Off-street parking screened in accordance with this chapter, not on arterial roads.

(3) Professional offices/home occupations.

(a) The following professional offices shall be permitted on ground and parlor floors: licensed physicians, psychologists, psychiatrists, chiropractors; lawyers; registered architects; licensed engineers; licensed planners; and licensed land surveyors.

(b) Home occupations shall be permitted on any floor in which the occupational use meets the definition of home occupation.

C. Conditional uses (see N.J.S.A. 40:55D-67) shall be as follows:

(1) Retail sales, services and offices are limited to the ground and parlor floors of attached dwelling units having direct pedestrian access from one (1) of the following streets or parts thereof: Grove Street between York Street and the northern boundary to the historic district; number 239 Luis Munoz Marin Boulevard to the south side of Montgomery Street; Jersey Avenue south of York Street to the southern boundary of the historic district; Jersey Avenue north of Mercer Street to the northern boundary of the historic district. New commercial uses cannot be introduced into existing exclusively residential buildings.

(2) Utilities in accordance with all R-1 District standards.

D. Maximum height shall be as follows:

- (1) Residential/mixed use: four (4) stories, forty (40) feet.
- (2) Utilities: twenty (20) feet.
- (3) Public and private schools: forty (40) feet.
- (4) Governmental uses: fifty (50) feet.
- (5) Houses of worship: not to exceed the height of a house of worship within a one-mile radius.
- (6) Mortuaries: forty (40) feet to the highest point of the main structure.

E. Area, yard and bulk shall be as follows:

Maximum Minimum Dwelling	Maximum Minimum Dwelling							
	Minimum Maximum Building Rear Coverage (feet)	Minimum Lot Width (feet) (feet)	Unit Lot Minimum Depth (feet)	Area (square feet)	Density Per Acre	Minimum* Front FrontSide (feet) (feet)		
Attached single-family row house, townhouse	60% 30	18	100	1,800	25	4	10	0
Attached dwelling units	60% 30	18	100	1,800	75	4	10	0
Public and private schools	30% 42.5	100	100	10,000	N/A	10	20	10
Governmental uses	35% 36.25	100	100	10,000	N/A	10	20	10
Houses of worship	50% 17.5	50	100	5,000	N/A	10	20	10
Mortuaries	50% 17.5	100	100	10,000	N/A	10	20	10
Utilities	60% 5	25	100	2,500	N/A	10	20	10

\*NOTE: Front yard setbacks shall line up with the contiguous property on either side.

F. Maximum parking shall be as follows:

- (1) Rehabilitation, infill or new residential construction (including mixed-use buildings)

may provide one (1) parking space per dwelling unit. Projects of ten (10) dwelling units or more shall provide, on-site, between five-tenths (0.5) and one (1) parking space per dwelling unit.

- (2) Utilities: no parking.
- (3) Public and private schools: one (1) space per four (4) teachers and/or teacher's aides.
- (4) Governmental uses: five-tenths (0.5) spaces per one thousand (1,000) square feet.
- (5) Houses of worship: one (1) space per each ten (10) seats, not counting the first one hundred (100) seats. One (1) seat shall be considered twenty-two (22) inches in calculating the capacity of pews or benches.
- (6) Mortuaries: three (3) spaces per viewing room.

~ 345-107. Amendments to Paulus Hook Historic Zoning District.

( South of York Street; north of York Street shall remain as a C-4 designation.)

A. Permitted principal uses (land and buildings) shall be as follows: attached single-family; row house; townhouse; attached dwelling with one (1), two (2) or three (3) units; public and private schools; governmental uses; houses of worship and mortuaries; utilities; and parks and playgrounds.

B. Permitted accessory uses (land and buildings) shall be as follows:

- (1) Private garages not on arterial roads.
- (2) Off-street parking screened in accordance with this chapter, not on arterial roads.
- (3) Professional offices/home occupations.

(a) The following professional offices shall be permitted on ground and parlor floors: licensed physicians, psychologists, psychiatrists, chiropractors; lawyers; registered architects; licensed engineers; licensed planners; and licensed land surveyors.

(b) Home occupations shall be permitted on any floor in which the occupational use meets the definition of home occupation.

C. Conditional uses (see N.J.S.A. 40:55D-67) shall be as follows:

(1) Retail sales, services and offices are limited to the ground and parlor floors of attached dwelling units having direct pedestrian access from one (1) of the following streets or parts thereof: south side of Montgomery Street between Warren and Washington Streets; west side of Washington Street between Morris and Montgomery Streets.

- (2) Utilities in accordance with all R-1 District standards.

D. Maximum height shall be as follows:

- (1) Residential/mixed use: four (4) stories, forty (40) feet.
- (2) Utilities: twenty (20) feet.
- (3) Public and private schools: forty (40) feet.
- (4) Governmental uses: fifty (50) feet.
- (5) Houses of worship: not to exceed the height of a house of worship within a one-mile radius.
- (6) Mortuaries: forty (40) feet to the highest point of the main structure.

E. Area, yard and bulk shall be as follows:

Maximum Minimum Dwelling	Minimum			Maximum			Minimum		
	Minimum	Minimum Lot	Unit	Maximum	Maximum	Maximum	Minimum	Minimum	Minimum
	Maximum Building Rear Coverage (feet)	Lot Width (feet)	Lot Minimum Depth (feet)	Area (square feet)	Density Per Acre	Minimum* Front (feet)	Minimum* Front (feet)	Minimum* Side (feet)	Minimum* Rear (feet)
Attached single-family row house, townhouse	60% 30	18	100	1,800	25	4	10	0	0
Attached dwelling units	60% 30	18	100	1,800	75	4	10	0	0
Public and private schools	30% 42.5	100	100	10,000	N/A	10	20	10	10
Governmental uses	35% 36.25	100	100	10,000	N/A	10	20	10	10
Houses of worship	50% 17.5	50	100	5,000	N/A	10	20	10	10
Mortuaries	50% 17.5	100	100	10,000	N/A	10	20	10	10
Utilities	60% 5	25	100	2,500	N/A	10	20	10	10

\*NOTE: Front yard setbacks shall line up with the contiguous property on either side.

F. Maximum parking shall be as follows:

(1) Rehabilitation, infill or new residential construction (including mixed-use buildings) may provide one (1) parking space per dwelling unit. Projects of ten (10) dwelling units or more shall provide, on-site, between five-tenths (0.5) and one (1) parking space per dwelling unit.

(2) Utilities: no parking.

(3) Public and private schools: one (1) space per four (4) teachers and/or teacher's aides.

(4) Governmental uses: five-tenths (0.5) spaces per one thousand (1,000) square feet.

(5) Houses of worship: one (1) space per each ten (10) seats, not counting the first one

hundred (100) seats. One (1) seat shall be considered twenty-two (22) inches in calculating the capacity of pews or benches.

(6) Mortuaries: three (3) spaces per viewing room.

~ 345-108. Amendments to Hamilton Park Historic Zoning District.

A. Permitted principal uses (land and buildings) shall be as follows: attached single-family; row house; townhouse; attached dwelling with one (1), two (2) or three (3) units; public and private schools; governmental uses; houses of worship and mortuaries; utilities; and parks and playgrounds.

B. Permitted accessory uses (land and buildings) shall be as follows:

- (1) Private garages not on arterial roads.
- (2) Off-street parking screened in accordance with this chapter, not on arterial roads.
- (3) Professional offices/home occupations.

(a) The following professional offices shall be permitted on ground and parlor floors: licensed physicians, psychologists, psychiatrists, chiropractors; lawyers; registered architects; licensed engineers; licensed planners; and licensed land surveyors.

(b) Home occupations shall be permitted on any floor in which the occupational use meets the definition of home occupation.

C. Conditional uses (see N.J.S.A. 40:55D-67) shall be as follows:

- (1) Utilities in accordance with all R-1 District standards.

D. Maximum height shall be as follows:

- (1) Residential/mixed use: four (4) stories, forty (40) feet.
- (2) Utilities: twenty (20) feet.
- (3) Public and private schools: forty (40) feet.
- (4) Governmental uses: fifty (50) feet.
- (5) Houses of worship: not to exceed the height of a house of worship within a one-mile radius.
- (6) Mortuaries: forty (40) feet to the highest point of the main structure.

E. Area, yard and bulk shall be as follows:

Minimum Dwelling	Maximum					
	Minimum					
	Maximum					
	Minimum					
	Minimum	Minimum Lot	Unit			
	Maximum	Lot	Lot	Area	Density	Minimum*
	Maximum*	Width	Minimum	(square	Per	Front FrontSide
	Building	(feet)	Depth	feet)	Acre	(feet) (feet)
	Rear	(feet)	(feet)	feet)		
	Coverage	(feet)				
	(feet)	(feet)				

Attached single-family row house, townhouse	60% 30	18	100	1,800	25	4	10	0
Attached dwelling units	60% 30	18	100	1,800	75	4	10	0
Public and private schools	30% 42.5	100	100	10,000	N/A	10	20	10
Governmental uses	35% 36.25	100	100	10,000	N/A	10	20	10
Houses of worship	50% 17.5	50	100	5,000	N/A	10	20	10
Mortuaries	50% 17.5	100	100	10,000	N/A	10	20	10
Utilities	60% 5	25	100	2,500	N/A	10	20	10

\*NOTE: Front yard setbacks shall line up with the contiguous property on either side.

F. Maximum parking shall be as follows:

(1) Rehabilitation, infill or new residential construction (including mixed-use buildings) may provide one (1) parking space per dwelling unit. Projects of ten (10) dwelling units or more shall provide, on-site, between five-tenths (0.5) and one (1) parking space per dwelling unit.

(2) Utilities: no parking.

(3) Public and private schools: one (1) space per four (4) teachers and/or teacher's aides.

(4) Governmental uses: five-tenths (0.5) spaces per one thousand (1,000) square feet.

(5) Houses of worship: one (1) space per each ten (10) seats, not counting the first one hundred (100) seats. One (1) seat shall be considered twenty-two (22) inches in calculating the capacity of pews or benches.

(6) Mortuaries: three (3) spaces per viewing room.