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# JERSEY CITY

## CHAPTER 345

### LAND DEVELOPMENT ORDINANCE (“LDO”)

This document includes Article I through Article VIII of Chapter 345, which have been amended and restated according to Ordinances 22-084, 23-003, and 23-103. This document is provided for general use while ordinances are pending codification on Jersey City’s Municode website.

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# **CHAPTER 345 ARTICLE I**

## **GENERAL PROVISIONS**

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**§ 345-1. Title.**

The short form by which this Chapter may be known shall be the "Land Development Ordinance of the Jersey City, Hudson County, New Jersey."

**§ 345-2. Statutory authority; purpose.**

This Chapter is adopted pursuant to the Municipal Land Use Law (MLUL), (N.J.S.A. 40:55D-1 et seq.), in order to promote and protect the public health, safety, morals and general welfare. The purposes of this Chapter are as follows:

- A. To plan and guide the appropriate use or development of all land in a manner which will promote the public health, safety, morals and general welfare by means including the following:
  - 1. By regulating the location of buildings and establishing standards of development; establishing setback lines of buildings designed for residential, commercial, industrial, office or other uses; and by fixing reasonable standards to which buildings or structures shall conform.
  - 2. By prohibiting incompatible uses and prohibiting uses, buildings or structures which are incompatible with the character of development of the permitted uses within specified zoning districts and surrounding areas.
  - 3. By regulating alterations of existing buildings and preventing such additions to and alterations or remodeling of existing buildings or structures that would not comply with the restrictions and limitations imposed hereunder.
  - 4. By conserving the value of land and buildings throughout the City.
- B. To secure safety from fire, flood, panic and other natural and man-made disasters.
- C. To provide adequate light, air and open space.
- D. To ensure that land development does not conflict with the development and general welfare of neighboring municipalities, the county and the state as a whole.
- E. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, maintenance of the character of the neighborhoods, preservation of the environment and quality of life.
- F. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- G. To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements.
- H. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion or blight.
- I. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.

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- J. To promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper land use.
  - K. To encourage coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.
  - L. To provide, within the community's resources, for the future housing needs of the citizens of the City of Jersey City.
  - M. To encourage senior citizen community housing construction.
  - N. To promote utilization of renewable energy sources.
  - O. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the state recycling plan goals and to compliment municipal recycling programs.
  - P. To promote sustainable development which will protect within the carrying capacity of the natural environment and satisfy basic human needs.

#### **§ 345-3. Interpretation of provisions.**

- A. Where the provisions of this Chapter impose greater restrictions than those imposed by any other law, ordinance, regulation or resolution, the provisions of this Chapter shall control. Where the provisions of any other law, ordinance, regulation or resolution impose a greater restriction than this Chapter, the provisions of such other law, ordinance, regulation or resolution shall control.
- B. Matters not regulated herein shall be governed by applicable provisions of the MLUL. In the event of any conflict between the provisions of this ordinance and the MLUL, the MLUL shall control.
- C. The requirements of this Chapter shall be held paramount to any less restrictive provisions or requirements established by deed restriction, private covenant or agreement. Without limiting the foregoing, where this Chapter imposes a greater restriction or limitation upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot areas or larger yards, courts or other open spaces than are required by covenants or restrictions imposed by deed or private agreement, the provisions of this Chapter shall control.

#### **§ 345-4. Prohibited uses.**

The establishment of any use not expressly permitted by this Chapter shall be prohibited. All uses not expressly permitted in any given use district are expressly prohibited in such district. No structure or addition thereto shall be built, moved or remodeled, and no land shall 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. Word usage.**

For the purposes of this Chapter:

- A. The present tense shall include the future.

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- B. The singular number shall include the plural and the plural the singular.
  - C. The word "shall" is always mandatory; the word "may" is discretionary.
  - D. The words "zone" and "district" are synonymous, and whenever the term "structure" is used, it shall be construed to mean and include the term "building."

#### **§ 345-6. Definitions.**

Preamble: The following thresholds for definitions were updated adopted by Ordinances 22-084 and 23 103. Further amendments aligned with the Jersey City Master Plan are still under consideration and to be proposed at a later date. This version of 345-6 is to serve the public while updates on Municode are pending.

Definitions and Usages. Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meanings herein defined. Whenever a term is used in this Chapter which is defined in the MLUL, such term shall have the same meaning as the MLUL. Any word or term not defined below or in the MLUL, shall be used with a meaning as defined in Webster's Third New International Dictionary of the English Language, unabridged (or the latest edition).

ACCESS — A physical entrance to property.

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.

ACCESSORY DWELLING UNIT — A single-unit dwelling in an accessory structure that is detached from the principal building or structure and is in addition to the principal permitted use which is located on the same lot therewith.

ADAPTIVE REUSE — The development of a new use for an older building or for a building originally designed for a different purpose. This action may involve changes to the façade, and the interior floor plan may be changed to accommodate the new use.

ADMINISTRATIVE OFFICER — The Zoning Officer, Construction Code Official, Historic Preservation Specialist or other municipal official designated by ordinance by the City of Jersey City.

AGRICULTURE, COMMERCIAL — Land that is used for cultivation and harvesting of herbs, fruit, flowers, vegetables, and soil in which plants are raised outdoors in planters, in greenhouses, in buildings or on rooftops. Plants may be grown hydroponically or in soil, for sale either as food, use in landscaping, or ornamental purposes.

AGRICULTURE, COMMUNITY GARDENING — Land that is held publicly or privately and is used collectively for the cultivation and harvesting of herbs, fruit, flowers, and vegetables, including the cultivation and tillage of soil. Cultivation can be done in outdoor raised planters or greenhouses, hydroponically or in soil.

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

AISLE — The traveled way by which cars enter and depart parking spaces.

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**ALLEY** — A minor way which is used primarily for vehicular access to the back or the side of properties otherwise abutting a street.

**ALLEY, WALKING** — A minor way which is used primarily for pedestrian access to properties that may or may not otherwise be abutting a street.

**ALTERATION OR ADDITIONS, STRUCTURAL** — Any additions, 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. Within historic districts, any addition, change or modification, 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, within 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.

**AMBULATORY CARE FACILITY** — A health care facility or a distinct part of a health care facility which provides preventive, diagnostic and treatment services to persons who come to the facility to receive services and depart from the facility on the same day. The facility shall not be open before 5:00 AM nor after midnight.

**ANTENNA** — A metallic device such as a rod or wire for radiating or receiving radio waves. See also Wireless Communication Antennas.

**APARTMENT** — One 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. "Apartments" may include buildings in cooperative, rental, or condominium ownership.

**APPLICANT** — A person or entity submitting an application for development.

**APPLICATION FOR DEVELOPMENT** — The filled-out current edition of the application form ("General Development Application") and all accompanying documents including signed and sealed site plans, or subdivision plats, and all items on the corresponding Checklist required by ordinance for approval of a subdivision plan, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 and/or N.J.S.A. 40:55D-36.

**APPURTENANCE** — Any accessory or subordinate building, object or structure or landscape feature.

**ARCHITECTURAL** — Relating or conforming to the rules of architecture; having or conceived of as having a single unified overall design, form or structure.

**ARCHITECTURAL MAST** — A vertical finial used for aesthetic, decorative or functional purposes which is integral to the design of a building and does not incorporate or include a logo, mascot, symbol, or signage.

**ARCADE** — A covered passage or alleyway, which may have an arched roof, located in front of or through a building, and which is used exclusively for pedestrian use.

**AREA** — A specific geographic division of the City of Jersey City.



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ART GALLERY — Space for the display, appreciation, and sale of objects of art.

ARTIST — A person regularly engaged in the fine arts as a career and not as a hobby. 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.

ARTIST, CERTIFIED — A person who has been certified by the Planning Board as an artist pursuant to the Jersey City Land Development Ordinance.

ARTIST STUDIO WORKSPACE — A room or rooms for which the principal use is the making of art by an artist, and from which the artist may sell art as an accessory use to the studio, but which shall not be considered a principal retail use.

ARTIST WORK-ONLY STUDIO — See ARTIST STUDIO WORKSPACE.

ASSISTED LIVING RESIDENCE — A facility which is licensed by the State Department of Health to provide housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor.

ATRIUM — A courtyard located in an interior area of a building or between buildings which is covered with a curved glass roof and completely enclosed in glass except where it is bordered by the walls of the adjacent buildings.

ATTACHED HOME — See TOWNHOUSE

ATTIC — The open non-habitable space between the ceiling beams of the top habitable story and the roof rafters in any building.

AUTO BODY SHOP — An establishment primarily engaged in repairing or customizing automotive vehicles including the painting of automotive vehicles and may include the replacement, repair and/or tinting of automotive vehicle glass.

AUTO REPAIR GARAGE — Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair of vehicles, but no painting or body repair, no motor fuels are sold, and no junked or unregistered vehicles are kept or stored.

AUTO SALES — The use of any building, land area, or other premise for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use.

AWNING — A cantilevered angled, flexible cover, of fabric, used for the purpose of shielding a doorway or window from the elements and may be stationary or periodically retracted into the face of the building.

AUTO/AUTOMOTIVE SERVICES — See AUTO REPAIR GARAGE.

BALCONY — A roofless platform that projects beyond the wall of a building, is surrounded by a railing, balustrade, or parapet, and is suspended from and supported solely by the principal structure, with no additional independent supports.

BANQUET FACILITY — A large room or space in a restaurant or hotel suitable for banquets

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**BAR** — A place of business, or a defined area accessory to a principal restaurant or nightclub use, primarily devoted to for the sale and on-premises consumption of alcoholic beverages.

**BASEMENT** — A portion of the building having more than one-half of its clear height above finished grade. A basement shall be counted as a story in determining the height of a building.

**BED AND BREAKFAST** — Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. The owner of a dwelling resides on the premises and guest stays are limited to fourteen (14) consecutive days.

**BEDROCK** — Continuous solid rock that underlies regolith.

**BELT COURSING** — A change or variation in the placement or orientation of the building material (i.e., brick, stone, etc.) used to emphasize a particular height or portion of a building.

**BICYCLE LANE** — A reserved lane within a roadway marked for the exclusive use of bicycles.

**BICYCLE PATH** — A pathway, often paved and separated from streets and sidewalks, designed to be used by bicycles.

**BILLBOARD** — An off-site sign advertising an occupant, product or service pertaining to a lot other than the lot upon which the billboard is located.

**BIORETENTION FACILITIES** — Practices that capture and store stormwater runoff and pass it through a filter bed of engineered soil media composed of sand, soil, and organic matter filtered runoff may be collected and returned to a storm sewer or allowed to infiltrate into the soil,

**BLOCK** – (1) Used to show the extent of property and in some cases ownership of land for tax purposes. (2) A group of buildings or properties on both sides of a street from one intersection to the next.

**BLOCKFRONT** – A group of buildings or properties on one side of a street from one intersection to the next.

**BOARD** — The City of Jersey City Planning Board or Zoning Board of Adjustment when acting within its scope of its jurisdiction under this Chapter and/or the Act.

**BOARD OF ADJUSTMENT** — The board established pursuant to N.J.S.A. 40:55D-69.

**BOARDER** — A person other than a member of a family occupying a part of any dwelling unit who, for a consideration, is furnished sleeping accommodations in such dwelling unit and may be furnished meals as part of this consideration.

**BOARDING HOUSE** — A building, other than a hotel, motel or group home, occupied by more than one person not living together as a family unit where meals may be served to occupants, including a rooming house and single room occupancy unit and that is governed by the "Rooming and Boarding House Act of 1979," N.J.S.A. 55:13B-1 et seq.

**BOLLARD** — A vertical, freestanding short post used as a barrier to vehicles.

**BUFFER** — A strip of land containing planted screening materials and/or fencing used to physically separate and screen one use or property from another so as to minimize adverse impacts. No building, structure, parking area, driveway (except to provide access to the property and which is perpendicular to the buffer area) street, sign (except directional sign) or storage of materials shall be permitted in such buffer.

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**BUILD-TO LINE** — a line along which the lower floors of the primary façade of a building must be located.

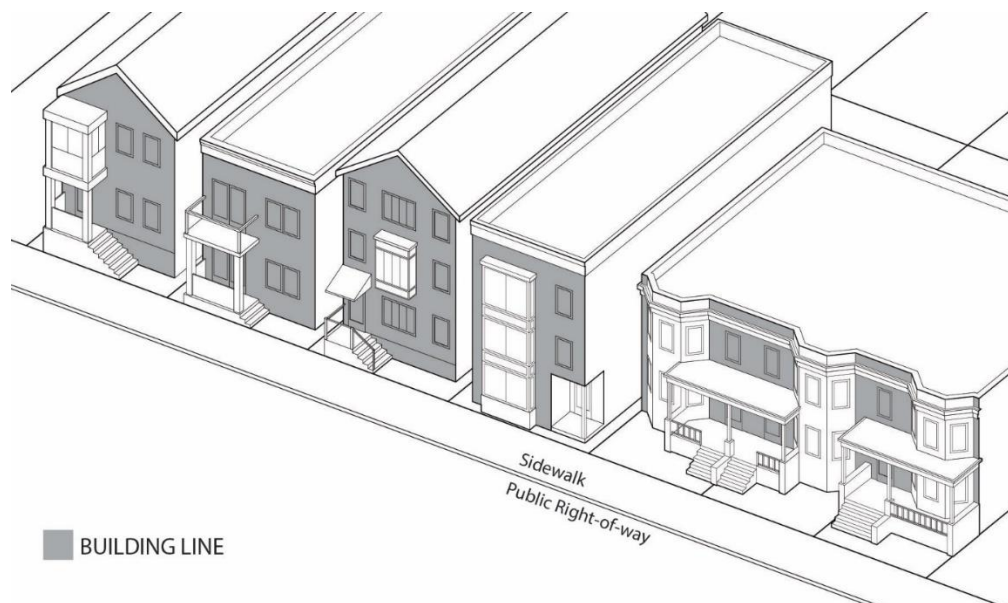
**BUILDING** — Any structure, part of a structure, extension thereof, or addition thereto having a roof supported by columns, posts, piers, or walls and intended for the shelter, business, housing or enclosing of persons, or property.

**BUILDING COVERAGE** — The ratio of the horizontal area of all principal and accessory buildings, measured from the exterior surface of the exterior walls of the ground floor on a lot, to the total lot area. "Building coverage" is expressed as a percentage and shall mean the percentage of a lot or assemblage of lots occupied by one or more buildings.

**BUILDING ENVELOPE** — The three-dimensional space within which any building (principal or accessory) is permitted and/or proposed to be built on a lot as defined by yard setbacks, stepbacks, and height.

**BUILDING FOOTPRINT** — The three-dimensional space within which any building (principal or accessory) is permitted and/or proposed to be built on a lot and which is defined by yard setbacks.

**BUILDING LINE** — The line parallel to the street line or other lot line which touches that part of a building's principal façade closest to the other lot line. Permitted encroachments and projections are not counted toward the building line. For the purposes of calculating yard calculations permitted and/or conforming encroachments and projections are excluded.



**BULKHEAD** — (1) A boxlike structure on the roof of a building covering a stairwell, elevator, or mechanical equipment; (2) A low wall, sometimes paneled, beneath a storefront display window; (3) A retaining wall, often located at the high-tide line, that protects waterfront property.

**BUSINESS, TECHNICAL AND ARTS SCHOOLS** — An institution offering training without academic programs.

**BUSINESS INCUBATOR** - A place where services, space, education, and assistance are provided to new businesses. Incubators include, but are not limited to, office type environments, scientific and research laboratories, kitchens, computer laboratories, and workshops. Incubators are often affiliated with an institution or organization able to provide access to instruction, advice, research facilities, or funding.

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Sharing of services, spaces, and equipment provides greater economies of scale for the incubator, and creates an entrepreneurial community among its users.

CALIPER — The diameter of a tree trunk measured in inches six (6) inches above ground level for trees up to four (4) inches in diameter and measured twelve (12) inches above ground level for trees over four (4) inches in diameter.

CANOPY — A permanent, non-retractable roof-like projection with or without support poles permanently affixed and perpendicular to the wall of an entrance of a building or other punched openings used for providing overhead protection from the weather and shall be construed to be a part of the building to which it is affixed.

CAR SALES — See AUTO SALES.

CAR WASH, AUTOMATIC — A building or place of business where the washing of motor vehicles is carried on with the use of a chain or conveyor, blower and water and/or steam cleaning device.

CAR WASH, HANDWASH — A vehicle washing that does not include mechanized automatic washing.

CAR WASH, ROLL OVER — A car wash in which the vehicle remains stationary while automatic washing occurs.

CARPORT — A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

CARRIAGE WAY — see CARTWAY.

CARTWAY — The hard or paved area of a street between the curbs, including travel lanes and parking areas but not including curbs, sidewalks or swales.

CATERING SERVICES — a place where the preparation and delivery of food and beverages occurs for offsite consumption, without the provision for on-site pick-up or consumption.

CELLAR — A portion of the building having one-half or more than one-half of its clear height below finished grade. A cellar shall not be counted as a story in determining the height of a building.

CEMETERY — Any site which contains at least one burial, marked or previously marked, dedicated to and used or intended to be used for the permanent interment 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 Division of City Planning 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.

CERTIFICATE OF OCCUPANCY (CO) — A document issued by the Construction Official allowing the occupancy or use of a building or structure and certifying that the building or structure or use has been constructed and/or renovated according to, and in compliance with all the applicable state codes and municipal ordinances and resolutions.

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**CHANGE OF USE** — Any change from a permitted principal use to another permitted principal use or to a non permitted principal use, or any change from a non permitted use to a non permitted principal use, or to a permitted principal use, or any change from a permitted principal use to a permitted conditional use.

**CHILD CARE CENTER** — An establishment providing for the care, supervision, and protection of children that is licensed by the State of New Jersey pursuant to P.L. 1983, c. 492 (C. 30:5B-1 et seq.).

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

**CITY COUNCIL** — The legislative body of the City of Jersey City.

**CIVIC** — Premises available for operation by organizations dedicated to serving socially based public purposes such as: religion, arts and culture, education, government, performance, social service and the like. Including: house of worship, meeting hall, school, community center, and recreation facilities.

**CIVIC SPACE** — An area that is occupied and active on most days of the year and is dedicated to serving socially based public purposes and civic uses. Plazas, parks, and paseos may be considered civic spaces.

**CLIFF FACE** — A sheer, nearly vertical slope of exposed bedrock.

**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.

**COLONNADE** — a linear series of columns which support a continuous lintel.

**COLOCATION** — Use of a common wireless telecommunication tower or a common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement or a wireless telecommunication tower on a structure owned or operated by a utility or other public entity.

**COMMON PROPERTY or OWNERSHIP** — 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.

**COMMUNITY FACILITY/CENTER** — Municipal, county, state, or not-for-profit enterprises that serve the public interest. Community Facility shall include, but not be limited to, the following services: adult day care, art education, child care, fire, health care, job training, library, police, recreation, school, or teen center. Community Facility shall not include prisons, or drug and narcotic rehabilitation centers.

**COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED** — Any community residential facility licensed pursuant to P.L. 1977, c. 448 (C. 30:1B-1 et seq.) providing food, shelter, and personal guidance, under such supervision as required, to not more than fifteen (15) developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act" (P.L. 1971, c. 136; c. 26:2H-1 et seq.). In the case of such community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services.

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**COMMUNITY RESIDENCE FOR PERSONS WITH HEAD INJURIES** — A community residential facility licensed pursuant to P.L 1977, c. 448 providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to, group homes, halfway houses, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," 1971, c. 136.

**COMMUNITY RESIDENCE FOR THE TERMINALLY ILL** — Any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under such supervision as required, for not more than fifteen (15) terminally ill persons.

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

**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.

**COMPLETE APPLICATION** — Any and all materials required by this Chapter to review any application for development (application form, affidavit of ownership, boundary descriptions, plat maps in accordance with ordinance specifications, etc.)

**CONDITIONAL USE** — A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with the conditions and standards for the location and operation of such use as contained in the zoning ordinance and upon the issuance of an authorization therefore by the Planning Board or the Zoning Board.

**CONDOMINIUM** — The form of ownership of real property under a master deed pursuant to N.J.S.A. 46:8B-1 et seq.

**CONDOMINIUM ASSOCIATION** — The entity responsible for the administration of a condominium, which entity may be incorporated or unincorporated. Also known as Condo Association.

**CONFERENCE CENTER** — A facility used for conferences and seminars, which may include accommodations for sleeping, food preparation and eating, recreation, resource facilities and meeting rooms. Conference centers may be commercial ventures providing space for corporate, government, social or other types of meetings, or they may be maintained by large institutions, such as universities or corporations.

**CONSTRUCTION** — The erection of a new principal or accessory building or structure on a lot or property; alterations and the act of creating an addition to an existing building or structure.

**CONSTRUCTION OFFICIAL** — The Construction Official of the City of Jersey City.

**CONTINUING CARE RETIREMENT COMMUNITY** — The provisions of lodging and nursing, medical or other health related services at the same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other



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periodic charges. A fee which is less than the sum of the regular periodic charges for one year of residency is not considered an entrance fee.

**CONTRACTOR'S WORKSHOP** — A place where a licensed contractor may store and utilize tools, equipment and materials that are used in the trade for which the contractor is licensed. Storage of hazardous materials, junk, inoperable vehicles, or equipment or materials that are not used in the trade shall not be permitted. Outdoor storage and use of tools or equipment shall not be permitted.

**CONTRIBUTING PROPERTY** — A resource in a historic district or cluster that contributes to the district's or clusters historical significance through location, design, setting, materials, workmanship, feeling and association and which shall be afforded the same considerations as landmarks.

**CONVENTIONAL** — Development other than planned development.

**CORNICE** — Projecting ornamental molding along the top of a building, wall or storefront.

**COUNTY MASTER PLAN** — A composite of the plan elements for the physical development of Hudson County, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board.

**COUNTY PLANNING BOARD** — The Hudson County Planning Board.

**COURTYARD** — An open space which is designed and used for passive recreational purposes.

**CRAFTSPERSON** — A person who practices a trade or handicraft as an artisan, and who engages in the production of their work, design or objects as a career.

**CULTURAL** — Activities or acts related to the past or present social and material traits of a group or groups of people.

**CURB CUT** — The opening along the curb line at which point vehicles may enter or leave the roadway. May also be spelled curbcut.

**CUT AND FILL** — The excavating of rock fragments and mineral grains, including soil, in one place and depositing of it as fill in adjacent place.

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

**CYBERHOTELS/TECHOTELS/SERVERFARMS/TELECOMMUNICATION CENTERS** — See Data Centers.

**DATA CENTERS** — A facility used to house computer systems and associated components, such as telecommunications and storage systems.

**DAYCARE CENTER** — A facility providing for the care, supervision, and protection of preschool children.

**DAYCARE CENTER, ADULT** — a facility for the supervised care of adults with physical or mental limitations, providing activities such as meals and socialization one or more days a week during specified daytime hours, and which may also include care by ancillary medical staff.

**DAYS** — Calendar days.

**DEAD-END STREET** — A street or portion of a street which is accessible by a single means of ingress and egress.

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**DECK** — A raised accessory structure more than one and one-half feet above finished grade, supported by either pillars or posts or walls, and which allows water to pass through slats or openings.

**DEMOLITION** — The dismantling or razing of all or part of a building, structure, object, site or landscape feature including interior spaces and all operations incidental thereto.

**DENSITY** — The permitted number of dwelling units per gross area of land to be developed.

**DESIGNATED REPRESENTATIVE** — That person or office so named by the reviewing board to dispense, receive and classify any development applications.

**DETACHED SINGLE-FAMILY** — A dwelling for one family or household that is not attached to any other dwelling by any means and which is occupied or is intended to be occupied for residence purposes by one housekeeping unit.

**DEVELOPABLE AREAS** — Upland areas or pier areas not dedicated to public rights-of-way.

**DEVELOPER** — The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT** — The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; any mining, excavation, landfill or land disturbances and any use, change in use or extension of use of land for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

**DEVIATION** — Used in Redevelopment Plans; identical to a variance pursuant to N.J.S.A. 40:55D-70.c.

**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.

**DISTRICT** — A geographically definable area, 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 accommodations with sanitary and general living facilities designed and used to accommodate students of a university or college.

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

**DRAINAGE RIGHT-OF-WAY** — The lands required for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

**DRIVEWAY** — A paved or unpaved area used for ingress or egress of vehicles and allowing access from a street to a lot, building or other structure or facility.



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DWELLING — A building that is designed or used exclusively as the living quarters for one or more housekeeping units.

DWELLING UNIT — A room or series of connected rooms containing living, cooking, sleeping and sanitary facilities for one housekeeping unit. The "dwelling unit" shall be self-contained and shall not require passing through another dwelling unit or other indirect route to get to any portion of the dwelling unit, nor shall one dwelling unit require shared facilities with another dwelling unit. Hotel facilities or other facilities providing temporary accommodations shall not be considered dwelling units.

EASEMENT — A grant of one or more of the property rights by the property owner to and/or of rote use by the public or another person, entity, or property.

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.

ELECTRONIC COMMUNICATIONS EQUIPMENT — Any electronic device used to send or receive information.

EMBANKMENT — A man-made or natural deposit of soil, rock or other materials.

ENCROACHMENT — (1) An area beyond the building line or build to line into which certain building features protrude. Typical encroachments may include overhangs, bays, oriels, fire escapes, or other elements that commonly protrude beyond the façade of the building. See additional ENCROACHMENT definitions below. (2) Certain building features that extend beyond a street line of a lot into a street or right-of-way.

ENCROACHMENT, CANTILEVERED – These are building features like awnings, canopies, oriels (bay windows which are not grounded), and balconies.

ENCROACHMENT, ENCLOSED – These are building features that expand the interior square footage of a dwelling or habitable space like enclosed porches, oriels, overhangs, and bay windows.

ENCROACHMENT, GROUNDED – These are building features like stoops, access ramps, decks, patios, and porches, enclosed porches, and bay windows, but may also include landscape features, fences, walls, or planters.

ENCROACHMENT, OPEN – These are building features that are exposed to the elements and that do not add habitable square footage like balconies, awnings, canopies, decks, stoops, access ramps, patios, porches (non-enclosed).

ENGINEERED GREEN WALLS — See LIVING GREEN WALLS.

ENHANCED TREE GROWTH SYSTEMS — Soil techniques designed to transfer the load from pavement directly to the subsoil rather than the topsoil media. These systems promote additional soil volume for trees than is otherwise available under conventional pavement systems. The three most common systems are suspended pavements, sand-based structural soil systems, and aggregate structured soils.

ENHANCED TREE GROWTH SYSTEMS, AGGREGATE STRUCTURAL SOILS — Angular gravels that directly support pavement but through which roots may grow. These systems are constructed from load-bearing materials such as aggregate and clay-loam mix or expanded slate with clay-loam mix. Aggregate

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Structural Soils shall be used as a pathway for roots to reach additional soil volumes across pavement subsurface and not as the only available tree soil volume.

ENHANCED TREE GROWTH SYSTEMS, SAND-BASED STRUCTURAL SOILS — Pavement over open-graded crushed stone and Sand-Based Structural Soil. Due to the poor water retention capacity of sand, an additional water source is necessary, provided by drainage channels or permeable pavers. Such systems should be designed with passive irrigation only.

ENHANCED TREE GROWTH SYSTEMS, SUSPENDED PAVEMENTS — Pavement supported through columns or walls, allowing soil placed within the suspended pavements to remain at a compaction level suitable to root growth.

ENVIRONMENTAL COMMISSION — A municipal advisory body created pursuant to P.L. 1968, c. 245 (C. 40:56A-1 et seq.).

ESSENTIAL SERVICES — Services and utilities needed for the health, safety, and general welfare of the community, such as underground, surface, or overhead electrical, gas, telephone, steam, water, sewerage, and other utilities and the equipment and appurtenances necessary for such system to furnish an adequate level of service for the area in which it is located.

EXISTING ARCHITECTURAL FEATURES — The architectural features existing at the time of designation or architectural features which have been changed subsequent to designation pursuant to a Certificate of Appropriateness/No Effect issued by the Historic Preservation Commission.

FAÇADE — (1-) A building's front or any of its exterior walls; (2-) A prominent side of a building or structure that has been given special architectural or design treatment to make it more attractive.

FAÇADE, FRONT PRIMARY — The streetfront building façade which runs roughly parallel to the front lot line(s). For the purposes of yard calculations, projecting accessory structures or encroachments including decks, porches, balconies, fencing, stoops, stairs, and/or other encroachments as defined in this chapter are excluded.

FAÇADE, FRONT SECONDARY — In the case of a corner lot in a historic district or historic overlay, the streetfront building façade which runs roughly parallel to the side lot line.

FAÇADE, REAR — The building façade which is opposite the front primary façade and roughly faces the rear lot line or an alley. In the case of two or more front primary façades, there will be no rear façade but rather two side façades. See Façade, Secondary.

FAÇADE, SECONDARY — A façade that does not face a street or a public thoroughfare and that does not possess significant architectural features.

FAÇADE, SIDE — The building façade(s) which run roughly parallel to the side lot lines but does not face a street. In the case of two Front Primary Façades, there will be two side façades and no rear façade. See Façade, Secondary.

FAMILY — See HOUSEKEEPING UNIT.

FAMILY DAY CARE HOME — Any private residence approved by the Division of Youth and Family Services or an organization with which the division contracts for family day care in which child care services are regularly provided to no less than three and no more than five children for no less than fifteen (15) hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving childcare services:

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A. The child being cared for is legally related to the provider, or

B. The child is being cared for as part of a cooperative agreement between parents for the care of their children by one or more of the parents, where no payment for the care is being provided.

FENCE — A barrier intended to prevent escape or intrusion; or to mark a boundary, enclose, screen, or separate areas.

FENCE LINE — The established line of existing fences on a street, more or less parallel to the curb line. The fence line may be within the public rights-of-way.

FENESTRATION — The arrangement and design of windows, doors, or other openings in a building or building façade.

FERRY — A boat or ship that carries passengers across water often along fixed routes on a schedule.

FINAL PLAT — The final map of all or a portion of the subdivision which is presented to the Planning Board for approval in accordance with these regulations and which, if approved, shall be filed with the county recording officer.

FINANCIAL SERVICES FACILITY — A retail service facility that provides diversified financial and brokerage services to the general public in person and on a walk in basis; offers amenities to encourage pedestrian traffic, such as retail banking services, computer access to brokerage accounts, ATM access to cash accounts, and visible screens with financial information and stock reports. The facility shall be utilized for financial consultation meetings with clients.

FINISH — The visual characteristics, including color, texture and reflectivity of all exterior materials.

FLOOR — A surface or assembly of materials capable of supporting loads imposed upon it by occupants or users, exclusive of roofs. It is sometimes referred to as a “story”.

FLOOR AREA RATIO — The gross floor area or sum of the gross area of all floors of buildings or structures compared to the total area of the site.

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

Editor's note(s)—The definition of "Formula business" was removed at the discretion of the editor. The ordinance from which the definition derived, Ord. No. 15-052 , was repealed by 19-038 , adopted May 8, 2019.

FRONTAGE — See LOT FRONTAGE

GARAGE, PARKING — Buildings or building areas used exclusively for the parking or storing of motor vehicles and which may include manual car washing.

GARAGE, PRIVATE — An accessory building, structure, or use, for the parking of passenger motor vehicles, in which no occupation, business or services for profit is conducted.

GOVERNING BODY — The City Council of the City of Jersey City.

GOVERNMENT AGENCY — Any department, commission, independent agency or instrumentality of the United States, the State of New Jersey, and/or any county, municipal or other governmental unit.

GOVERNMENTAL USES — Public institutions and uses, such as schools, community centers and government-owned or operated buildings, structures or land used for public purposes,.

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**GRADE, EXISTING** — The vertical location of the ground surface at any given point prior to excavating or filling, or the percent of rise or descent of a slope.

**GRADE, FINISHED** — For buildings adjoining one street only, elevation of the established curb at the center of the wall adjoining the street. For buildings adjoining more than one street, the average of the elevations of the established curbs at the center of all walls adjoining the streets. For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the buildings. All walls approximately parallel to and not more than 15 feet from the street line are to be considered as adjoining a street.

**GREEN AREA RATIO (GAR)** — A zoning regulation that integrates sustainable landscape elements into site design to address these environmental concerns. The GAR assigns a weighted score to a building based on the types of landscape and site design features that are implemented and the amount of area they cover.

**GREEN INFRASTRUCTURE** — The implementation of various tools, primarily vegetation and soil, to manage stormwater and reduce stormwater runoff.

**GREEN ROOF** — A vegetated roof system used in place of a conventional roof which typically involves a water proof membrane and root repellant system, a drainage system, filter cloth, a lightweight growing medium and species appropriate plants.

**GROSS FLOOR AREA** — The floor area within the inside perimeter of the exterior walls of the building(s) or structure(s) under consideration, inclusive of corridors, stairways, basements, elevators, roofed parking areas, utility spaces, back of house areas, closets, half stories, the thickness of interior walls, columns or other features. Vent shafts, balconies (that project beyond exterior walls), cellars, and courts are not counted toward gross floor area.

**GROUND FLOOR** — The floor closest to, but not below, grade.

**GROUND FLOOR STREET FRONTAGE (GFSF)** — The sum of the horizontal lengths of all exterior walls of a building at ground floor level, inclusive of all windows and doors, and excepting where there is another property between the wall and the street.

**GYM** — See HEALTH CLUB.

**HARVESTED STORMWATER IRRIGATION SYSTEM** — Stormwater collected from rooftops or other contributing drainage areas that is directed to storage devices, such as cisterns or rain barrels, and used for landscape irrigation.

**HEALTH CLUB** — A meeting place for groups of people for the purpose of engaging in exercise and conditioning of the body for the benefit of physical fitness. All health clubs that are 4,000 square feet or less shall be permitted as Retail Services.

**HEIGHT, BUILDING** — The vertical distance measured to the highest point of a building from the finished grade. A building's highest point shall be determined in accordance with height exceptions, Section 345-60.

**HELISTOP** — Area for landings and takeoffs of helicopters, but shall not include any servicing or parking functions for such crafts. Also known as Heliport.

**HIGH-CUBE WAREHOUSING** — Facilities used for the receipt, storage and handling of goods, bulk products and materials prior to their distribution to other recipients. These facilities consist of buildings with large floor plates, often subdivided for individual tenants, with a typical ceiling height of thirty (30)

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feet or more; they are also characterized by a low employee parking requirement due to a high level of mechanization, truck activities frequently outside of the peak hour of the adjacent street system, and good highway access.

**HIGH-RISE APARTMENT BUILDING** — A multi-family residential building with nine (9) stories or more.

**HISTORIC** — A building, structure, object, site or landscape feature having a degree of significance or importance over or at a period of time.

**HISTORIC ARCHITECTURAL FEATURES** — Architectural features installed or built at the time of construction of the building; architectural features of a type installed or built at the time of construction of similar buildings in similar periods and styles; or architectural features installed or built at the time of a major façade alteration thirty (30) or more years ago.

**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 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."

**HISTORIC SITE** — Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archaeological, cultural, scenic or architectural significance.

**HOME OCCUPATION** — An occupation or activity carried out for gain by a resident and conducted as a customary, incidental and accessory use in the resident's dwelling unit or accessory structure located on the lot and is in accordance with Supplementary Zoning Regulations § 345-60(1.2(a)).

**HOSPITAL** — An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

**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 there may be kitchens in any individual room or suite.

**HOUSEHOLD** — See **HOUSEKEEPING UNIT**

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

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

**IMPROVEMENT PARCEL** — A unit of real property that includes a landmark designated under this Chapter and is treated as a single entity for the purpose of levying real estate taxes within the historic district.

**INCUBATOR** — See BUSINESS INCUBATOR.

**INDEPENDENT LIVING** — A residential facility where individualized support is provided to residents in forms such as a community director, a social director, and daily on-site assistance.

**INDUSTRIAL PARK** — An area wherein one or more buildings are erected for industrial 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.

**INFILL HOUSING** — (1) The construction of a building for residential uses in an area already built up. (2) The construction of a housing unit that resembles in proportion, scale, height, style or bulk the adjacent dwelling units.

**INTERIM USE** — A use approved by the Planning Board applied on a temporary basis as prescribed while permanent plans for the area are formulated or implemented.

**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, HISTORIC** — 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.

**JUNKYARD** — Any area, lot, land or parcel with or without structures used for the storage, collection, processing, purchase, sale, salvage or disposal of scrap, waste, reclaimable material or debris. Any site with 3 or more unregistered vehicles shall constitute a junkyard.

**KIOSK** — A small, freestanding structure with one or more open sides such as a newsstand, information booth or telephone booth.

**LAND** — Including improvements and fixtures on, above or below the surface.

**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 fifty (50) 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 Chapter.

**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.

**LAUNDROMAT** — An establishment providing washing and drying machines on the premises for rental use to the general public and may include wash and fold or drop off dry cleaning as an accessory use, but shall not include on-site dry cleaning processing.

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**LIGHT ASSEMBLY** — Flexible space suitable for final assembly of finished products for distribution. No manufacturing shall be associated with this use.

**LIGHT INDUSTRIAL** — Warehousing, wholesaling, shipping and receiving, manufacturing, assembly, processing, research, laboratory testing service, professional and governmental offices, public and quasi-public uses and other operations which do not include the production of petroleum into fuel, oil or other products or chemical processing and storage. Light Industrial uses shall not produce any corrosive, toxic, noxious fumes, glare, electromagnetic disturbances, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety, or general welfare, provided however that existing activities not in violation of City, State or Federal law are exempt.

**LIGHT RAIL TRANSIT (LRT)** — Rail service employing energy efficient light rail vehicles (LRVs) at least partly on shared or semi-exclusive rights-of-way, designed so that other traffic can mingle safely with the LRT operation where desired.

**LIVE/WORK UNIT** — See WORK/LIVE UNIT.

**LIVING GREEN WALLS** — Dense pre-engineered vertical vegetative systems consisting of pre-planted panels or modules affixed to a structural wall or frame, and irrigated by harvested stormwater systems that use stored rainwater.

**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.

**LOGGIA** — A gallery or breaking in the façade that can be open to the air on at least one side. Loggias create breaks in the vertical scale of a building and are surrounded by columns or created by a setback or overhang within the façade. The interior of these spaces can be used as common space for these vertical neighborhoods, live work offices, mechanical equipment space, or any number of other uses.

**LONG TERM CARE FACILITY/NURSING FACILITY/NURSING HOME** — A facility that is licensed by the Department of Health to provide health care under medical supervision and continuous nursing care for twenty-four (24) or more consecutive hours to two or more patients who do not require the degree of care and treatment which a hospital provides and who, because of their physical or mental condition, require continuous nursing care and services above the level of room and board.

**LOT** — A tract or parcel of land established by a plat, deed, or otherwise, 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, CAP** — A lot that has contiguous frontage upon three streets, two of which are parallel or roughly parallel. A regular cap lot has three front lot lines, one side lot line, and one rear lot point (located at the midpoint of the side lot line). When no standard is specified for cap lots in the zone or district, any standard for corner lots in that zone or district shall apply. See LOT TYPE DIAGRAM, LOT LINE DIAGRAM, LOT WIDTH AND DEPTH DIAGRAM, and REAR YARD DIAGRAM.

**LOT, CORNER** — (1) A lot on the junction of and abutting two or more intersecting streets where the interior angle of intersection is less than one hundred thirty-five (135) degrees. A regular corner lot has two front lot lines, two side lot lines, and one rear lot point. See LOT TYPE DIAGRAM, LOT LINE DIAGRAM, LOT WIDTH AND DEPTH DIAGRAM, and REAR YARD DIAGRAM. (2) A lot, in a historic district or historic overlay, on the junction of and abutting two or more intersecting streets where the interior angle of intersection is less than one hundred thirty-five (135) degrees. In this instance: (a) the front lot line and lot width shall be the street line with lesser frontage; (b) the lot depth shall be the greater lot



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dimension; (c) there shall be no rear lot point; (d) the rear lot line shall be the opposite the front lot line; and (e) the secondary front façade shall be treated as a side lot line.

**LOT, FLAG** — A lot that is categorically an interior lot but with two distinct parts, the flag and the pole. The pole is narrower than the flag and connects to the street. The flag is often irregularly shaped and shares boundaries with numerous other lots. A typical flag lot has one front lot line, four side lot lines, and one rear lot lines. See LOT TYPE DIAGRAM and LOT LINE DIAGRAM.

**LOT, INTERIOR** — A lot other than a cap lot, corner lot, or through lot. A regular interior lot has one front lot line, two side lot lines, and one rear lot line. See LOT TYPE DIAGRAM and LOT LINE DIAGRAM.

**LOT, THROUGH** — (1) A lot that fronts upon two parallel (non-intersecting) streets. In this instance, a through lot has two front lot lines and two side lot lines. (2) A lot that fronts on two intersecting streets but is not a corner lot. In this instance, a through lot has two front lot lines, four side lot lines, and one rear lot point. See LOT TYPE DIAGRAM, LOT LINE DIAGRAM, and REAR YARD DIAGRAM.

**LOT, WHOLE BLOCK** — A lot that has contiguous frontage upon rights-of-way along all lot line boundaries. A whole block lot only has front lot lines. When no standard is specified for whole block lots in the zone or district, any standard for corner lots in that zone or district shall apply. See LOT TYPE DIAGRAM and LOT LINE DIAGRAM.

**LOT AREA** — The total area within the lot lines of a lot but not including any street rights-of-way.

**LOT CONSOLIDATION** — An action eliminating lot lines from contiguous lots.

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

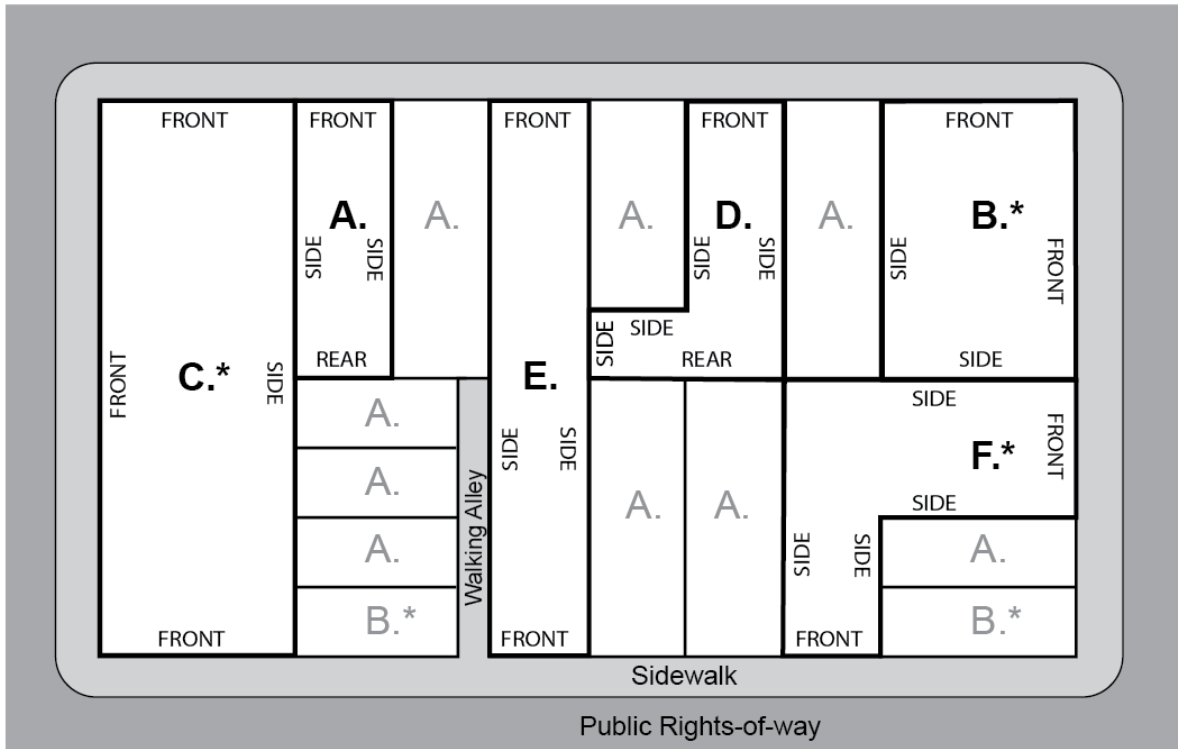
**LOT DEPTH** — (1) For interior lots and flag lots, the shortest horizontal distance between the street line and a line drawn parallel to the street line through the midpoint of the rear lot line. (2) For corner lots and through lots, the dimension between a street line and a parallel lot line. Corner lots and through lots on intersecting streets have two lot depths. See LOT, CORNER regarding historic districts and historic overlays. (3) For cap lots, the distance between midpoint of the side lot line and the parallel street line. (4) For whole block lots, there is no lot depth. See LOT TYPE DIAGRAM, LOT LINE DIAGRAM, LOT WIDTH AND DEPTH DIAGRAM, and REAR YARD DIAGRAM.

**LOT FRONTAGE** — That portion of a lot extending along a street line.

**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 lot abutting a street. "Lot lines" extend vertically in both directions from ground level.

**LOT LINE DIAGRAM** — See image below. See LOT, CORNER regarding historic districts and historic overlays.





- A. Interior Lots - one front lot line, two sides lot lines, one rear lot line
- B. Corner Lots - two front lot lines, two side lot lines, one rear lot point
- C. Cap Lots - three front lot lines, one side lot line, one rear lot point
- D. Flag Lots - one front lot line, three side lot lines, one rear lot line
- E. Through Lots (parallel streets) - two fronts lot lines, two sides lot lines
- F. Through Lots (intersecting streets) - two fronts lot lines, two side lot lines, one rear lot point

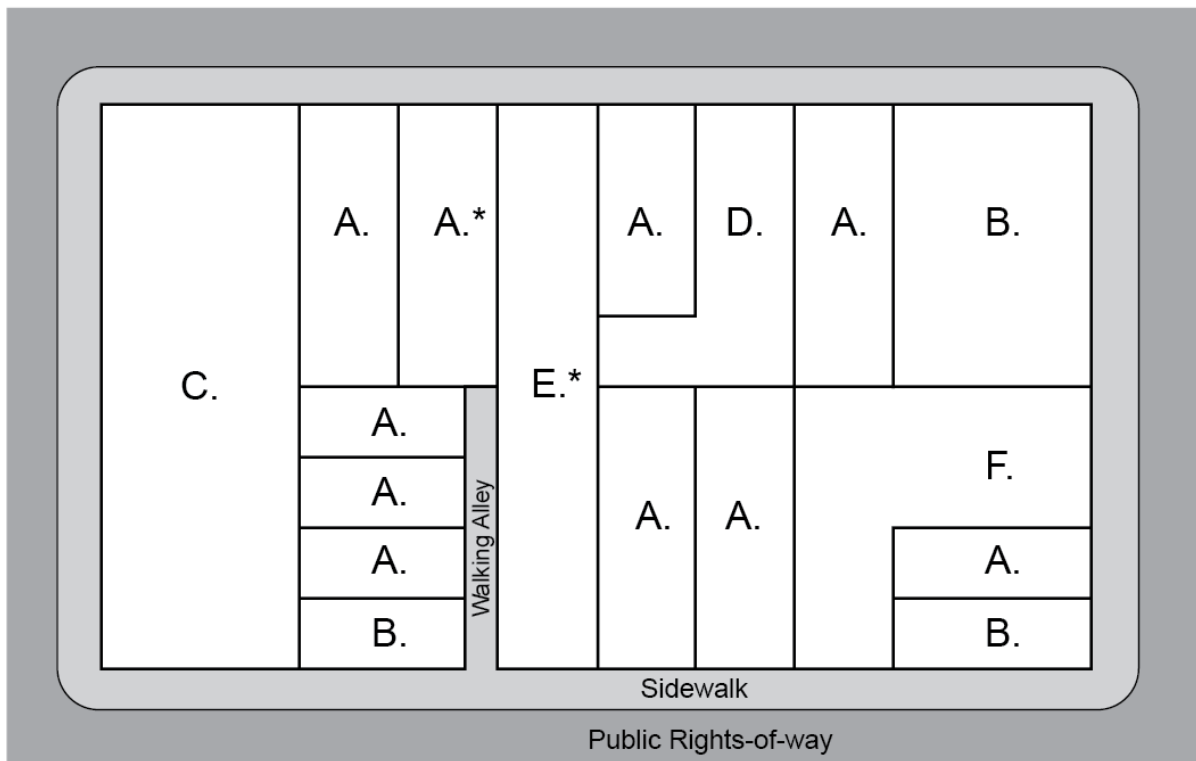
\*rear lot point not shown

**LOT LINE, FRONT** — The lot line separating a lot from a street right-of-way, also referred to as a "street line." See LOT TYPE DIAGRAM and LOT LINE DIAGRAM.

**LOT LINE, REAR** — The lot line opposite and most distant from the front lot line, or the most distant point at which the side lot lines meet as measured from the point at which the front lot lines meet. See LOT TYPE DIAGRAM, LOT LINE DIAGRAM, and REAR YARD DIAGRAM.

**LOT LINE, SIDE** — Any lot line other than a front or rear lot line. See LOT TYPE DIAGRAM and LOT LINE DIAGRAM.

**LOT TYPE DIAGRAM** — see image below.

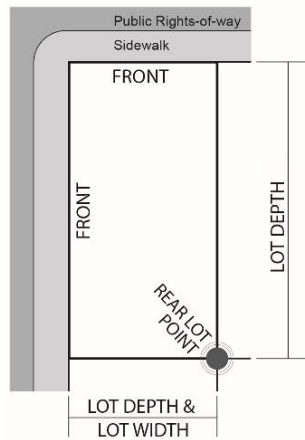


- A. Interior Lots
- B. Corner Lots
- C. Cap Lots
- D. Flag Lots
- E. Through Lots (parallel streets)
- F. Through Lots (intersecting streets)

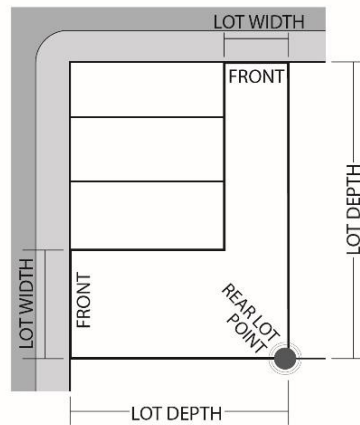
\*walking alley frontage does not change lot designation unless the subject parcel was part of the major subdivision to create, extend or widen the walking alley.

**LOT WIDTH** — (1) For interior lots and flag lots, the straight and horizontal distance between side lot lines at the street line. (2) For corner lots, the shortest distance between any two lot lines at the street line. See LOT, CORNER regarding historic districts and historic overlays. (3) For whole block lots, the shortest distance between any two lot lines at the street line. (4) For through lots, the distances between side lot lines at the street lines. Through lots have two lot widths. (5) For cap lots, the greatest dimension of a street line. See LOT TYPE DIAGRAM, LOT LINE DIAGRAM, and LOT WIDTH AND DEPTH DIAGRAM.

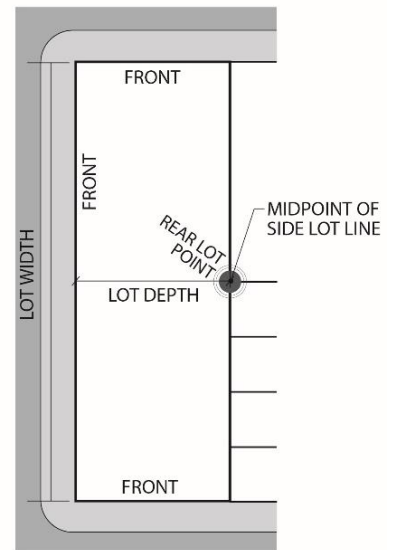
**LOT WIDTH AND DEPTH DIAGRAM** – see image below. See LOT, CORNER regarding historic districts and historic overlays.



**CORNER LOT**



**THROUGH LOT  
(INTERSECTING STREETS)**



**CAP LOT**

**MAINTENANCE GUARANTEE** — Any security which may be accepted by a municipality for the maintenance of any improvements required by the Municipal Land Use Law, including but not limited to surety bonds and letters of credit under the circumstances specified in Section 16 of P.L. 1991, c. 256 (C. 40:55D-53.5), and cash.

**MARINA** — A shorefront development that provides private and commercial pleasure craft mooring, launching and fueling.

**MARINA, FULL SERVICE** — A shorefront development that provides private and commercial pleasure craft mooring, launching, fueling, repair, storage and on-shore service facilities.

**MARINA SERVICES** — Commercial uses associated with the operation of a marina. These shall include, but not be limited to, bait and tackle shops, yacht clubs, up-land security posts but shall not include boat repair or storage or other similar uses.

**MARQUEE** — A metal rooflike, permanent structure often containing a signboard that projects from the wall of a building, over an entrance to a theatre or other building.

**MASS TRANSIT FACILITY** — A fixed route and/or station used to facilitate the transportation of people (as opposed to goods) on a fixed route and fixed schedule basis generally on conveyances such as buses, rapid-transit vehicles and commuter rail facilities.

**MATCH** — Either an exact or an approximate replication. If not an exact replication, the approximate replication shall be so designed as to achieve a harmonious result which exhibits the color, texture and dimensions of the original feature(s).

**MAY** — Permissive action

**MAYOR** — The chief executive of the City.

**MECHANICAL EQUIPMENT** — Any device below, above, or within a structure or on a lot which provides necessary support service for that structure. Mechanical equipment shall include but not be limited to heating and cooling units, and elevator bulkheads.

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**MEZZANINE** — An intermediate floor placed in any story or room. For the purposes of zoning, a mezzanine, no matter the size, shall be counted as a story in determining the height of a building.

**MID-RISE APARTMENT BUILDING** — A multi-family residential building with three (3) to eight (8) stories and more than four dwelling units.

**MIXED USE** — A lot or structure containing more than one principal zoning use.

**MOBILE FOOD VENDOR** — A business that sells food or beverages from a vehicle such as a truck, van or pushcart, whether such food or beverages are prepared on site or prepared elsewhere and transported to the site of the sale.

**MOBILE HOME** — A dwelling unit manufactured in one 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. Travel trailers and campers are not considered "mobile homes."

**MORTUARY** — An establishment with facilities for the preparation of the dead for burial or cremation, for the view of the body, and for funerals.

**MULTI-FAMILY BUILDING** — A building containing three or more dwelling units that share common horizontal and vertical separations. May also be referred to as Multi-unit Building or Multi-unit Residential.

**MUNICIPALITY** — City of Jersey City.

**MLUL** — The Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

**MUNICIPAL AGENCY** — The Planning Board, Board of Adjustment, or the City Council when acting pursuant to the Municipal Land Use Law.

**MUNICIPAL RESIDENT** — A person who is domiciled in Jersey City.

**MUNTINS** — In windows, doors and storefronts, framing members that subdivide a glazed area into individual panes, lights or panels.

**MURAL** — An art installation, visible to the public right-of-way, consisting of paint, and adhered directly to the wall of a building or structure.

**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 these services in a group setting primarily or exclusively for individuals having any type of habitation, dependency or addiction to the use of any kind of controlled substance, alcohol, narcotic drug or other type of drug; and which provides guidance, supervision and personal services which enable the drug user, dependent or addict to move into independent living in normal surroundings, but does not provide those services that can be rendered only by a physician or within the confines of a hospital, and does not provide a permanent residence but only a temporary one.

**NAMEPLATE** — Identification located on the premises, giving the name or addresses or both of the owner or occupant of a building or premises.

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**NET LEASABLE AREA** — The square footage of the area as measured from within the inside surface of the outer glass or finished walls of the building to the opposite walls, or, in the case of partial floor leases, to the midpoint of internal dividing walls, excluding only the areas (service areas) within the outside walls used for elevator mechanical rooms, building stairs, elevator shafts, flues, vents, stacks, and vertical ducts, but including all columns within the leased area and any such areas which are for the specific use of the particular tenant such as special stairs or elevators, plus a proportionate allocation of the square footage of the building's elevator mechanical rooms, common areas on the same floor of the leased premises, and the ground floor lobby.

**NEW URBANISM** — Interrelated patterns of land use, transportation, and urban forms used to create communities that promote: neighborliness, environmental sustainability, economic efficiency and prosperity, historic preservation, participation in civic processes, and human health. New Urbanism practices apply to all scales of community, from the region to the neighborhood. Communities developed utilizing New Urbanism principals usually take the form of an urban street grid, or modified street grid system, in order to provide a more even distribution of vehicular traffic and a more varied and convenient pedestrian network.

**NIGHTCLUB** — An establishment in which music, dancing, and/or live entertainment is conducted and which may also dispense liquor and/or food.

**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 or shape factor requirements for the district in which it is located.

**NONCONFORMING USE** — A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance or redevelopment plan, but which fails to conform to the requirements of the zoning district or redevelopment plan in which it is located by reasons of such adoption, revision or amendment.

**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.

**NURSING FACILITY/NURSING HOME** — See LONG TERM CARE FACILITY.

**OCCUPATION** — Gainful employment in which an individual engages to earn compensation.

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

**OFF-TRACT** — Not located on the property which is the subject of a development application nor on the closest half of the abutting street or right-of-way.

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

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**OFFICE, MEDICAL** — A professional office where the services of one or more practitioner can be obtained and where patients are studied or treated on an outpatient basis and where no overnight accommodations are provided. Medical office is permitted wherever Office is a permitted use. Veterinarian offices are considered medical offices. Medical offices are subject to all licensing and code requirements from all relevant government regulations, including but not limited to those from the Department of Health and the State Uniform Construction Code.

**OFFICIAL MAP** — A map adopted by ordinance which shall be deemed to be conclusive with respect to the location and width of streets, public parks and playgrounds, and drainage rights-of-way shown thereon ( N.J.S.A. 40:50D-32).

**ON-SITE** — Located on the lot in question and excluding any abutting street or right-of-way.

**ON-TRACT** — Located on the property that is the subject of a development application or on a contiguous portion of a street or right-of-way.

**OPAQUE SCREENING** — Any type of screening that completely obscures that which is to be hidden from view; this may include, but shall not be limited to, solid masonry walls, reflective glass, etc.

**OPEN SPACE** — Any parcel or area of land or water set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are customary and incidental to the openness of the land and may be designed for either passive or active recreational use.

**ORDINARY REPAIRS** — Replacement or renewal of existing fabric of a building or a structure, site, object or landscape feature 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.

**OUTDOOR STORAGE** — The storage of goods and materials outside of any building or structure.

**OWNER** — An individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land involved in an Application for Development to commence and maintain proceedings to develop the same under this Chapter.

**PARCEL** — A lot or contiguous group of lots in a single ownership or under single control.

**PARK** — A form of public open space either publicly or privately owned and available for recreational, educational, cultural or aesthetic use, which may include, but not be limited to, amenities such as landscaping, lighting, benches, fountains, recreational equipment, etc.

**PARKING, COMMERCIAL** — Any parking facility open to the public where a fee is charged and where the persons parking therein do not necessarily live or work in a building or development which the parking lot, area, or structure is intended to serve.

**PARKING, COMMUTER** — a commercial lot for the parking of personal passenger vehicles or buses, while occupants of the vehicles travel by trolley, train, boat, bus, van, foot, or other means to another destination for purposes of work or pleasure.

**PARKING, PUBLIC** — see PARKING, COMMERCIAL.

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**PARKING, SHARED** — Parking facilities which utilize the same parking spaces to accommodate the parking needs for two or more separate and distinct users.

**PARKING, VALET (ATTENDANT)** — Parking facilities in which an attendant parks and retrieves vehicles; aisles between spaces usually do not exist.

**PARKING SPACE** — An accommodation for the parking of one licensed motor vehicle. A standard parking space measures 8.5' × 18', exclusive of driveways, access drives, fire lanes, and public rights-of-way.

**PARKING SPACE, COMPACT** — An accommodation for the parking of one licensed motor vehicle. A compact parking space measures 8' × 16', exclusive of driveways, access drives, fire lanes, and public rights-of-way.

**PARLOR FLOOR** — The first floor above grade in a dwelling with a basement.

**PASEO** — An uncovered public walkway or passageway.

**PATIO** — A level, surfaced area at or within one and one-half feet of the finished grade, not covered by a permanent roof. It may be of wood or masonry construction.

**PENTHOUSE** — The uppermost story of a building.

**PERFORMANCE GUARANTEE** — Any security that may be accepted by a municipality to assure that improvements required as part of an application for development will be satisfactorily completed.

**PERMEABLE PAVEMENT** — A pavement system that forces water to filter through the grout between pavers to infiltrate the soil.

**PERMITTED USE** — Any use of land or buildings as permitted by this Chapter in the zone in which it is situated.

**PERVIOUS PAVEMENT** — A pavement system that allows water to infiltrate through the pavement into an underground stone reservoir to provide temporary storage before infiltrating the soil. Pervious pavement includes pervious asphalt, pervious concrete, and interlocking pavers.

**PLANNING BOARD** — The Jersey City Planning Board established pursuant to the N.J.S.A. (C. 40:55 D-23).

**PLAT** — A map or maps of a subdivision.

**PLAT, PRELIMINARY** — The preliminary map indicating the proposed layout of the subdivision which is submitted to the Reviewing Board for approval.

**PLAZA** — An open area for the general public's use that may serve as a point of assembly and/or a physical link between two buildings, and which is designed for pedestrian access from the street level(s) which it abuts and which has improved surfacing, sitting areas, landscaping, and public art.

**PORCH** — A roofed open area, which may be screened or enclosed and is attached to or part of a principal structure. See ENCROACHMENT.

**POROUS PAVEMENT** — A grid paver system filled with dirt, sand, or gravel that provides grass reinforcement, ground stabilization and gravel retention.

**PREDOMINANT FRONT YARD SETBACK** — The most frequently occurring setback on the block frontage.

**PRELIMINARY APPROVAL** — Conferral on the applicant the following rights for a three-year period from the date of preliminary approval ( N.J.S.A. 40:55D-46)

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A. That the general terms and conditions on which the preliminary approval was granted shall not be changed.

B. That the applicant may submit for final approval on or before the expiration of this three- year period.

PRINCIPAL BUILDING — A building in which the principal use of the lot is conducted.

PRINCIPAL USE — The primary use of land or structures as distinguished from an accessory use.

PROFESSIONAL REVIEW — Technical review of applications for development by staff or retained consultants, who are considered competent and prepared by virtue of their expertise, training, education and/or licensure to undertake such review for the land use boards of the City of Jersey City. All professional review shall take place under the supervision of New Jersey licensed professional planners, engineers, architects, landscape architects or surveyors.

PROJECTIONS – An area beyond the building line or build to line into which certain building features protrude. Typical projections may include cornices, eaves, leaders, sills, headers, or other elements that commonly protrude beyond the façade of the building.

PUBLIC AREAS — Public parks, playgrounds, trails, paths and other recreational areas; other public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

PUBLIC IMPROVEMENTS — Public parks and open space, streets, sidewalks, water and sewer lines and other similar spaces and infrastructure.

PUBLIC/QUASI-PUBLIC USE — Any use that enables a public or private institution to carry out its functions to preserve or promote public health, safety and welfare and shall include, but not be limited to, religious organizations, public and private schools, civic and fraternal organizations, nursing homes, hospitals, public works and government buildings, daycare facilities and non-profit organizations.

PUBLIC UTILITY — Any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to C. 48:2-13.

QUORUM — A majority of the full authorized membership of a municipal agency.

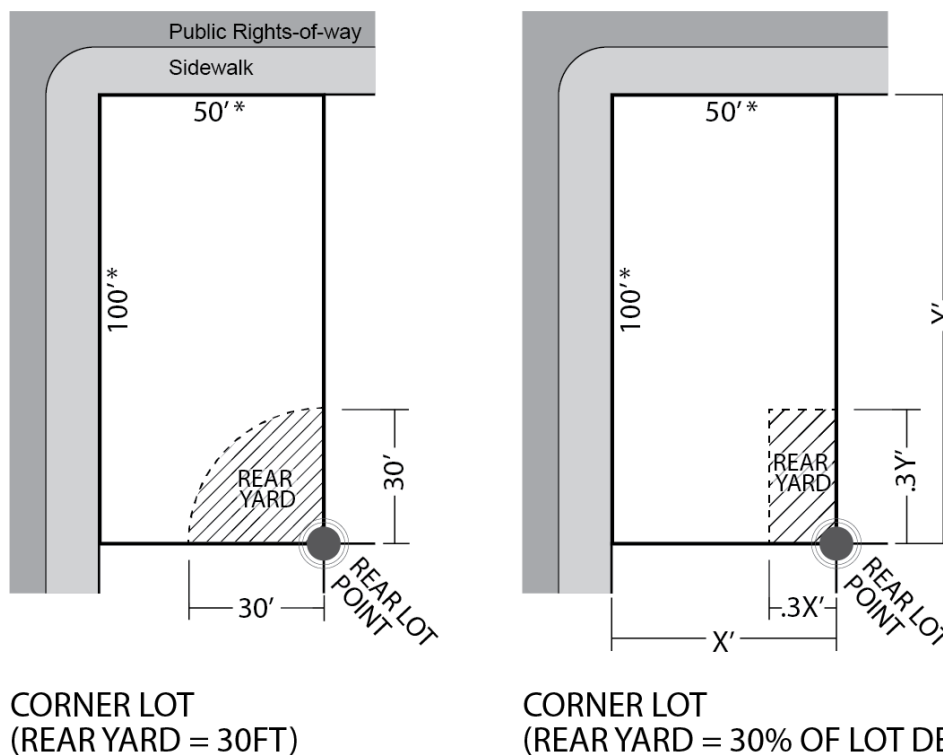
RAIN GARDEN — A shallow planted depression designed to retain or detain stormwater before it is infiltrated or discharged downstream.

REAR LOT POINT – See LOT LINE, REAR. See YARD, REAR. See REAR YARD DIAGRAM. See LOT WIDTH AND DEPTH DIAGRAM.



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REAR YARD DIAGRAM – See image below. See LOT, CORNER regarding historic districts and historic



\* These lot dimensions are provided for demonstrative purposes only overlays.

**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 for historical preservation purposes.

**REDEDICATED (Street or Right-of-Way)** — A public right-of-way once having been vacated for private use and returned by ordinance to its previous status as a public right-of-way.

**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 for historical preservation purposes.

**RESTAURANT** — Any establishment, however designated, at which food is sold for consumption on premises, normally to patrons seated within an enclosed building. However, a snack bar at a public or community playground, playfield, park, or swimming pool operated solely by the agency or group operating the recreation facilities, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

**RESTAURANT, CATEGORY ONE** — A restaurant which is designed for and whose primary function and operation is the preparation and service by employees of meals to a customer or customers seated at

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the table or bar at which the meal is consumed. A category one restaurant operates without substantial carry-out or delivery service; with no drive-thru, drive-in, or service in vehicles.

RESTAURANT, CATEGORY TWO — A restaurant or mobile food vendor whose primary function is the preparation and service by employees of food to customers as part of an operation designed to include substantial carry-out service; delivery service; self-service, and which may, but is not required to, include on-premises consumption, except that no drive-in, drive-thru, or service in vehicles is permitted.

CAFÉ - RESTAURANT, CATEGORY TWO — A small-scale restaurant, with limited seating, engaged in the selling of light meals and drinks. A café is designed to operate for substantial carry-out service; delivery service; self-service; counter service, and which may, but is not required to, include on-premise consumption. No commercial kitchen or ventilation systems are permitted.

RESTAURANT, CATEGORY THREE — A restaurant whose primary function is the preparation and service by employees of food to customers as part of an operation which may be designed with carry-out service; delivery service; self-service; on-premise consumption; or customer pick-up service utilizing a vehicular drive-thru.

RESTAURANT, DRIVE-IN — An establishment where the majority of the patrons purchase food, soft drinks, ice cream, and similar confections for takeout or consumption on the premises but outside the confines of the principal building, or in automobiles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons.

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 BROKERAGE — See FINANCIAL SERVICES FACILITY.

RETAIL SALES — An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. In no instance shall bars or service stations be considered as retail sales.

RETAIL SERVICES — An establishment providing services, as opposed to products, to the general public for personal or household use. In no instance shall drug rehabilitation centers be considered as retail services.

RIGHT-OF-WAY — A strip of land used or intended to be used as a street, lane, alley, pedestrian way, bikeway, railway, or some combination thereof; for the purpose of conveying people and/or goods, whether publicly or privately owned, and as indicated on the municipal tax map or created by subdivision or an easement granted to the City of Jersey City for public access and duly filed and recorded in the office of the Hudson County Registrar. [Added 7-16-2014 by Ord. No. 14-077]

ROOF DECK — An amenitized roof space atop the uppermost floor of a building. In a high-rise configuration with a tower and a base/podium component, the area atop the base/podium shall be considered a roof deck. Roof decks may be used for common recreation space or private recreation space. See TERRACE.

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ROOMING HOUSE — See BOARDING HOUSE.

ROW HOUSE — see TOWNHOUSE.

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 New Jersey Meadowlands Commission in the areas of their jurisdiction.

SATELLITE DISH ANTENNA — A device or instrument, designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may be solid, open mesh, or bar-configured structure in the shape of a shallow dish or parabola.

SATELLITE EARTH STATION — A Satellite Dish Antenna larger than 3 feet in diameter.

SCHOOL — An institution of academic education which is designed, constructed or used for education of students up to and through the secondary level.

SCREENING — The decorative fencing, evergreen, or other vegetation maintained for the purpose of concealing from view the area behind such structures, evergreen, or other vegetations.

SELF STORAGE FACILITY - A facility consisting of individual, self-contained units leased to individuals, organizations, or small businesses for self-service storage of personal property. No commercial warehousing is permitted. Self storage shall not be considered retail sales or service. [Added 3-11-2015 by Ord. No.15-025]

SENIOR HOUSING — Housing that is located and designed to meet the special needs and accommodate the changing living arrangements of an elderly population, aged 62 and older.

SERVICE STATION — A place where motor fuel, lubricants and miscellaneous accessories for motor vehicles are sold and dispensed and where services may be 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. Service stations may also include retail sales of food and sundry items of convenience to the general public and roll over car washes.

SETBACK, REQUIRED — a line that is established to set 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, or rear lot point.

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. Regarding a rear lot point see SETBACK DIAGRAM, REAR YARD.

SHALL — Mandatory requirement

SHAPE FACTOR — The perimeter of the lot squared, divided by the lot area.

SHORT-TERM RENTAL — The accessory use of a dwelling unit for occupancy by someone other than the unit's owner or permanent resident for a period twenty-eight (28) or fewer consecutive days.

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**SIDE SLOPE** — The section of a hill that is below the Talus Slope and generally of moderate or lesser gradient than the Talus Slope or cliff face.

**SIGHT TRIANGLE** — The area outside the right-of way which is bounded by intersecting street lines and the straight line connecting sight points, one each located on the two 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 arterial and one collector, two 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 Jersey City.

**SIGN** — Any device, fixture, placard or structure that uses color, form, picture, display, graphic, illumination, symbol or writing to advertise, attract attention to, announce the purpose of, or identify a person, entity or thing, or to communicate any information to the public.

**SIGN, BANNER** — Any sign intended to be hung flush with any building wall either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. National flags, flags of political subdivision and symbolic flags of political subdivisions and symbolic flags of any institutions or business shall not be considered banners.

**SIGN, BUILDING** — Any sign attached below the roofline to any part of a building, as contrasted to a freestanding sign. Building signs include wall signs, window signs, and canopy signs.

**SIGN, CANOPY** — Any sign on, or attached to, an awning, marquee, or canopy.

**SIGN, FREESTANDING** — Any sign supported by structures or supports that are placed on, or anchored in, the ground, and that are independent from any building or other structure.

**SIGN, HANGING/BLADE** — A sign that is wholly or partly dependent upon a building for support and that projects perpendicular more than twelve (12) inches from such building.

**SIGN, INTERNALLY ILLUMINATED** — Any sign which has characters, letters, figures, designs or outline illuminated, and where the light source is contained within or directly behind the sign band.

**SIGN, MONUMENT** — A sign which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

**SIGN, PYLON/POLE** — A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

**SIGN, WALL** — Any sign attached parallel to, but within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface and may be made of a fabric material.

**SIGN, WINDOW** — Any sign that is placed within a window or upon the window panes or glass and is visible from the exterior of the window.

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**SINGLE ROOM OCCUPANCY (SRO)** — A housing type consisting of one room with private or shared bathroom facilities, and no cooking facilities are provided.

**SITE** — Any plot or parcel of land or combination of contiguous lots or parcels of land. Within historic districts, a site is 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** — A development plan of one or more lots on which is shown the proposed conditions of the lot, showing the location of proposed buildings, drives, parking spaces, walkways, means of ingress and egress, and any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval.

**SITE PLAN, MINOR** — A development plan of one or more lots which (1) proposes new development within the scope of development specifically permitted by ordinance as a minor site plan; (2) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to section 30 of P.L. 1975,c.291 (C.40:55D-42); and (3) contains the information reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans.

**SITE PLAN REVIEW** — The examination of the specific development plans for a lot as per N.J.S.A. 40:55D-37 et seq.

**SOIL CONSERVATION DISTRICT** — The Hudson-Essex-Passaic Soil Conservation District.

**SOIL EROSION AND SEDIMENT CONTROL PLAN** — A plan which indicates necessary land treatment measures, including a schedule for installations, which will effectively minimize soil erosion and sedimentation. Such measures shall be at least equivalent to the standards and specifications as adopted by the Hudson-Essex-Passaic Soil Conservation District.

**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.

**STEEP SLOPE** — Shall be defined as an area in which the change in elevation is in excess of thirty percent (30%).

**STEPBACK** — The distance the upper floors or portions of a building or structure are setback from the outermost edge of that building or structure as measured from its intersection with grade. (Upper floors may be any floor above the ground level floor.)

**STILTED BUILDING** — A structure built above the surface of the grade with the first floor resting on or supported by posts and the grade level exposed.

**STORMWATER BUMP-OUT** — A vegetated curb extension that protrudes into the street. The bump-out is composed of a layer of stone that is topped with soil and plants, with an inlet or curb-cut directing runoff into the bump-out structure where it can be stored, infiltrated, and taken up by the plants.

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**STORMWATER PLANTER** — A specialized planter installed in the sidewalk area that is designed to manage street and sidewalk runoff. The planters are lined with a permeable fabric, filled with gravel or stone, and topped off with soil, plants, and sometimes trees. The top of the soil in the planter is lower in elevation than the sidewalk, allowing for runoff to flow into the planter through an inlet at street level. Excess runoff is directed into an overflow pipe connected to the existing combined sewer pipe.

**STORMWATER TREE TRENCH** — A system of trees that are connected by an underground infiltration structure to manage the incoming runoff. This system is composed of a trench dug along the sidewalk, lined with a permeable geotextile fabric, filled with stone or gravel, and topped off with soil and trees. Stormwater runoff flows through a special inlet (storm drain) leading to the trench where runoff is stored, watering the trees and slowly infiltrating through the bottom.

**STORY** — That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. See definitions for "basement," "cellar," "mezzanine," and "penthouse."

**STORY, HALF** — A space under a sloping roof that has the line of intersection of the roof decking and wall face not more than three feet above the top floor level and in which space the possible floor area with a headroom of five feet or less occupies at least 40 percent of the total floor area of the story directly beneath. Also known as an attic.

**STREET** — A street, avenue, boulevard, road, parkway, viaduct, walking alley, or drive but not including alleys or rail rights-of-way: (1) which is an existing state, county or municipal roadway; or (2) which is shown upon a plat heretofore approved pursuant to law; or (3) which is approved by official action as provided by this Chapter; or (4) which is shown 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 includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

**STREET FURNITURE** — Above-ground items that are usually found in street rights-of-way including benches, kiosks, plants, canopies, shelters, bicycle racks, lamp posts, and trash cans.

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

**STRUCTURE** — A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

**STUDIO, FILM PRODUCTION AND PERFORMING ARTS** — An area utilized for the production and editing of films and/or rehearsal space for actors, musicians, dancers and other similar performers.. Where this use is permitted within any residential district, no equipment or process shall be used that creates noise, glare, fumes, odors, electrical interference or other nuisance factors detectable to the human senses outside the structure in which the studio is located. In addition, where this use is permitted within a residential district, all studio activities shall be permitted to occur only within an enclosed structure.

**SUBDIVIDER** — Any individual, firm, association, syndicate, company, partnership, corporation, trust or other legal entity commencing proceedings under this Chapter to effect a subdivision of land for himself or herself or for another.

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**SUBDIVISION** — The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this Chapter, if no new streets are created:

- A. Divisions of property by testamentary or intestate provisions.
- B. Divisions of property upon court order, including but not limited to judgments of foreclosure.
- C. Consolidation of existing lots by deed or other recorded instrument.
- D. The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons, and all of which are found and certified by the administrative officer to conform to the requirements of the Municipal Development regulations and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the City.

**SUBDIVISION, MAJOR** — Any subdivision not classified as a minor subdivision.

**SUBDIVISION, MINOR** — Any subdivision containing four lots or less and which does not involve: a planned development; any new street; or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42. Any lot or remaining land approved as a minor subdivision shall not be submitted as a minor subdivision within five years from the date of approval as a minor subdivision. Such lot or tract may be submitted as a major subdivision.

**SUBSTANTIAL IMPROVEMENT** — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**SUBSTANTIAL REHABILITATION OR ALTERATION OF A HISTORIC FACADE** — Alteration or rehabilitation of fifty percent (50%) or more of any facade along a public right-of-way within a designated historic district.

**TALUS SLOPE** — A slope formed by accumulation of debris at the bottom of a cliff.

**TERRACE** — A deck, patio, or amenitized roof space located atop habitable space or above the ground floor but not atop the uppermost story of a building. Terraces may be used for common or private recreation space.

**THEATER** — Space for live or screen performances including movies, plays, and concerts.

**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 building type or use, as designed by a single architect, as a single archaeological site form or as a particular set of archaeological research.

**THROUGH LOT** — A lot that fronts on two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot. Both street frontages shall be considered to be front lot lines and front yard, and front yard setback standards shall apply to both frontages.



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**TOP OF CLIFF** — The portion of a hill located above the cliff face, overlain with regolith, generally the plateau or hill crest.

**TOWNHOUSE** — A residential building in which each building has its own front and rear access to the outside and is separated from adjacent buildings only by vertical fire-resistant building walls. A townhouse building may contain one to four dwelling units in accordance with the density standard of the particular zoning district in which such property is located.

**TOWNHOUSE, BACK-TO-BACK** — A townhouse building with individual units that are attached back to back, but in no case shall individual units be located above or below another unit. Each individual unit shall have its own entrance from the exterior. Each building cluster shall have two building front facades and two side facades.

**TOWNHOUSE, STACKED** — A townhouse building with units that are stacked one on top of the other. Each individual unit shall have its own entrance from the exterior. Stacked Townhouses may also qualify as Back-to-Back Townhouses.

**TRANSCRIPT** — A typed or printed verbatim record of the proceedings or reproduction thereof.

**TRANSIT-WAY** — That roadway, easement, rail, trench route, etc. on which a mass transit vehicle travels.

**TRANSIT VILLAGE** — An urban community well served by mass transit system(s). Transit Villages make it easy for residents to live without a car by allowing for the convenient ability to ride transit and walking within pleasant urban environments. Typically, they have active, vibrant, and strong neighborhood centers providing convenient access to commercial services focused around transit.

**TRANSOM** — A small window above a door or other window.

**TWO-FAMILY** — A building on a single lot containing two dwelling units, each of which is separated from the other by an unpierced wall extending from ground to roof or an unpierced vertical and horizontal ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

**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.

**UPLAND AREA** — Land area located above the surface of any body of water.

**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.

**VARIANCE** — Permission to depart from the literal requirements of the zoning ordinance as per N.J.S.A. 40:55D-70(d).

**VEHICULAR SALES AREA** — See AUTO SALES.

**VIEW CORRIDOR** — Three dimensional space through which views of historic, cultural or aesthetic significance may be observed.

**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.



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**WAIVER** — Permission to depart from the requirements of an ordinance with respect to the submission of required documents, and/or compliance with particular design standards.

**WALKWAY** — Any pathway set aside for and traveled by pedestrians and improved in such way to assist in the designated use.

**WALL** — A solid, vertical structure of wood, masonry or other material serving to enclose, divide or protect an area.

**WAREHOUSE** — A building used primarily for the storage of goods and materials.

**WATER TRANSPORTATION FACILITIES** — See MASS TRANSIT FACILITY.

**WHARF** — A structure built parallel to the shore, used to load passengers and may also serve as a walkway or access-way. A quay wall is a simple form of wharf that serves as both a retaining wall for shorefront protection and a docking facility.

**WHOLESALE SALES AND SERVICES** — Establishments or places of business primarily engaged in selling merchandise to retailers; industrial, commercial, institutional or professional business users; other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**WIRELESS COMMUNICATION ANTENNAS** — Devices which are used for the transmission and reception of wave frequencies for the purposes of any wireless telecommunication (e.g., telephone, radio, paging, and/or television communication) and which are permitted as either second principal uses on existing structures or as "conditional uses" on a tower except in historic districts, in accordance with the specified zoning conditions and standards for their location and operation set forth in this Chapter. Wireless Communication Antennas shall not be considered to be a "public utility."

**WIRELESS TELECOMMUNICATION TOWER** — A freestanding vertical structure designed to support one or more wireless telecommunication antennas, including monopoles, guyed towers, lattice towers and similar structures.

**WORK/LIVE ARTIST STUDIO** — A single, enclosed, private space of nine hundred (900) square feet or more, where at least one-half 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. 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.

**WORK/LIVE UNIT** — A unit that adheres to all of the standards of a Home Occupation except that a minimum of 900 (nine hundred) square feet must be provided, a maximum 50% of which may be used as work space and the remaining space is used for residential purposes. There is no maximum square footage to the workspace so long as it does not exceed 50% of the total unit area.

**YARD** — An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance shall be unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

**YARD, FRONT** — An open space extending across the full width(s) of the lot and lying between the street line and the building line. The depth of the front yard shall be measured to the building and shall not be measured to the closest point of an encroachment, unless that encroachment does not conform to the requirements provided in the land development ordinance. 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

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street lines. The minimum required "front yard" shall be the same as the required setback. See LOT WIDTH AND DEPTH DIAGRAM.

**YARD, REAR** — An open space extending across the full width of the lot and lying between the rear lot line or rear lot point 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. See LOT, CORNER regarding historic districts and historic overlays. See REAR YARD DIAGRAM, and LOT WIDTH AND DEPTH DIAGRAM.

**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 lot line or the point of tangent of curved side lot lines. The minimum required "side yard" shall be the same as the required setback. See LOT WIDTH AND DEPTH DIAGRAM.

**ZONE** — see District

**ZONING PERMIT** — A document signed by the Zoning Officer.

A. Which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or buildings.

B. Which acknowledges that such use, structures or buildings comply with the provisions of the City Zoning Ordinance or variance therefore duly authorized by the appropriate agency of the City pursuant to N.J.S.A. 40:55D-60 and 40:55D-70.

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# **CHAPTER 345 ARTICLE II**

## **LAND USE BOARDS, COMMISSIONS AND ADVISORY BOARDS**

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## § 345-7. Planning board.

### A. Establishment of Planning Board.

1. Membership. The City of Jersey City Planning Board shall consist of nine members of the following four classes:
  - a. Class I: The Mayor or Mayor's designee.
  - b. Class II: One of the officials of the City, other than a member of the City Council, to be appointed by the Mayor.
  - c. Class III: A member of the City Council to be appointed by the City Council.
  - d. Class IV: Six other residents of the City to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment except that one member may be a member of the Board of Adjustment. Not more than one Class IV member may be a member of the Board of Education. For the purpose of this section, membership on a City board or commission whose function is advisory in nature, the establishment of which is discretionary and not required by statute, shall not be considered the holding of City office.
  - e. Alternate Members. Two alternate members shall be appointed and shall meet the qualifications of Class IV members. Alternate members shall be appointed for a term of two years, and at the time of their appointments shall be designated Alternate No. 1 and Alternate No. 2, respectively. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
2. Terms. The term of the Class I member shall correspond to his or her official tenure as Mayor. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first. The term of a Class IV member who is also a member of the Board of Adjustment or Board of Education shall terminate whenever he or she is no longer a member of such other body or at the completion of his or her Class IV term, whichever occurs first. The term of all other Class IV members shall be four years. If a vacancy in any class shall occur otherwise than by expiration of the Planning Board term, it shall be filled by appointment, as above provided, for the unexpired term.
3. Substitute Members When Conflict Exists. If the Planning Board lacks a quorum because any of its members are prohibited by a conflict of interest from acting on a matter due to the member's personal or financial interest, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest. If a choice has to be made between regular members of equal seniority, the Chairperson of the Board of Adjustment shall make the choice.

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4. **Organization.** The Planning Board shall organize annually by selecting from among its Class IV members a chairperson and a vice chairperson. The Board shall also select a secretary who may or may not be a member of the Board or a municipal employee, and create and fill such other offices as established by ordinance.
  5. **Legal Counsel and Other Professional Staff.** The Planning Board may annually appoint an attorney at law of New Jersey other than the Municipal Attorneys as Planning Board Attorney and may fix his or her compensation at an amount not exceeding the amount appropriated. The Planning Board may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the City Council for its use.
  6. **Conflict of Interest.** No member of the Planning Board shall be permitted to act on any matter in which he has any personal or financial interest, either directly or indirectly.
  7. **Removal.** Any member other than a Class I member, after a public hearing, if requested, may be removed by the City Council for cause.
- B. **Powers and Jurisdiction of Planning Board.**
1. **Mandatory Powers.** The Planning Board shall exercise its powers in accordance with the Municipal Land Use Law in regard to:
    - a. The City Master Plan pursuant to N.J.S.A. 40:55D-28.
    - b. Subdivision and site plan review pursuant to the Land Development Ordinance.
    - c. Any official map adopted by the City Council pursuant to N.J.S.A. 40:55D-32 et seq.
    - d. The zoning ordinance including conditional uses pursuant to the land development ordinance.
    - e. Any capital improvements programs pursuant to N.J.S.A. 40:55D-29 et seq.
    - f. Variances and certain building permits in conjunction with subdivision, site plan and conditional use approval pursuant to this section.
  2. **Other Powers.** The Planning Board may:
    - a. Participate in the preparation and review of programs or plans required by State or Federal law or regulation.
    - b. Assemble data on a continuing basis as part of a continuous planning process.
    - c. Perform such other duties as are assigned to it by ordinance or resolution of the City Council.
  3. **Planning Board Review In Lieu of Board of Adjustment.** Whenever the proposed development requires approval of a subdivision, site plan or conditional use, but not a variance pursuant to N.J.S.A. 40:55D-70d, the Planning Board shall have the power to grant to the same extent and subject to the same restrictions as the Board of Adjustment:
    - a. Variances pursuant to N.J.S.A. 40:55D-70c.

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- b. Direction pursuant to N.J.S.A. 40:55D-34 for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.
    - c. Direction pursuant to N.J.S.A. 40:55D-36 for issuance of a permit for a building or structure not related to a street.
  4. Referral Powers of the Planning Board. Prior to the adoption of a development regulation, revision or amendment thereto, the Planning Board shall make and transmit to the City Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the City Master Plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate. The City Council, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the Planning Board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations. Failure of the Planning Board to transmit its report within the thirty-five (35) day period provided herein shall relieve the City Council from the requirements of this subsection in regard to the proposed development regulation, revision or amendment referred to the Planning Board. Nothing in this section shall be construed as diminishing the application of the provisions of N.J.S.A. 40:55D-32 to any official map or an amendment or revision thereto or of N.J.S.A. 40:55D-62 to any zoning ordinance or any amendment or revision thereto.
  5. The Mayor may appoint one or more persons as a citizens advisory committee to assist or collaborate with the Planning Board in its duties, but such committee shall have no power to vote or take other action required of the Board. Such persons shall serve at the pleasure of the Mayor.

#### **§ 345-8. Zoning Board of Adjustment.**

- A. Establishment of Zoning Board of Adjustment. [Amended 3-25-2015 by Ord. No.15-032]
  1. Membership. The City of Jersey City Zoning Board of Adjustment (herein referred to as the Board of Adjustment), shall consist of seven (7) regular members and four (4) alternate members, each of whom shall be residents of the City and shall be appointed by the Mayor. All regular members appointed shall serve for terms of four (4) years beginning June 30 of the year of their appointment.
  2. Alternate Members. Alternate members shall be appointed for a term of two (2) years, and at the time of their appointments shall be designated Alternate No. 1, Alternate No. 2, Alternate No. 3, and Alternate No. 4, respectively. The terms of not more than two (2) alternate members shall expire in any one (1) year. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, alternate members shall vote in the order of their numerical designations.
  3. Other Municipal Office. No member of the Board of Adjustment shall hold any elective office or position under the municipality. This includes city employees and non-elected officials.

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4. Conflict of Interest. No member of the Board of Adjustment shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest.
  5. Removal. A member, after a public hearing if requested, may be removed by the City Council for cause. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
  6. Election of Officers. The Board of Adjustment shall annually elect a Chairperson and Vice Chairperson from its members and a Secretary who may or may not be a member of the Board or a municipal employee.
  7. Substitute Members when Conflict Exists. If the Board of Adjustment lacks a quorum because its regular or alternate members are prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest. If a choice has to be made between Class IV members of equal seniority, the Chairperson of the Planning Board shall make the choice.
  8. Legal Counsel and Other Professional Staff. The Board of Adjustment may employ or contract for and fix the compensation of legal counsel, other than the Municipal Attorneys, and experts and other staff and services as it shall deem necessary, not exceeding, exclusive of gifts and grants, the amount appropriated by the City Council for its use.
- B. Powers and Jurisdiction of Zoning Board of Adjustment.
1. The Board of Adjustment shall have the following powers:
    - a. Appeals. Hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by the Zoning Officer or any other City Official, based on or made in the enforcement of the zoning ordinance.
    - b. Interpretations. Hear and decide requests for interpretation of the Zoning Map or Ordinance or for decisions upon other special questions upon which such Board is authorized to pass by any Zoning or Official Map Ordinance in accordance with the Municipal Land Use Law.
    - c. Bulk and Dimensional Variances:
      - i. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, the Board may grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; or
      - ii. Wherein an application or appeal relating to a specific piece of property the purposes of zoning set forth in N.J.S.A. 40:55D-2 would be advanced by a deviation from the zoning

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ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, the Board may grant a variance to allow departure from such zoning requirements, provided, however, that the fact that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance under this subsection, and provided that no variance from those departures enumerated in this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has the power to review a request for a variance pursuant to N.J.S.A. 40:55D-60a.

- d. "d" Variances. Pursuant to N.J.S.A. 40:55D-70:d, In particular cases and for special reasons, the Board may grant a variance to allow departure from zoning regulations to permit (i) a use or principal structure in a district restricted against such use or principal structure, (ii) an expansion of a non-conforming use, (iii) deviation from a specification or standard pursuant to N.J.S.A. 40:55D-67 pertaining solely to a conditional use, (iv) an increase in the permitted floor area ratio as defined in N.J.S.A. 40:55D-4, (v) an increase in the permitted density as defined in N.J.S.A. 40:55D-4 except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision or (vi) a height of a principal structure which exceeds by ten (10) feet or ten percent (10%) the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by an affirmative vote of at least five members.
2. Relief Not Enumerated as a "d" Variance to be Decided Under Bulk and Dimensional Variance Criteria. If an application for development requests one or more variances but not a "d" variance, the decision on the requested variance or variances shall be rendered under the bulk and dimensional variance criteria.
3. Requirement for Showing of No Substantial Detriment. No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.
4. Referral of Application to Other Agencies. An application under this section may be referred to any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.
5. Additional Powers. The Zoning Board of Adjustment shall have the following additional powers:
  - a. To direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.
  - b. To direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.
  - c. To grant to the same extent and subject to the same restrictions as the Planning Board subdivision or site plan approval or conditional use approval whenever the proposed



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development requires approval by the Board of Adjustment of a variance pursuant to this section of this ordinance. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon grant of all required subsequent approvals of a site plan or subdivision by the Board of Adjustment. No such subsequent approval shall be granted unless such approval can be granted without substantial impairment to the public good and without substantial impairment to the intent and purpose of the zone plan and zoning ordinance. The number of votes of Board members required to grant any such subsequent approval shall be as otherwise provided in this Chapter for the approval in question, and the special vote pursuant to N.J.S.A. 40:55D-70d shall not be required.

- C. Annual Report on Variances Heard by Zoning Board of Adjustment. The Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The Board of Adjustment shall send copies of the report and resolution to the City Council and Planning Board.

#### **§ 345-9. Historic Preservation Commission.**

- A. Establishment of Historic Preservation Commission.

1. Membership and Terms.

- a. The Historic Preservation Commission (HPC) shall consist of eleven (11) members of whom nine shall be regular members and two shall be alternate members. Each member shall be appointed by the Mayor. At least four 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 alternate members shall meet the qualifications of Class C and shall be designated Alternate No. 1 and Alternate 2. The Classes are defined as:
  - i. Class A — A person who is knowledgeable in building design and construction or architectural history and who may reside outside the city.
  - ii. Class B — A person who is knowledgeable of, or who has a demonstrated interest in local history and who may reside outside the city.
  - iii. Class C — Any citizen of the City who shall hold no other municipal office, position or employment except for membership on the Planning Board or Board of Adjustment.
- b. All appointments of regular members shall be for a term of four years or until the appointment and qualification of a successor.
- c. Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2."
- d. All appointments of alternate members shall be for a term of two years or until the appointment and qualification of a successor.

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- e. Notwithstanding any other provision contained in this Ordinance, the term of any member who is also a member of the Planning Board or Board of Adjustment shall be coterminous with his or her membership on such Board.
  - f. Terms shall commence on April 1 or each respective year.
  - g. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only. All vacancies shall be filled with qualified members within sixty (60) days.
2. Rules and Organization.
- a. The HPC shall elect a Chairperson, Vice Chairperson and a Secretary who may or may not be a member of the Historic Preservation Commission or a municipal employee.
  - b. Alternative 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 alternative member. In the event that a choice must be made as to which alternative member is to vote, Alternative No. 1 shall vote.
  - c. The HPC shall establish a regular schedule of meetings, at least once a month or as often as required to meet the needs of its business, to handle emergencies, or to meet time constraints imposed by law. 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.
  - d. Five members shall constitute a quorum. A majority vote of those present and voting shall prevail; except that not less than five affirmative votes may approve an application for historic designation or Certificate of Appropriateness.
  - e. The HPC's Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, decisions and applications. All HPC records and minutes shall be made public records as provided by law and shall be available at the City Planning Office.
  - f. The HPC 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 HPC meetings shall comply with the Open Public Meetings Act, N.J.S.A. 10:4-7, et seq. and public notice of the time, date and subject of the meeting, by way of newspaper, shall be given at least forty-eight (48) hours in advance of any meeting. The HPC shall adopt written by-laws and procedures for the transaction of its business and for the consideration of applications. Such by laws 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.
  - g. No member shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. A member may be removed after a public hearing for cause.

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- h. The Mayor, Director of City Planning and the Construction Official shall be ex-officio members. Ex-officio members cannot vote.
  - 3. Expenses and Costs; Employment of Experts and Staff. The City Council shall make provision in its budget and appropriate funds for the expenses of the HPC. The HPC may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary provided that the necessary funding is provided for within the municipal budget. The HPC shall obtain its legal counsel from the City Attorneys at the rate of compensation determined by City Council unless City Council, by appropriation, provides for separate legal counsel for the commission. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the City Council for the Commission's use.
- B. Powers and Duties of Historic Preservation Commission.
- 1. To identify, record and maintain a system for survey an inventory of all buildings, sites, places, structures, objects or landscape features of significant historical or architectural value based 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 Zoning 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.
  - 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 societies, governmental bodies and organizations to maximize their contributions to the intent and purposes of this Article.

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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 purpose of this Article.
  12. To make recommendations to the Planning Board on the Historic Preservation 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 or Certificates of No Effect in accordance with the rules and standards set forth herein.
- C. Administrative Officer Designated for Historic Preservation. The City's Zoning Officer shall act as the Administrative Officer with respect to administering the historic preservation provisions of the Land Development Ordinance.
- D. City Historic Preservation Specialist.
1. The City Historic Preservation Specialist shall advise the Historic Preservation Commission on each application that shall come before the Commission. In addition to serving as advisory to the Commission, the City Historic Preservation Specialist 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.
  2. The Historic Preservation Specialist 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.
  3. The City Historic Preservation Specialist may also recommend to the Commission buildings, objects, sites, structures and districts for nomination to the State and/or National Register of Historic Places.
  4. The City Historic Preservation Specialist shall be an employee of Division of City Planning whose minimal professional qualifications meet the standards of the Historic Preservation Specialist within the New Jersey Department of Personnel.

#### **§ 345-10 Environmental Commission.**

- A. Establishment of Environmental Commission. There is hereby created, pursuant to N.J.S.A. 40:56A-1 et seq., the Jersey City Environmental Commission, to act and exercise the powers and function as set forth herein. [Amended 9-23-2014 by Ord. No.14-105]

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1. Membership and Terms.
    - a. The Jersey City Environmental Commission shall consist of seven members and two alternates to be appointed by the Mayor, who shall designate one of the members to serve as Chairperson and presiding officer. All members and alternates must be residents of the City of Jersey City. Each ward of the city shall be represented by at least one member. No ward shall have more than two members and alternates combined. One of the members shall also be a member of the Planning Board and one a member of the City Council. At least three members shall be professional environmental scientists, geologists, toxicologists, botanists or other environmental specialists. All members and alternates shall serve without compensation.
    - b. Each member of the Environmental Commission shall be appointed for a term of three years. All appointments to fill vacancies that may occur shall be for the unexpired term of the vacating member.
  2. Removal. The Mayor may remove any member of the Commission for cause, on written charges. Such written charges must be served upon the member, and after a hearing on the allegations the member shall be entitled to be heard in person or by counsel.
  3. Purpose of the Environmental Commission.
    - a. Promote the protection and conservation of land, air, water and other natural resources within the territorial limits of the City. Such promotion shall consist of educating the public and advising the city government about the best methods for protecting and conserving these resources.
    - b. Assist the City in the proper development and use of these resources by coordinating the planning efforts of the various departments, agencies and agents who provide environmental services.
    - c. Promote the protection of the public health by educating the public and advising City government about environmental health hazards.
    - d. Conduct research into the use and possible use of open land areas of Jersey City and:
      - i. Have the power to coordinate the activities of unofficial bodies organized for similar purposes.
      - ii. Keep an index of all open areas whether publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas.
      - iii. Have the authority to recommend to the Planning Board plans and programs for the development and use of such areas for inclusion in the Jersey City Master Plan.
    - e. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its purpose.
    - f. Study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, environmental appearance, marine resources, protection of flora and fauna and any other environmental concerns which affect the enjoyment and health of the public.

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- g. Refer matters to the proper City authorities whenever violations of environmental law come to its attention.
  - h. Keep records of its meetings and activities and shall make an annual report to the City Council.
  - i. Assist in the formulation of funding plans submitted to the Green Acres/Green Trust program of the New Jersey Department of Environmental Protection.
  - j. Advise the Planning Board and Board of Adjustment as to the environmental impact of development projects which would use an average of at least ten thousand (10,000) gallons of water per day.
  - k. Delegate an environmental commissioner to be a permanent member of the Local Emergency Planning Council (per federal P.L. 99-499) and delegate other Commissioners to be members of the other municipal environmental bodies as the City creates from time to time.
  - l. Act and serve as the official Jersey City Sustainable Green Team that is responsible for pursuing and maintaining the City's Sustainable Jersey Certification through collaboration with the municipality and public to develop and support sustainable initiatives for the City.
- B. Clerical and Technical Assistance.
- 1. For the purpose of effectuating the goals of this chapter, the Environmental Commission shall have such clerical and technical assistance, materials, supplies and provisions for such other costs and expenses of the Commission as shall annually be budgeted by the Office of the Mayor and approved by City Council.
  - 2. The Commission may appoint such clerks and other employees as it may from time to time require and as shall be within the limits of funds appropriated to it.
- C. Cooperation with City Departments and Agencies. All City departments and agencies shall cooperate with the work of the Environmental Commission to the degree possible and permitted by law.

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**§ 345-11. Artists' Certification Board.**

- A. Establishment of an Artist Certification Board. [Amended 9-9-2009 by Ord. No. 09-093]
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.a. The ACB shall be in, but not of, the Division of City Planning. The ACB is essentially an artists' peer review committee. In order to reside in a work/live studio 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 in the resolution approved by the Board.
  2. The ACB shall be comprised of persons knowledgeable in the arts. It shall consist of five full members, with no more than two additional alternate members who may vote in the absence of full members. A minimum of three full members of the ACB shall be professional artists. All members shall be appointed by the Mayor. After the initial appointments are made, all terms shall run for four years.
  3. The ACB shall review application filed by persons who are interested in occupying work/live space in the WALDO as either owners, tenants or sub-tenants, 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: (a) the artists' commitment to the fine arts as a career; (b) the need for large loft space in which to create his or her art; (c) education; (d) current body of work; (e) exhibition record; (f) 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 or more of the criteria set forth in subsection (A)(4) of this section.
  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 ten (10) years after the date of the decision by the Planning Board. Renewal applications may be filed. In the event a certified artist is divorced or dies, the family of the artist occupying the work/live space shall be given a two year grace period.

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# **CHAPTER 345 ARTICLE III**

## **APPLICATION REQUIREMENTS, DEVELOPMENT PROCEDURES AND CHECKLISTS**



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#### **§ 345-12. Scope of applicability.**

- A. No building or structure shall hereafter be used, occupied, constructed, moved altered or repaired, nor shall any land be filled, cleared or graded, nor shall any water course be diverted, unless in conformity with the regulations of the Land Development Ordinance of the City of Jersey City. All Development Review Filing Procedures shall be in accordance with the provisions of this Article.
- B. The City of Jersey City and/or its instrumentalities shall be exempt from the provisions of this Chapter.

#### **§ 345-13. Completeness requirements in general.**

- A. Content. Each application for approval of a minor subdivision, minor site plan, preliminary major subdivision, preliminary site plan, final major subdivision, final site plan or conditional use, as the case may be, and each application for variance relief and appeals, shall include all information and data listed in the appropriate corresponding checklist as set forth below in this article.
- B. Complete Application. The Division of City Planning shall review all applications and accompanying documents required by the applicable checklist to determine that the application is complete. An application for development shall be complete for purposes of commencing the applicable time period for action when so certified by the Division of City Planning. In the event that the Division of City Planning does not certify the application to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45) day period for purposes of commencing the applicable time period unless (1) the application lacks information indicated on the checklist for such application and (2) the Division of City Planning has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of submission of the application. The applicant may request that one or more submission requirements be waived, in which event the Department shall grant or deny the request within forty-five (45) days. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application. The Division of City Planning may subsequently require correction of any information found to be in error and submission of additional information not specified in the checklist or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Division of City Planning.

#### **§ 345-14. Informal review.**

- A. Right to Request Informal Review. Prior to the submittal of an application for development, the applicant may request an informal review before the Planning Board as detailed in N.J.S.A. 40:55D-10.1. Informal review shall not apply to the Zoning Board of Adjustment.
- B. Documents and Fees to be Submitted. Applicants seeking review of a concept plan shall provide fifteen (15) copies of the plan and one copy of the completed application and the required review fees to the Division of City Planning Secretary at least forty-five (45) days before a regularly scheduled meeting of the Planning Board.

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- C. Nature of Concept Plan. The concept plan is a general plan that need not be fully engineered. The plan or plat should be sufficiently detailed to allow the Planning Board to make suggestions on general site design and layout for circulation, stormwater management, location of open space and buffers, building arrangements and to determine how the proposal meets the City's development goals and objectives.
  - D. Effect of Informal Review. Neither the applicant nor the Planning Board is bound by any concept plan or informal review. The amount of any fees for such informal review shall be a credit toward fees for review of the application for development.

**§ 345-15. Right to request a preapplication conference.**

A. Filing Procedures.

[Amended 9-11-2013 by Ord. No. 13-081 ; 9-12-2018 by Ord. No. 18-095 ]

1. 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 City Planning and designated by resolution of their respective Boards.
2. The Director of the Division of City Planning 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 45 days of receipt by the Department. If a submission is deemed incomplete, no tolling of time shall occur, nor shall deficient applications be scheduled for a hearing.
3. For the purpose of expediting applications and reducing development costs, a developer may request a preapplication conference, the purpose of which is to:
  - a. Acquaint the applicant with the substantive and procedural requirements of the Land Development Ordinance.
  - b. Exchange information about the proposed development plan and applicable elements of the Master Plan, this Chapter and other development regulations.
  - c. Advise the applicant of any public sources of information that may aid the application.
  - d. Review the conditions 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.
  - e. 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 but not limited to the staffs of the:
    - i. Division of City Planning;
    - ii. Construction Code Official;
    - iii. Division of Engineering;
    - iv. Historic Preservation Commission;
    - v. Department of Public Safety;
    - vi. Municipal Utilities Authority;

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- vii. Division of Traffic and Street Maintenance;
  - viii. Environmental Commission;
  - ix. United Water Company.
- f. Permit input into the general design of the project.
  - g. Attendees at the pre-application conferences shall complete attendance forms as required by the City and shall be limited to City staff, the property owner and/or designated owner representatives including, but not limited to, the property owner's licensed professional(s), agent(s), contractor(s), and/or permit processor(s), as such terms are defined in Chapter 134.

#### **§ 345-16. When site plan approval required.**

Preamble: The following thresholds for site plan were updated adopted by Ordinances 22-084 and 23 103. Further amendments aligned with the Jersey City Master Plan are still under consideration and to be proposed at a later date. This version of 345-16 is to serve the public while updates on Municode are pending.

- A. Threshold for Major Site Plan Review. The following categories of site plans for new construction, land disturbance, rehabilitation and additions, pursuant to N.J.S.A. 40:55D-37a, fall within the major site plan review threshold and must receive Board approval prior to issuance of either a building permit or Certificate of Occupancy:
  - 1. Projects on parcels of 10,000 or more square feet.
  - 2. Projects whose total gross floor area is 10,000 or more square feet.
  - 3. Additions increasing gross floor area by 2,500 square feet or 50 percent, whichever is less, except for projects with a total gross floor area of 5,000 square feet or less.
  - 4. Additions increasing coverage, by all structures on a project parcel, by 2,500 square feet or 50 percent, whichever is less, except for projects with a total gross floor area of 5,000 square feet or less.
  - 5. Additions increasing gross floor area of all structures on a project parcel by 50 percent or 2,500 square feet, whichever is less, except for projects with a total gross floor area of 5,000 square feet or less.
  - 6. Off-street parking facilities, except for one- or two-family structures meeting minimum parking requirements and meeting the minimum stall size requirements.
  - 7. Changes in use requiring new or alteration of existing parking and/or loading facilities with fifteen or more total parking spaces.
  - 8. Changes in the volume and/or configuration of existing parking and/or loading facilities with fifteen or more total parking spaces.
  - 9. Installation of new wireless telecommunication towers.
  - 10. Land disturbances greater or equal to 5,000 square feet in area, including but not limited to, the excavation, filling, grading, resurfacing, terracing, deposition of debris, compaction, earthwork construction, removal of vegetation, or dredging. This includes environmental

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- remediation activities requiring a remedial action permit from NJDEP. The construction of utilities within City rights-of-way are exempt.
11. Alterations of the shoreline, removal or installation of riprap or bulkhead, or the construction of retaining walls, sheet piling, or other structures measuring 50 linear feet or greater which effect the grading, topography, or drainage of a site. The construction of utilities within City rights-of-way are exempt.
- B. Threshold for minor 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 minor site plan review threshold and must receive Board approval prior to issuance of either a building permit or Certificate of Occupancy:
1. Projects whose total gross floor area is at least 5,000 and less than 10,000 square feet.
  2. Installation of new or more wireless communication antennas. Replacement of antennas at an existing location are not considered new.
  3. Interim use leasing banners, except when proposed and permitted in § 345-16.E below.
- C. Threshold for site plan review within redevelopment plan areas.
1. Thresholds based on project size, gross floor area, lot area, additions, and all other criteria as outlined in § 345-16(A) and (B) above shall apply to redevelopment plan areas, with the following exception:
    - a. Any project with deviations that does not meet the threshold for a major site plan shall be considered a minor site plan.
- D. Site plan review shall not be considered necessary for the following site work:
1. Normal maintenance.
  2. Health and safety upgrades that are essentially interior and do not require any changes to the site plan at grade.
  3. Interior renovations.
  4. Deck, porches, stoops, or balcony construction that otherwise complies with residential bulk standards of the applicable plan.
  5. Installation of accessory structures that otherwise complies with all requirements of the applicable redevelopment plan or zoning district.
- E. Standards for Interim Use Leasing Banners.
1. Interim use leasing banners may be approved by the Division of Zoning without requiring minor site plan if the following standards are met.
  2. Standards for interim use leasing banners.
    - a. Annual renewal is required for interim use leasing banners or violations and/or fees will be incurred.
    - b. Interim use leasing banners shall advertise leasing opportunities for the building on which they are located.

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- c. All interim use leasing banners shall be removed or taken down when payment of annual fees elapses or at the end of three (3) years, whichever comes first.
  - d. The maximum size of interim use signs shall be no greater than five percent of the façade or 2,000 square feet whichever is less.
  - e. Interim use signs shall only be located on two or three façades.
  - f. Interim use signs should be larger near the top of the building and smaller at the base.
  - g. Upon annual renewal, photo evidence of interim use signs shall be presented to the Division of Zoning to determine compliance and whether any banners need to be replaced due to wear and tear.
- 3. Fees. For initial plan review and determination of conforming interim use leasing banners the fee is \$100.00. For plan review of interim use leasing banners, there is an annual fee which starts at \$100.00 and doubles in price every year, thereafter, until it is removed.
  - 4. Historic districts and landmarked buildings or sites. For any site in a local historic district or local landmarked building or site, application shall still be made to the historic preservation staff, who shall determine if a certificate of no effect or certificate of appropriateness is required. In the case where a certificate of appropriateness is required but the signage is conforming to applicable land development ordinance or redevelopment plan standards, only historic preservation review is necessary.

#### **§ 345-17. Traffic impact assessment.**

[Amended 1-13-2021 by Ord. No. 20-112 ]

- A. When required. The Division of City Planning shall require a traffic impact assessment for applications that require major site plan or for a major subdivision, whether or not parking is proposed. Additionally, a traffic impact assessment shall be required for minor site plans where parking is proposed. Waivers may only be granted at the discretion of both the Director of the Division of City Planning and the Director of the Division of Traffic Engineering.
- B. General provisions.
  - 1. The traffic impact assessment shall be prepared by a New Jersey licensed professional engineer having appropriate experience and education.
  - 2. All relevant sources of information used in the preparation of said statement shall be identified.
- C. Submission format. All traffic impact assessments shall provide a description of the impact and effect of the proposed land development upon all roads which are adjacent to or immediately affected by traffic and shall specifically address the following items:
  - 1. Existing conditions in the vicinity of the proposed project including:
    - a. Roadway network.
    - b. Representative traffic counts, not during holiday or summer periods (or with appropriate statistical adjustments for counts during the summer months).
    - c. Traffic accident statistics.

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- d. Availability of public transportation.
  - e. Level of service of adjacent roadways.
  - f. Existing bike network.
  - g. Bike network and facilities proposed in bike master plan.
  - h. All recommendations and improvements for the site and vicinity made in the Jersey City school travel plan.
  - i. All existing and recommended improvements within the latest annual vision zero action report and pedestrian enhancement plan.
  - j. Number of on-street parking spaces on the block the property is located on. Report should specify it on street parking is residential permit parking (zone and zone regulations must be specified), designated loading spaces, and metered spaces. Report should also identify multi-unit buildings without onsite parking.
2. Vehicular, bicycle, and pedestrian traffic generated by the proposed development including:
    - a. Trip generation, must include ride-share and deliveries.
    - b. Trip distribution.
    - c. Modal split.
    - d. Level of service under proposed conditions.
  3. Traffic impacts caused by the proposed development as per change in existing conditions factoring in the projected buildout in the vicinity of the proposed project as defined in the development report prepared by the Division of City Planning.
  4. Explanation of traffic reduction/traffic management plans necessary pursuant to any current federal, state, or county, or municipal recommendations and requirements, and, where applicable, proposed interaction with appropriate county transportation management areas (TMA).
  5. Recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic pattern, and for the improvement of pedestrian and bike safety.
  6. Any other information requested by the appropriate Division of City Planning reasonably required to make an informed assessment of potential traffic impacts.

#### **§ 345-18. Shadow analysis and visual impact assessment.**

[Amended 1-13-2021 by Ord. No. 20-112 ]

- A. When required. The Division of City Planning shall require a shadow analysis for all applications with new construction or additions to existing buildings that are 40 feet and over. A visual impact assessment may be required at the discretion of the Division of City Planning to determine if there is any negative impact to the City's scenic corridors and vistas listed in the Master Plan.
- B. General provisions.
  1. Shadow analysis and visual impact assessment shall be prepared by a qualified professional, such as, but not limited to, an architect, urban designer, or engineer.

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C. Shadow analysis submission format.

1. Project description. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed and the uses intended.
2. Documentation. All publications, file reports, manuscripts or other written sources of information which were consulted shall be listed and footnoted. A list of all agencies and individuals from whom pertinent information was obtained orally or by letter shall be listed separately. Dates and locations of all meetings shall be specified.
3. Elevations of proposed building and surrounding buildings with dimensions shown. Must include roof, parapets, and penthouse/attics. Diagrams should include a north arrow and be drawn to scale.
4. Diagrams of shadow cast by the proposed project should be provided for the following four days of the year. Diagrams must also clearly indicate the existing shadow for comparison:
  - Winter solstice (December 21) - midday sun is lowest and shadows are at their longest.
  - Summer solstice (June 21) - midday sun is at its highest and shadows are at their shortest.
  - Spring/fall equinox (March 21/September 21) - shadows are midway through a period of lengthening.
  - The "worst case" shadow day - the day on which the new shadow is the largest/longest duration.
5. On the days the graphical depictions are required, the shadows should be shown on an hourly basis, from one hour after sunrise to one hour before sunset.

EXAMPLE: On June 21, the sun rises at 5:48 a.m. and sets at 8:35 p.m. Therefore shadow graphics should be included at the following times:

- A.M.: 6:48, 1, 8, 9, 10, 11
- P.M.: 12, 1, 2, 3, 4, 5, 6, 7, 7:35

D. Visual impact assessment submission format.

1. Elevation of proposed building or project.
2. Description of unique scenic features and any scenic view from the site.
3. Visual impact the proposal will have on any of the scenic corridors identified in the master plan.
4. Proposed mitigations to negative impacts.

**§ 345-19. Notice of applications.**

- A. Public notice of a hearing on an application for development shall be given. This shall also include:  
[Amended 11-28-2001 by Ord. No. 01-129; 11-29-2017 by Ord. No. 17-153 ]

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1. Preliminary site plan review pursuant to section 34 of N.J.S.A. 40:55D-46;
  2. Minor subdivisions pursuant to section 35 of N.J.S.A. 40:55D-47; or
  3. Final approval pursuant to section 38 of N.J.S.A. 40:55D-50; and provided that public notice shall be given in the event that relief is requested pursuant to section 47 or 63 of N.J.S.A. 40:55D-60 or 40:55D-76 as part of an application for development otherwise excepted herein from public notice.
- B. Public notice shall also be given in the case of an application for appeal to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70a, or in the case of a request for interpretation by the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70b.
- C. Notice of a hearing requiring public notice shall be given by the applicant at least ten (10) days prior to the date of the hearing in the following manner:
1. By publication in the official newspaper of the City.
  2. To all owners of real property as shown on the current tax duplicate, Located in the state and within two hundred (200) feet in all directions of the property which is the subject of such hearing, provided that this requirement shall be deemed satisfied by notice to the condominium association, in the case of any unit owner whose unit has a unit above or below it, or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by serving a copy thereof on the property owner as shown on said current tax duplicate or his or her agent in charge of the property or mailing a copy thereof by certified mail to the property owner at his or her address as shown on said current tax duplicate.
  3. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within two hundred (200) feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas.
  4. To the Clerk of any adjoining municipality or municipalities when the property involved is located within two hundred (200) feet of said adjoining municipality or municipalities. Notice shall be given by personal service or certified mail.
  5. To the Hudson County Planning Board when the application for development involves property adjacent to an existing county road or proposed road as shown on the County Official Map or the County Master Plan, adjoining other county land or situated within two hundred (200) feet of a municipal boundary. Notice shall be given by personal service or certified mail.
  6. To the Commissioner of Transportation of the State of New Jersey when the property abuts a state highway. Notice shall be given by personal service or certified mail.
  7. To the State Planning Commission when the hearing involves an application for the development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units, in which case the notice shall include a copy of any maps or documents



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required to be on file with the Administrative Officer. Notice shall be given by personal service or certified mail.

8. On applications for approval of a major subdivision or a site plan not defined as a minor site plan, to a public utility, cable television company or local utility which possesses a right-of-way or easement within the city and which has registered with the city in accordance with N.J.S.A. 40:55D-12.1 by (a) serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company or local utility or (b) mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form.
- D. Upon the written request of an applicant, the City tax assessor shall, within seven days, make and certify a list from current tax duplicates of names and addresses of owners within the City to whom the applicant is required to give notice. Failure to give notice to any lot owner not on the list obtained in such manner shall not invalidate any hearing or proceeding. A sum, not to exceed the maximum set forth in N.J.S.A. 40:55D-12c, shall be charged for such list.
- E. The applicant shall be responsible for giving proper notice to all property owners.
- F. The notice shall state the date, time and place of the hearing and the nature of the matters to be discussed, including an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the City tax assessor's office; and the location and times at which any maps or documents for which approval is sought are available for inspection.

#### **§ 345-20. Registration by public utilities, cable television companies and local utilities.**

Every public utility, cable television company and local utility interested in receiving notice pursuant to subsection h. of section 7.1 of N.J.S.A. 40:55D-12 may register with the City if the public utility, cable television company or local utility has a right-of-way or easement. The registration shall remain in effect until revoked by the public utility, cable television company, or local utility or by its successor in interest.

#### **§ 345-21. Development phasing.**

Whenever an applicant intends to construct a development in phases, phasing information shall be included in the plans for preliminary approval, and all phases shall be:

- A. Functionally self-contained and self-sustaining with regard to access, circulation, parking, utilities, open spaces and all other site improvements and physical features and shall be capable of perpetual independent use, occupancy, operation and maintenance upon completion of construction and development of the section or stage.
- B. Properly related to other services of the community as a whole and to those facilities and services yet to be provided in the full execution and implementation of the plan.
- C. Provided with such temporary or permanent transitional features, buffers or protective areas as are necessary to prevent damage or detriment to adjoining properties or to any completed section or stage. In addition, such temporary or permanent transitional features, buffers or protective areas shall not impede development of future sections or stages in the planned development. Plans, estimated dates of completion for each section or stage and specifications of such sections or stages are to be filed with the Division of City Planning, which must be of sufficient detail and of such scale as to fully demonstrate the arrangement

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and site locations of all structures, primary and accessory land uses, parking, landscaping, public and private utilities and services facilities, and land ownership conditions.

**§ 345-21.1. Naming of new streets within a site plan or subdivision plan application.**

[Added 4-8-2015 by Ord. No. 15-046 ]

Any new street proposed as part of a site plan or subdivision plan application shall conform to the standards set forth in § 3-39 entitled "Standards for naming streets and municipal property." Final approval of all street names shall rest with the Municipal Council.

**§ 345-22. Minor subdivision and minor site plan review procedures.**

[Amended 5-14-2003 by Ord. No. 03-059]

A. Submission Requirements.

[Amended 1-27-2010 by Ord. No. 10-007]

1. Submission requirements for minor subdivision and minor site plan approval are provided in the Minor Subdivision and Minor Site Plan Checklist in this article.
2. The Division of City Planning Staff shall have the authority to refer any application to other agencies or individuals for comments or recommendations.

[Amended 2-23-2011 by Ord. No. 11-023]

B. Review by Other City Agencies and Officials. The officials and agencies cited above shall forward their comments and recommendations in writing to the Division of City Planning and the applicant's contact person as listed in the application form within fourteen (14) days after receipt of the application.

C. Action.

[Amended 2-23-2011 by Ord. No. 11-023]

1. Applications for minor subdivision approval shall be acted upon by the Planning Board.
2. Upon submission of application documents, City Planning Staff will review the contents of the submission package to verify that it is a valid Application for Development. Upon verification, the application will be formally confirmed as "submitted" and development review will commence.
3. Except for applications governed by the time limits in this Chapter, the Planning Board shall approve, conditionally approve, or deny a minor subdivision or minor site plan as the case may be within forty-five (45) days of the submission of a complete application, unless the applicant shall extend the period of time within which the Planning Board may act.
4. Applicants who request extensions to the period of time within which the Planning Board may act are permitted to do so for one-month intervals, not to exceed three (3) months total. There shall be no limit to extensions requested by Planning Staff, so long as the applicant agrees to said extensions.

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5. Failure of the Planning Board to act within the period prescribed shall constitute minor subdivision or site plan approval, as the case may be. A certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Register for purposes of filing subdivision plats or deeds.

D. Effect of Approval.

1. Approval of a minor subdivision or minor site plan shall be deemed final approval provided that the Subcommittee or Board, as the case may be, may condition such approval on the provision of improvements as may be required. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision or minor site plan approval was granted, shall not be changed for a period of two years after the date on which the resolution of approval is adopted provided that the approved minor subdivision shall have been duly recorded in accordance with this Article.
2. Approval of any variance associated with a minor subdivision and/or minor site plan shall be valid for a period of two years after the date on which the resolution of approval is adopted if no construction, alteration or conversion has commenced within the two-year period.

- E. Expiration of Minor Subdivision. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date on which the resolution of approval is adopted unless within such period a plat in conformity with such approval and the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., or a deed clearly describing the approved minor subdivision is filed by the developer with the County Register, the City Engineer and the City Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Board Chairperson and Secretary. In reviewing the application for development for a proposed minor subdivision, the Subcommittee may accept a plat not in conformity with N.J.S.A. 46:23-9.9 et seq.; provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed such plat shall conform with the provisions of the said act.

F. Extensions of Minor Subdivision Approval.

[Amended 2-23-2011 by Ord. No. 11-023]

1. The Planning Board may extend the one hundred ninety (190) day period for filing a minor subdivision plat or deed pursuant to this Chapter if the developer proves to the reasonable satisfaction of the Board:
  - a. That the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities; and
  - b. That the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.
2. The Planning Board shall grant an extension of minor subdivision approval for a period determined by the Board, but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the

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developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental agencies and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before (a) what would otherwise be the expiration date of minor subdivision approval; or (b) the 91st day after the developer receives the first legally required approval from other governmental entities, whichever occurs later.

G. Inactive Applications.

[Amended 2-23-2011 by Ord. No. 11-023]

1. Any application for minor subdivision or minor site plan which has remained inactive and incomplete for six (6) consecutive months shall be subject to dismissal by City Planning Staff.
2. In order to be dismissed for inactivity, City Planning Staff must first provide a written warning to project applicant. A thirty (30) day time period must be provided for the applicant's response demonstrating diligence towards obtaining Board approval, including but not necessarily limited to fee payment in full and plan revisions.
3. If after thirty (30) days from the date of contact for inactivity pursuant to G.2 above, the applicant has not responded to City Planning Staff, has not submitted application fees, and/or has not demonstrated diligence towards obtaining Board approval, the application may be permanently dismissed by City Planning Staff.

**§ 345-23. Preliminary major subdivision and site plan review procedures.**

[Amended 5-14-2003 by Ord. No. 03-059]

A. Submission Requirements.

[Amended 1-27-2010 by Ord. No. 10-007; 2-23-2011 by Ord. No. 11-023]

1. Submission requirements for preliminary major subdivision and preliminary site plan approval are provided in the Preliminary Major Subdivision and Site Plan Checklist.
  2. The applicant shall forward copies of the application and plans to review agents as listed in the General Development Application Package for review and comment, when instructed by City Planning Staff and where appropriate.
  3. The Division of City Planning shall have the authority to refer any application to other agencies or individuals for comments or recommendations.
- B. Review by Other City Agencies and Officials. The officials and agencies cited in this article above shall forward their comments and recommendations in writing to the Division of City Planning within fourteen (14) days after the receipt of the application.

C. Board Action.

[Amended 2-23-2011 by Ord. No. 11-023]

1. Subdivisions.

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- a. Upon submission of application documents, City Planning Staff will review the contents of the submission package to verify that it is a valid Application for Development. Upon verification, the application will be formally confirmed as "submitted" and development review will commence.
  - b. The Board shall approve, conditionally approve or deny a preliminary major subdivision application of ten (10) or fewer lots within forty-five (45) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
  - c. The Board shall approve, conditionally approve or deny a preliminary major subdivision application of more than ten (10) lots within ninety-five (95) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
  - d. Applicants who request extensions to the period of time within which the Planning Board may act are permitted to do so for one-month intervals, not to exceed three (3) months total. There shall be no limit to extensions requested by City Planning Staff, so long as the applicant agrees to said extensions.
  - e. Failure of the Board to act within the time prescribed shall constitute preliminary major subdivision approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the Applicant. Said certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required, and shall be accepted by the County Register for purposes of filing subdivision plats.
2. Site Plans.
- a. Upon submission of application documents, City Planning Staff will review the contents of the submission package to verify that it is a valid Application for Development. Upon verification, the application will be formally confirmed as "submitted" and development review will commence.
  - b. The Board shall approve, conditionally approve or deny a preliminary major site plan which involves ten (10) acres of land or less, and ten (10) dwelling units or less, within forty-five (45) days after the submission of a complete application unless the applicant shall extend the period of time within which the Board may act.
  - c. The Board shall approve, conditionally approve or deny the preliminary major site plan of more than ten (10) acres or more than ten (10) dwelling units within ninety-five (95) days after the application is certified complete unless the applicant shall extend the period of time within which the Board may act.
  - d. Applicants who request extensions to the period of time within which the Planning Board may act are permitted to do so for one-month intervals, not to exceed three (3) months total. There shall be no limit to extensions requested by City Planning Staff, so long as the applicant agrees to said extensions.
  - e. Failure of the Board to act within the time prescribed shall constitute preliminary major site plan approval and a certificate of the Board Secretary as to the failure of the Board

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to act shall be issued on request of the applicant. Said certificate shall be sufficient in lieu of a written endorsement or other evidence of approval herein required.

- D. Effect of Preliminary Approval. Preliminary approval of a major subdivision or site plan, except as provided in subsection (D) of this section, shall confer upon the applicant the following rights for a three-year period from the date on which the resolution granting preliminary approval is adopted:
1. That the general terms and conditions on which preliminary approval was granted shall not be changed, including, but not limited to, use requirements; layout and design standards for streets, curbs and sidewalks; lot sizes; yard dimensions and off-tract improvements; and in the case of a site plan, any requirements peculiar to site plan approval pursuant to N.J.S.A. 40:55D-41, except that nothing herein shall be construed to prevent the City from modifying by ordinance such general terms and conditions of preliminary approval as related to public health and safety.
  2. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be.
  3. That the applicant may apply for and the Board may grant extension on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
  4. In the case of a subdivision of or a site plan for a planned development of fifty (50) acres or more, conventional subdivision or site plan for one hundred fifty (150) acres or more, or site plan for development of a non-residential floor area of two hundred thousand (200,000) square feet or more, the appropriate Board may grant the rights referred to in subsections (A), (B) and (C) of this section for such period of time, longer than two years, as shall be determined by the appropriate Board to be reasonable taking into consideration (a) the number of dwelling units and non-residential floor area permissible under final approval, (b) economic conditions and (c) the comprehensiveness of the development. The developer may apply for thereafter, and the Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration (a) the number of dwelling units and nonresidential floor area permissible under final approval, (b) the number of dwelling units and non-residential floor area remaining to be developed, (c) economic conditions and (d) the comprehensiveness of the development.
  5. Whenever the Board grants an extension of preliminary approval and preliminary approval has expired before the date on which the extension was granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for an extension either before or after what would otherwise be the expiration date.
  6. The Board shall grant an extension of preliminary approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The developer

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shall apply for the extension before (a) what would otherwise be the expiration date of the preliminary approval, or (b) the 91st day after the developer received the last legally required approval from other governmental entities, whichever is later. An extension granted pursuant to this section shall not preclude the Board from granting an extension pursuant to the provisions of this Article.

E. Simultaneous Preliminary and Final Site Plan Approval.

1. Combined preliminary and final site plan approval may be granted provided all submission requirements for both applications are met. The time limit within which the Board shall act shall be the longest time permitted for either of the two approvals.
2. Approval of any variance associated with a combined preliminary and final site plan approval shall be valid for a period of two years after the date on which the resolution of approval is adopted if no construction, alteration or conversion has commenced within the two-year period.

F. Applications for variance approval which required neither Major Site Plan approval nor Major or Minor Subdivision approval shall be submitted to the Zoning Board of Adjustment. Approval of any variance by the Zoning Board of Adjustment shall be valid for a period of two years after the date on which the resolution of approval is adopted if no construction, alteration or conversion has commenced within the two-year period.

G. Inactive Applications.

[Amended 2-23-2011 by Ord. No. 11-023]

1. Any application for Preliminary Major subdivision or Preliminary Major site plan which has remained inactive and incomplete for six (6) consecutive months shall be subject to dismissal by City Planning Staff.
2. In order to be dismissed for inactivity, City Planning Staff must first provide a written warning to project applicant. A thirty (30) day time period must be provided for the applicant's response demonstrating diligence towards obtaining Board approval, including but not necessarily limited to fee payment in full and plan revisions.
3. If after thirty (30) days from the date of contact for inactivity pursuant to G.2 above, the applicant has not responded to City Planning Staff, has not submitted application fees, and/or has not demonstrated diligence towards obtaining Board approval, the application may be permanently dismissed by City Planning Staff.

**§ 345-24. Final approval of major subdivision and site plan review procedures.**

[Amended 5-14-2004 by Ord. No. 03-059]

A. Submission Requirements. [Amended 1-27-2010 by Ord. No. 10-007]

1. Submission requirements for final major subdivision and site plan approval are provided in the Final Major Subdivision and Final Site Plan Checklist.
2. The applicant shall forward copies of the application and plans to review agents as listed in the General Development Application Package for review and comment where if deemed appropriate and necessary by City Planning Staff.

[Added 2-23-2011 by Ord. No. 11-023]

3. The Division of City Planning shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.

[Added 2-23-2011 by Ord. No. 11-023]

B. Review by Other City Agencies and Officials. The officials and agencies cited in this article above shall forward their comments and recommendations in writing to the Division of City Planning and the applicant's contact person as listed in the application form within fourteen (14) days after the receipt of the final application.

C. Amendments to the Plan. If as a result of review of any governmental agencies, there are changes to the approved plan, then the applicant shall submit an amended application to the reviewing Board.

D. Board Action.

[Amended 2-23-2011 by Ord. No. 11-023]

1. Upon submission of application documents, City Planning Staff will review the contents of the submission package to verify that it is a valid Application for Development. Upon verification, the application will be formally confirmed as "submitted" and development review will commence.
2. The Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions for preliminary approval, and, in the case of a major subdivision, the standards prescribed in the "Map Filing Law" P.L. 1960, c. 141. In the case of a planned unit development, planned unit residential development or residential cluster, the Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.



3. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed shall constitute final approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and, in the case of subdivision plans, shall be so accepted by the County Register for purposes of filing.
4. Applicants who request extensions to the period of time within which the Planning Board may act are permitted to do so for one-month intervals, not to exceed three (3) months total. There shall be no limit to extensions requested by City Planning Staff, so long as the applicant agrees to said extensions.
5. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.1 or 40:27-6.6, the Board shall condition its approval upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

E. Effect of Final Approval.

1. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer including any associated variance approval, pursuant to this Article, whether conditionally or otherwise, shall not be changed for a period of two years after the date on which the resolution of final approval is adopted; provided that in the case of major subdivision the rights conferred by this Article shall expire if the plat has not been duly recorded within the time period provided in this article. If the developer has followed the standards prescribed for final approval and, in the case of subdivision, has duly recorded the plat with the County Register in accordance with this article, Board may extend such period of protection for extensions of one year but not to exceed three extensions. Notwithstanding any other provisions of this Article, the granting of final approval terminates the time period of preliminary approval pursuant to this Article, for any section of the development which is granted final approval.
2. In the case of a subdivision or site plan for a planned development of fifty (50) acres or more, conventional subdivision or site plan for one hundred fifty (150) acres or more, or site plan for the development of nonresidential floor area of two hundred thousand (200,000) square feet or more, Board may grant the rights referred to in this Article for such period of time, longer than two years, as shall be determined by the Board to be reasonable, taking into consideration:
  - a. The number of dwelling units and non-residential floor area permissible under final approval.
  - b. Economic conditions.
  - c. The comprehensiveness of the development. The developer may apply for thereafter, and the Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration the following:

- i. The number of dwelling units and nonresidential floor area permissible under final approval;
    - ii. The number of dwelling units and nonresidential floor area remaining to be developed;
    - iii. Economic conditions; and
    - iv. The comprehensiveness of the development.
  3. Whenever the Board grants any extension of final approval pursuant to this Article and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.
  4. The Board shall grant an extension of final approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for an extension before (a) what would otherwise be the expiration date of final approval, or (b) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this Article shall not preclude the Board from granting an extension pursuant to subsections (E)(1) and (2) of this section.
- F. Conditions of Approval.
1. Conditions Binding. All conditions of preliminary and final approval shall be binding upon the applicant, all present and future owners, tenants, users and occupants of the property and their respective successors and assigns.
  2. Failure to Maintain. The applicant and any successor in interest shall be responsible for installing and maintaining in good order and condition all required improvements and landscaping, unless such improvements and landscaping are to be installed by, and/or dedicated to and maintained by the City, County or another party, under the terms of approval granted by the Board. Such required improvements shall include, but not be limited to, parking improvements, buffer zones, drainage facilities, exterior lighting and landscaping. Failure of any responsible party to install and/or maintain required improvements or landscaping, shall constitute a violation of this Chapter and shall be subject to the enforcement procedures set forth in this Chapter.
  3. Payment of Taxes and Assessments. As a condition of approval all taxes or assessments for local improvements shall be paid on the property for which any application is made.
- G. Expiration of Final Major Subdivision Approval.
1. Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the applicant with the County Register. The Board may for good cause shown extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat. The Board may extend the ninety-five (95) day or one hundred ninety (190) day

period if the applicant proves to the reasonable satisfaction of the Board (a) that the applicant was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (b) that the applicant applied promptly for and diligently pursued required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for an extension either before or after the original expiration date.

2. No subdivision plat shall be accepted for filing by the County Register until it has been approved by the Board as indicated on the instrument by the signature of the Chairperson, Secretary of the Board. The signatures of the Board Chairperson and Secretary shall not be affixed until the developer has posted the performance guarantees required by this Chapter and has satisfied all other applicable conditions of final approval. If the County records any plat without such approval, such recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records.

#### H. Inactive Applications.

[Amended 2-23-2011 by Ord. No. 11-023]

1. Any application for Final Major subdivision or Final Major site plan which has remained inactive and incomplete for six consecutive months shall be subject to dismissal by City Planning Staff.
2. In order to be dismissed for inactivity, City Planning Staff must first provide a written warning to project applicant. A thirty (30) day time period must be provided for the applicant's response demonstrating diligence towards obtaining Board approval, including but not necessarily limited to fee payment in full and plan revisions.
3. If after thirty (30) days from the date of contact for inactivity pursuant to H.2 above, the applicant has not responded to City Planning Staff, has not submitted application fees, and/or has not demonstrated diligence towards obtaining Board approval, the application may be permanently dismissed by City Planning Staff.

#### **§ 345-25. Amended site plan or subdivision review.**

[Amended 2-23-2011 by Ord. No. 11-023]

Applications for amended site plan or subdivision review shall be governed by the same requirements as all other applications for Preliminary Major Subdivision or site plan approval. Amendments shall be necessary for any application with minor changes. Projects with changes involving substantial redesign, a change of twenty percent (20%) or more (either increasing or decreasing) in the number of units, or a change of twenty percent (20%) or more (either increasing or decreasing) in the number of stories, shall not be considered amendments but will require a new Application for Development.

#### **§ 345-26. Conditional use approval.**

The submission requirements and review process for conditional use applications shall be the same as for a major site plan, except as set forth below.

- A. The Board shall grant or deny an application for conditional use approval within ninety-five (95) days of submission of a complete application or within such further time as may be consented to by the applicant.
- B. The Board shall approve or deny a conditional use application simultaneously with any accompanying subdivision and/or site plan application. The longest time period for action by the Board, whether it be for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the applicant, notice of the hearing on the application shall include reference to the request for conditional use approval.

#### **§ 345-27. County approval.**

Whenever review or approval of a development application by the County Planning Board is required by N.J.S.A. 40:27-6.3 or 40:27-6.6, the Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board, The County Planning Board's failure to report thereon within the required time period provided by law shall be considered a favorable response. Whenever County Planning Board review or approval is required, the applicant shall be responsible for filing all necessary applications, plans, reports and other documents directly with the County Planning Board.

#### **§ 345-28. Signing and distribution of approved plans.**

[Amended 5-14-2003 by Ord. No. 03-059]

- A. When all conditions of any minor, preliminary or final approval have been met, the applicant shall submit to the Board Secretary at least four copies of the approved plan(s) with all revisions required by the conditions of approval. The approved plan(s) shall then be signed by the Board Chairperson, and Secretary. Three sets of signed plans go the Division of Zoning, two of these sets shall be forwarded by the Director of Zoning to the Building Department and a fourth set shall be retained on file by the Division of City Planning. If more than four sets are submitted and signed, the additional signed set shall be returned to the applicant.
- B. In addition to the foregoing, whenever any subdivision is to be perfected by the filing of the approval plat with the County Register in conformance with the Map Filing Law, the applicant shall submit to the Board Secretary, simultaneously with the plans described in subsection (A) of this section, two mylars and at least four paper prints of the plat intended for recording. Provided that it conforms to the Map Filing Law, the plat intended for recording shall be signed by the Board Chairperson and Secretary simultaneously with the signing of the approved plans submitted pursuant to subsection (A) of this section. After signing, one mylar and all paper prints of the plat so signed shall be returned to the applicant for recording with the County Register.
- C. Following the filing of any approved subdivision plat or minor subdivision deed with the County Register, the applicant shall promptly deliver to the Board Secretary at least four copies of the filed plat or recorded deed, as the case may be.
- D. Whenever any subdivision is to be perfected by the filing of the approved plat with the County Register, and when the engineering review of such subdivision has been performed by the Board Engineer, the plat intended for recording shall be signed by the Municipal Engineer.

- E. The Division of City Planning shall maintain at least one true copy of all signed and approved site plans and subdivision deeds and all signed, approved and filed subdivision plats.

**§ 345-29. Subdivision certificate.**

The prospective purchaser, prospective mortgagee, or any other person interested in any land which forms part of a subdivision three years preceding the effective date of the Act, may apply in writing to the Administrative Officer, for the issuance of a certificate certifying whether or not such subdivision has been approved by the Board. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.

**§ 345-30. Historic preservation review procedures.**

- A. Certificate of Appropriateness/Certificate of No Effect. 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 nor on any sign, building, structure, object, site or landscape feature within a designated historic district, whether or not a construction permit is required, prior to a filing of an application for review by the Historic Preservation Commission and the issuance of a Certificate of Appropriateness or a Certificate of No Effect.

[Amended 11-10-2010 by Ord. No. 10-129; 5-26-2021 by Ord. No. 21-036 ]

1. Application for review. The Historic Preservation Commission staff maintains and makes updates as necessary to the Application for the Certificate of Appropriateness and/or a Certificate of No Effect (also known as "Historic Preservation Application"). A copy of the Application is available upon request from the Division of City Planning staff or a digital version is accessible through the City's official website.
2. Review process.
  - a. Applications must be submitted to the Division of City Planning a minimum of fourteen (14) business days prior to a Commission's regularly scheduled meeting and shall be reviewed for completeness by the Historic Preservation Officer as per the Historic Preservation Commission application checklist provided in this Article. The Historic Preservation Officer shall refer all applications for new construction, alterations, relocation or demolition to the Historic Preservation Commission for review. Applications referred to the Historic Preservation Commission must be complete at least ten (10) days prior to a hearing date for the purpose of scheduling. At least ten (10) days prior to the hearing the applicant shall post a notice on the property on a form provided by the Division of City Planning. Applications for minor alterations and ordinary maintenance and repair may be reviewed by the Historic Preservation Officer who, at his or her discretion may issue a Certificate of No Effect, may require additional submittal information and/or refer the application to the Commission upon being deemed complete. A Certificate of No Effect shall require the signature of the Director of City Planning.
  - b. 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. These criteria are listed in addition to those which are found elsewhere in this Article.

- c. The Commission may advise the applicant and make recommendations with regard to the appropriateness of the proposed action at the public hearing. These recommendations may become part of the conditions for approval of an application, may be referred to a subcommittee of the Commission for further review with the applicant's consent or the basis for the rejection of an application.
  - d. The outcome of all Commission decisions shall be recorded by the Historic Preservation Officer and presented to the Administrative Officer by the close of the following business day.
  - e. 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 other Commission member shall sign all Certificates of Appropriateness.
  - f. If the Commission disapproves an application, the Commission shall state its reasons in writing to the applicant within ten (10) days of such decision.
3. Reapplication for Certificate of Appropriateness. If an application for a Certificate of Appropriateness is denied, another application pertaining to the same site, structure, building, object or landscape feature shall not be resubmitted for consideration until one 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 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 per the procedures set forth herein.

B. Appeals to the Board of Adjustment.

[Amended 11-10-2010 by Ord. No. 10-129]

- 1. An applicant dissatisfied with the action of the Commission resulting in the denial of a Certificate of Appropriateness shall have the right to appeal to the Board of Adjustment within twenty (20) days after receipt of notification of such action. The applicant shall be advised by the Secretary 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.
- 2. A Certificate of Appropriateness or a Certificate of No Effect shall be valid for a period of one 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 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 for the permit.

C. Emergency procedure.

1. 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 Construction Code Official certifies the immediate necessity for such permit issuance, a Notice to Proceed may be issued in forthwith. In the event that a Notice to Proceed is issued, following emergency stabilization, the property owner is required to submit to the Historic Preservation Commission a full structural stabilization and remediation plan which shall be prepared by a licensed structural engineer. The applicant may proceed with construction in accordance with the submitted plan only upon approval of a Certificate of Appropriateness or Certificate of No Effect, unless conditions affecting the stability of the subject structure change and make necessary a new Notice to Proceed.
2. All other subsequent work must be submitted for review by the Historic Preservation Commission under the application procedures found elsewhere in this Article.

D. Reserved.

Editor's note(s)—Ord. No. 11-045, adopted April 27, 2011, amended the Code by repealing former subsection D. Former subsection D pertained to a Certificate of Economic Hardship, and derived from Ord. No. 10-106, adopted September 15, 2010.

E. Application for demolition permit.

[Amended 9-15-2010 by Ord. No. 10-106]

1. The following shall be considered in regard to an application to demolish an individual landmark building, structure, site or object or any building, structure, site or object 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 portions of the building, structure, site, object or landscape feature in cases of partial demolition.



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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.
- F. Procedure for nominating sites, landmarks and districts for local designation. Any interested party may nominate a site, landmark or district for local designation. The nomination may originate at either the Historic Preservation Commission, the Planning Board or City Council; however, in any case, it shall be reviewed by all these bodies.
- G. Historic districts/landmarks. 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.

[Added 1-22-2003 by Ord. No. 03-009; amended 1-11-2006 by Ord. No. 05-176; 3-23-2011 by Ord. No. 11-031; 6-19-2013 by Ord. No. 13-079 ; 6-10-2015 by Ord. No. 15-040 ]

Landmarks:	Ord. No.	Date
Apple Tree House	03-009	05-24-2000
Dickinson High School	03-009	05-27-1980
Ellis Island	03-009	06-22-1994
Holland Street	03-058	04-23-2003
The Hudson and Manhattan Railroad Powerhouse	11-031	03-23-2011
Saint John's Episcopal Church and Rectory	13-079	06-19-2013
Pennsylvania Railroad Harsimus Branch Embankment	05-176	01-11-2006
Terminal Distribution Warehouses of Hudson County, New Jersey, 1865-1945/Butler Brothers Warehouse	11-031	03-23-2011
Terminal Distribution Warehouses of Hudson County, New Jersey, 1865-1945/Great Atlantic & Pacific Tea Company Warehouse Auxiliary Building and Bakery	11-031	03-23-2011
Terminal Distribution Warehouses of Hudson County, New Jersey, 1865-1945/Great Atlantic & Pacific Tea Company Warehouse (Headquarters)	11-031	03-23-2011
Terminal Distribution Warehouses of Hudson County, New Jersey, 1865-1945/Merchants' Refrigerating Company Warehouse	11-031	03-23-2011
The Former Whitlock Cardage Site	03-057	05-14-2003
Women's Club	03-058	04-23-2003



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Historic Districts	Date
Hamilton Park	02-01-1977
Harsimus Cove	07-21-1983
Paulus Hook	02-01-1977
Van Vorst Park	02-01-1977
West Bergen-East Lincoln Park	06-10-2015

**§ 345-31. Applications and checklists.**

[Amended 1-25-2006 by Ord. No. 06-002; 1-11-2006 by Ord. No. 05-170; amended 6-17-2009 by Ord. No. 09-070; 8-12-2009 by Ord. No. 09-091; 11-10-2010 by Ord. No. 10-133; 2-23-2011 by Ord. No. 11-023; 9-27-2011 by Ord. No. 11-112; 5-9-2012 by Ord. No. 12-060 ; 12-17-2014 by Ord. No. 14-156 ; 5-10-2017 by Ord. No. 17-052 ; 5-26-2021 by Ord. No. 21-036 ]

- A. No submission shall be deemed a complete application unless the items, information and documentation listed in the applicable checklist are submitted to the Division of City Planning. If any required item is not submitted, the applicant must request in writing a waiver and state the reasons supporting each such request.

**§ 345-31.1. Hearing requirements.**

[Added 4-11-2012 by Ord. No. 12-044 ; amended 5-26-2021 by Ord. No. 21-036 ]

As determined by the Planning Board, applicants are required to bring at least one physical or digital set of any necessary site plans, including floor plans and elevations; subdivision plats; photographs; and appropriate material samples and/or material boards and/or color catalog cuts of primary façade materials to the hearing for Board review. These plans, exhibits, and material samples shall be in a form presentable for Commissioner and audience benefit. Any experts who testify must be licensed in the State of New Jersey, when and if required by law.

# **CHAPTER 345 ARTICLE IV ZONING**

[Amended 4-28-2004 by Ord. No. 04-046]

**§ 345-32. Non-refundable application fees.**

- A. There shall be a non-refundable fee for applications to the Jersey City Planning Board, Zoning Board of Adjustment, and Historic Preservation Commission as provided by law and established herein. The fees provided for shall be non-refundable and are for purposes of offsetting the administrative and clerical costs of running these Boards.

[Amended 3-23-2005 by Ord. No. 05-033; 4-23-2008 by Ord. No. 08-046]

- B. The City of Jersey City and its agencies, such as the Housing Authority and Board of Education, as well as applications for affordable housing (affordable housing being defined pursuant to N.J.S.A. 52:27D-301, et seq. or the U.S. Department of Housing and Urban Development), and applications for certificates of appropriateness and certificates of no effect submitted by non-profit entities for property within a designated historic district are exempt from the fees described herein.

[Amended 11-12-2014 by Ord. No. 14-017 ; 5-13-2015 by Ord. No. 15-054 ]

- C. As for projects by non-City entities that propose a mix of affordable housing and market rate housing, the fees shall be pro-rated so that only affordable housing units and their associated building components shall be exempt from the fees. All market rate housing units and their associated building components, as well as non-residential (commercial or industrial) units, shall remain subject to the fees described herein.

(Added 5-13-2015 by Ord. No. 15-054)

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## § 345-33. Fees.

[Amended 3-23-2008 by Ord. No. 05-033; 4-23-2008 by Ord. No. 08-046; 8-12-2009 by Ord. No. 09-091; 11-10-2015 by Ord. No. 15-147 ]

### A. Applicable Fees.

1. Every application for review or hearing before the Zoning Board of Adjustment, or the Planning Board shall be initially accompanied by a check for \$150.00, and every application to the Historic Preservation Commission shall be initially accompanied by a check for \$10.00. Balance due will be determined upon City Planning Staff's review in accordance with the amount(s) as provided in Fee Table I and based upon the initial submission package. If future submissions result in additional fees, such will be calculated at that time. This balance will be due within 30 days of issuance of the first review checklist. If not received within 30 days, review will cease until payment is submitted.

[Amended 2-23-2011 by Ord. No. 11-021; 4-11-2012 by Ord. No. 12-043 ]

2. The applicant shall arrange to provide the Division of City Planning with two copies of the transcript for its files and shall pay the complete cost of 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.
3. 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.
4. Performance guarantees may be required by the Zoning Board of Adjustment or the Planning Board pursuant to N.J.S.A. 40:55D-53.
5. The Zoning Officer, and the Division of Zoning Enforcement may establish reasonable fees to cover administrative costs for the issuance of permits, certificates or authorizations pursuant to N.J.S.A. 40:55D-18.

### B. Schedule of fees.

[Amended 3-23-2005 by Ord. No. 05-033; 4-23-2008 by Ord. No. 08-046; 5-28-2008 by Ord. No. 08-072; 8-12-2009 by Ord. No. 09-091; 11-10-2010 by Ord. No. 10-133; 2-23-2011 by Ord. No. 11-021; 9-27-2011 by Ord. No. 11-112; 10-23-2019 by Ord. No. 19-143 ; 7-15-2020 by Ord. No. 20-049 ; 9-10-2020 by Ord. No. 20-071 ; 8-18-2021 by Ord. No. 21-053 ]

Fee Table I

Application Type	Application Fees
Zoning Compliance Review and Determination	Non-Refundable
Residential 1—4 dwelling units	\$100.00
Residential 5+ dwelling units	\$100.00 plus \$25.00 dwelling unit over 4
Nonresidential (including mixed use) under 5,000 sq. ft.	\$100.00

Nonresidential (including mixed use) 5,001 sq. ft. to 49,999 sq. ft.	\$300.00
Nonresidential (including mixed use) 50,000 sq. ft. and above	\$500.00
Certificate of Non-Conformity	\$300.00
Planning Board and Board of Adjustment Applications	Non-Refundable
Minor site plan—Cell antenna application	\$2,500.00
Minor site plan—Signage and storefronts	\$ 200.00
Minor site plan—Other	\$ 350.00
Preliminary major site plan—Residential	\$50.00 per dwelling unit or a minimum of \$500.00
Preliminary major site plan—Non-residential	With principal buildings over 1,000 sq. ft. GFA: \$50.00 per 1,000 sq. ft. GFA or part thereof or a minimum of \$500.00 Without principal building over 1,000 sq. ft. GFA: \$50.00 per 1,000 sq. ft. lot area or part thereof or a minimum of \$500.00
Final major site plan	50% of current preliminary major site plan fee
Site plan amendment	50% of the current application fee or a minimum of \$1,000.00
Administrative amendment	\$500.00
Conceptual site plan	\$500.00 (to be deducted from fees for formal application for development)
Conditional use—Cannabis Establishments	\$2,500.00
Conditional use—All others	\$200.00
Extension of site plan approval	\$300.00
Minor subdivision	\$500.00
Preliminary major subdivision	\$1,000.00 plus \$100.00 per lot
Final major subdivision	50% of current preliminary major subdivision fee
SPECIAL MEETING REQUESTED BY APPLICANT	\$3,000.00
REZONING OR REDEVELOPMENT PLAN AMENDMENT REQUESTED BY DEVELOPER	Fee as specified in applicable redevelopment plan, or \$1,000.00, if no fee specified in plan.
APPEALS, INTERPRETATIONS AND VARIANCES	\$150.00
"a" and "b" appeals and interpretations as per N.J.S.A. 40:55D-70 a and b	\$150.00
"c" variance as per N.J.S.A. 40:55D-70(c) and deviation from redevelopment plan	\$500.00 for the first variance or deviation \$250.00 for each additional
"d" variance as per N.J.S.A. 40:55D-70(d)	\$1,000.00 for each "d" variance
Extension of variance approval	\$300.00 (when not filed concurrently with extension of Site Plan)

Application Type	Application Fees
Historic Preservation Commission Applications	Non-Refundable
CERTIFICATE OF NO EFFECT	
Non-Residential	

With principal building	\$40.00 per 1,000 square feet GFA or part thereof
Without principal building	\$40.00 per 1,000 square feet of lot area or part thereof
Unlit interior window sign only	\$40.00
Sidewalk repair/replacement when not filed concurrently with other work	\$40.00 for first 25 linear feet of frontage, additional \$20.00 for each 25 feet of frontage over 25 or part thereof
Residential	
Interior work only	\$10 per affected dwelling unit to a Maximum of \$60
Exterior work only or Interior & exterior work filed concurrently	\$20.00 per dwelling unit to a maximum of \$750.00
Sidewalk repair/replacement when not filed concurrently with other work	\$20.00 per dwelling unit to a maximum of \$60.00
CERTIFICATE OF APPROPRIATENESS (COA)	
Residential	
New construction on vacant land	\$500.00
All others:	
1—4 dwelling units	\$100.00
5 dwelling units or over	\$20.00 per dwelling unit to a maximum of \$1,000.00
Non-residential	
With principal building	\$100.00 per 1,000 square feet of GFA or part thereof
Without principal building	\$100.00 per 1,000 square feet lot area or part thereof
Exterior sign application only	\$100.00
Outdoor café only	\$100.00
Extension of COA approval	\$200.00
Demolition prior approval report	\$100.00
Determination of significance	\$100.00
SPECIAL MEETING REQUESTED BY APPLICANT	\$700.00

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# **CHAPTER 345 ARTICLE V**

## **ZONING**

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## **AMENDED AND RESTATED ARTICLE V – ZONING AND DESIGN STANDARDS AND OF THE LAND DEVELOPMENT ORDINANCE, CHAPTER §345 OF THE MUNICIPAL CODE**

The following is to fully amend and restate Article V of the Land Development Ordinance adopted by Ordinances 22-084, 23-003, and 23-103. Further amendments aligned with the Jersey City Master Plan are still under consideration and to be proposed at a later date. This copy of Article V is to serve the public while updates on Municode are pending.

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### **§ 345-34. Zoning districts.**

For the purposes of this Chapter, the City of Jersey City is hereby divided into redevelopment plans and the following zoning districts, herein, and shown on the Zoning Map.

### **§ 345-35. Zoning map.**

The boundaries of the redevelopment plans and the zoning districts are established on the map entitled “City of Jersey City Zoning Map” adopted by Council by Ordinance number 22-084. This map is amended periodically. The current map is on file and available for public inspection and/or purchase at the Division of City Planning, 1 Jackson Square, 2nd Floor, Jersey City, New Jersey.

### **§ 345-36. Interpretation of boundaries.**

- A. 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.
- B. For sites that overlap with multiple zone districts, the zone that covers the largest portion of the site shall govern the entire development site. In the case of overlay zones, however, those standards shall still apply.
- C. Boundaries indicated as following or approximately following shorelines shall be construed as following such shorelines but, in the event of change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as following or approximately following City lines shall be construed as following such City lines.
- D. If there is question regarding any zone boundary, the zoning map as referenced and available at the offices of the Division of City Planning shall be used to determine the exact boundary line.



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#### **§ 345-37. Vacating a street or other public right-of-way.**

Where a vacated street or other public right-of-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.

#### **§ 345-38. Redevelopment areas.**

- A. In any area officially declared and delineated as a redevelopment area by duly adopted ordinances, the standards and designations contained in the Redevelopment Plans for such legally adopted plans shall take precedence over any standards contained within this Chapter. However, the Definitions found in §345-6 and the provisions for Site Plan approval shall apply to all zones and Redevelopment Plan areas citywide.
- B. Where the standards and controls of the Plans do not provide alterations to the provisions of this Chapter, those provisions of this Chapter that remain unchanged shall prevail.

#### **§ 345-39. Variances and waivers.**

Any deviation from a provision of this Chapter which is identified as a Design Standard shall require a waiver by the reviewing board from the specific design standard. Any other deviation from a standard contained in this Chapter shall require a variance from the specific standard in accordance with the Municipal Land Use Law. Waivers will be subject to the same notification requirements found in §345-19.

#### **§ 345-40. - RH-1 Residential Housing District (large lots).**

- A. Purpose. The purpose of this district is to preserve the pattern, quality, and architectural individuality of the existing detached one- and two-unit structures and to discourage subdivision and demolition. This district is similar to the RH-2 and R-1 zones except that it is intended to protect clusters of lot sizes that are larger than the standard 25x100 lot size for Jersey City.
- B. Permitted principal uses are as follows:
  - 1. Principal structures with one or two dwelling units.
- C. Uses incidental and accessory to the principal use, such as:
  - 1. Private garages.
  - 2. Off-street parking.
  - 3. Fences and walls.
  - 5. Home occupations.
  - 6. Swimming pools.
  - 8. Decks, patios, pergolas, and storage sheds.

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9. Accessory Dwelling Units, one (1) dwelling unit permitted in an accessory structure per lot regardless of lot size and in addition to unit(s) in the principal structure.
- D. Conditional Uses.
1. Principal structures with three units.
  2. Developments utilizing the Affordable Housing Overlay.
- E. Bulk Standards.
1. Existing lots are considered conforming in lot area, width and/or depth.
  2. Minimum Lot Size: Four thousand (4,000) square feet.
  3. Minimum Lot Width: Forty (40) feet.
  4. Minimum Lot Depth: One hundred (100) feet.
  5. Front Yard Setback: Predominant setback shall apply.
  6. Side Yards: Minimum of five (5) feet on both sides.
  7. Minimum Rear Yard:
    - a. For lots with a lot depth less than 120 feet, thirty percent (30%) of lot depth.
    - b. For lots with a lot depth of 120 feet or more, forty percent (40%) of the lot depth.
  8. Maximum Building Height: three stories and thirty-five (35) feet.
  9. Maximum Building Coverage: Fifty-five percent (55%).
  10. Maximum Lot Coverage: Seventy-five percent (75%).
  11. Maximum Accessory Building Height:
    - a. Eighteen (18) feet if an Accessory Dwelling Unit.
    - b. Fifteen (15) feet for all other accessory structures.
  12. Minimum Accessory Building Setbacks:
    - a. Rear Yard: Zero (0) feet.
    - b. Side Yard: Two (2) feet.
- F. Parking Standards.
1. Off-street parking is prohibited on interior lots with a width less than twenty-six (26) feet.
  2. Off-street parking is prohibited on corner lots and through lots when the lot width is less than twenty (20) feet.
  3. Minimum required parking: A minimum of 0.3 spaces per bedroom is required. For the purpose of calculating this standard, studio units shall be counted as one bedroom. For example, in a five-unit structure with twelve bedrooms a minimum of four (4) spaces are required ( $12 * 0.3 = 3.6$  which rounds to 4 spaces).
  4. No parking shall be permitted between the building line and the street line. Garage entrances must be on the rear wall of the building or as part of a detached or attached fully enclosed garage.
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5. Curb cut standards:

- a. Maximum number: One (1) curb cut is permitted per lot when off-street parking is a permitted use.
- b. Maximum width: Ten (10) feet.

6. Accessory Dwelling Units are exempt from any minimum parking requirement in this Zone.

G. Design Standards

1. Principal structures must be designed to appear as single unit dwellings. Multi-unit buildings must have only one front entry. If historic documentation (such as the 1938 Tax Card) shows multiple front entries, they may be maintained.
2. Homes shall maintain and retain existing architectural elements such as gables, front porches, transoms, cornices, divided light windows, dormers, bay windows, oriels, turrets, and other elements found within the existing streetscape.
3. Roof pitches must be designed to be compatible with adjacent houses by using prevalent slopes and angles.
4. All exterior walls are to be treated with the same materials and architectural detail; although, the treatment of side and rear walls may be simplified.
5. Design elements shall have compatible rhythm and repetition with an emphasis on materials and colors prevalent in the neighborhood.
6. Building height shall be visually compatible with adjacent buildings. The size, scale, and height of new construction shall relate to the prevailing pattern of the streetscape.
7. Buildings are to be sited on their lot so that their placement and relationship to surrounding property is equivalent to the existing pattern of development on the street.
8. Materials must reflect the predominant traditional building materials in use on existing, adjacent structures. Where appropriate, the use of multiple materials maybe encouraged. However, use of EIFS, vinyl siding, light colored brick, stucco, brick-face, stone-face, and other inappropriate cladding materials is strictly prohibited.
9. Any restoration or renovation in strongly encouraged to be completed under the guidance of the Secretary of the Interior's Guidelines for the Treatment of Historic Properties when undertaking any exterior work.
10. Any new construction shall be designed in context of any surrounding historic resources, following the predominant setbacks, height, and lot siting.

H. Conditional Use Standards for Three-unit principal structures or developments utilizing the Affordable Housing Overlay.

1. Structures shall be designed to comply with the design standards of this Zone.
2. Any restoration or renovation in strongly encouraged to be completed under the guidance of the Secretary of the Interior's Guidelines for the Treatment of Historic Properties when undertaking any exterior work.
3. Any new construction shall be designed in context of any surrounding historic resources, following the predominant setbacks, height, and lot siting.

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**§ 345-40.1. - RH-2 Residential Housing District (typical lots).**

- A. Purpose. The purpose of this district is to preserve the pattern, quality, and architectural individuality of the existing structures and to discourage subdivision and demolition. This district is similar to the RH-1 and R-1 zones except that it is intended to protect clusters of the standard 25x100 lot size for Jersey City.
- B. Permitted principal uses are as follows:
  - 1. Residential.
- C. Uses incidental and accessory to the principal use, such as:
  - 1. Private garages, except when it is prohibited per the RH-2 Parking Standards..
  - 2. Off-street parking, except when it is prohibited per the RH-2 Parking Standards..
  - 3. Fences and walls.
  - 5. Home occupations.
  - 6. Swimming pools.
  - 8. Decks, patios, pergolas, and storage sheds.
  - 9. Accessory Dwelling Units, one (1) dwelling unit permitted in an accessory structure per lot regardless of lot size and in addition to unit(s) in the principal structure.
- D. Conditional Uses.
  - 1. Developments utilizing the Affordable Housing Overlay.
- E. Density and Bulk Standards.
  - 1. Maximum permitted density for Residential: a maximum of Forty-two (42) units per acre, or one- or two-dwelling units per lot regardless of lot size.
  - 2. All existing lots are considered conforming.
  - 3. Minimum Lot Size: Two thousand five hundred (2,500) square feet or the predominant lot area of the Blockfront, whichever is greater. Calculation of predominant lot area shall exclude any lots on the Blockfront in a different zone. Predominant is determined by which lot area is most frequently occurring along the Blockfront.
  - 4. Minimum Lot Width: Twenty-five (25) feet.
  - 5. Minimum Lot Depth: No standard.
  - 6. Maximum Building Height: three stories and thirty-five (35) feet. The required finished floor height of the building entry on the Primary Front Façade shall match the finished floor height of the building entry for either lot adjacent to the subject parcel.
  - 7. Front Yard Setback: the required front yard setback shall match the Building Line of the Front Primary Façade of either lot adjacent to the subject parcel. The adjacent lot to be matched may be decided by the applicant or property owner. If both adjacent lots are vacant, the subject parcel shall match the nearest building on the same Blockfront.
  - 8. Minimum Rear Yard Setback:

- a. For lots with a lot depth less than 120 feet, thirty percent (30%) of lot depth.
- b. For lots with a lot depth of 120 feet or more, forty percent (40%) of the lot depth.

9. Side Yard Setbacks for principal structures shall be in accordance with standards in the table:

	For detached buildings:	For semi-detached buildings: <sup>C</sup>	For attached or zero lot line buildings: <sup>C</sup>
Side Yard Setback Standards: <sup>A, B</sup>	1) Minimum setback for one side: Two feet. 2) Minimum setback for both: Five feet one inch.	1) Minimum setback for one side: Three feet one inch. 2) Minimum setback for other side: None.	If adjacent building has a less than one (1) foot side yard setback (i.e., is built to the side lot line), a zero feet side yard may be permitted (i.e., new house may also be built to the side lot line).

Table Footnotes:

A. In the instance that the adjacent building has a side yard setback four (4) feet or greater (as measured to the principal structure), the new building may build to the zero (0) side setback along that lot line. However, for corner and cap lots, one side yard shall be a minimum of five (5) feet.

B. In the instance that adjacent lot is vacant, the new building may build according to the side yard standards for detached, semi-detached, attached, or zero lot line buildings.

C. In the instance the adjacent building has a zero side yard setback but also has an existing window that is either directly on the side lot line or setback less than three feet, the new building may still build to the zero side lot line, starting at the front building line, but shall be required to setback the new building three feet from said window, starting from one foot in front of the existing window and terminating at least one foot beyond the existing window.

10. Maximum lot coverage: Seventy-five percent (75%).

11. Front yard lot coverage standards:

- a. Maximum front yard lot coverage:
  - i. For lots with a front yard setback greater than (2) feet in depth: Fifty percent (50%) maximum.
  - ii. For lots with a front yard setback two (2) feet or less in depth: No standard.
- b. For the purpose of calculating front yard depth and front yard area, measurements shall be from the property line to nearest grounded encroachments (See 345-6 and 345-60.D) or building line if there are no ground encroachments. The front yard area should also not include the area or square feet of grounded encroachments. For example, a front yard setback of five (5) feet is measured to the building line, but the structure includes a bay window (a grounded encroachment) that extends three (3) feet into the front yard, then the resulting front yard is only two (2) feet deep and therefore no front yard lot coverage standard applies.

12. Roof deck setbacks: Roof decks shall be setback a minimum of ten (10) feet from Primary and Secondary Front Façades.

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13. Standards for accessory buildings or structures:

- a. Maximum accessory building height:
  - i. For Accessory Dwelling Units: Eighteen (18) feet and two (2) stories.
  - ii. For all other accessory structures: Twelve (12) feet.
- b. Minimum accessory building setbacks:
  - i. Rear yard setback: No standard.
  - ii. Side Yard: Two (2) feet.
- c. Standards for corner lots, cap lots, and through lots: Two (2) feet front lot lines.

F. Off-street parking requirements:

- 1. Off-street parking is prohibited on interior lots with a width less than twenty-six (26) feet.
- 2. Off-street parking is prohibited on corner lots and through lots when the lot width is less than twenty (20) feet.
- 3. For lots with a lot width of fifty (50) feet or less off-street parking is not required.
- 4. For lots with a lot width over fifty (50) feet: A minimum of 0.3 spaces per bedroom is required. For the purpose of calculating this standard, studio units shall be counted as one bedroom. For example, in a five-unit structure with twelve bedrooms a minimum of four (4) spaces are required ( $12 * 0.3 = 3.6$  which rounds to 4 spaces).
- 5. Accessory Dwelling Units are exempt from any minimum parking requirement in this Zone.
- 6. Shared driveway requirement: When off-street parking is permitted, construction of two or more residential buildings with parking on adjacent lots shall include a shared driveway located to maximize on-street parking spaces; no existing street tree shall be removed to create a driveway without prior approval by the Jersey City Division of Parks & Forestry.
- 7. Curb cut standards:
  - a. Maximum number: One (1) curb cut is permitted per lot when off-street parking is a permitted use.
  - b. Maximum width: Ten (10) feet.

G. Design Standards:

- 1. Buildings proportions shall be compatible with the predominant proportional relationship along a street. Building entries, windows and other openings shall be compatible in location, size and pattern to other structures on the block. To the greatest extent possible, characteristics of surrounding development such as roof style and pitch, material, window and door detailing, and the presence of porches shall be consistent with other structures on the block.

H. Conditional Use Standards for developments utilizing the Affordable Housing Overlay.

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1. Any restoration or renovation is strongly encouraged to be completed under the guidance of the Secretary of the Interior's Guidelines for the Treatment of Historic Properties when undertaking any exterior work.
  2. Any new construction shall be designed in context of any surrounding historic resources, following the predominant setbacks, height, and lot siting.

#### **§ 345-41. - R-1 Neighborhood Housing District.**

##### **A. Purpose.**

1. The purpose of this district is to accommodate existing housing, encourage compatible in-fill, preserve the streetscape, and utilize and preserve on-street parking where lot frontage is narrow.
2. The R-1 zone impacts every ward in Jersey City. Therefore, it is important that this zone acknowledge and celebrate the culture and physical assets of existing communities as well create high quality, diverse housing types in all neighborhoods that will accommodate the needs of all types of residents.

##### **B. Permitted principal uses are as follows:**

1. Residential. Houses of worship
2. Civic.
3. Parks and playgrounds
4. Essential services.
5. Schools.
6. Governmental uses.
7. First floor commercial provided that the commercial unit(s) existed in the 1930's Tax Assessor's photo and that the original storefront character including window configuration be restored or maintained.
8. Adult day cares.
9. Assisted living residences.
10. Nursing homes.
11. Senior housing.
12. Public utilities, except that natural gas transmission lines shall be prohibited.

##### **C. Permitted accessory uses are as follows:**

1. Off-street parking, except when it is prohibited per the R-1 Parking Standards.
2. Fences and walls.
3. Meeting rooms, recreation areas and similar uses normally associated with the principal use.
4. Home occupations.
5. Swimming pools.

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6. Signs.
  7. Decks, patios, pergolas, and storage sheds.
  8. Electric vehicle charging, except when off-street parking is prohibited per the R-1 Parking Standards.
  9. Accessory Dwelling Units, one (1) dwelling unit is permitted in an accessory structure per lot regardless of lot size and in addition to unit(s) in the principal structure.
- D. Prohibited uses are as follows:
1. Class 5 Cannabis Retailers.
- E. Density and Bulk Standards:
1. Maximum permitted density by use:
    - a. Residential: a maximum of Forty-two (42) units per acre, or one- or two-dwelling units per lot regardless of lot size.
    - b. Assisted Living Residences, Senior Housing, Nursing Homes: No standard.
  2. All existing lots are considered conforming.
  3. Minimum Lot Size: Two thousand five hundred (2,500) square feet or the predominant lot area of the Blockfront, whichever is less. Calculation of predominant lot area shall exclude any lots on the Blockfront in a different zone. Predominant is determined by which lot area is most frequently occurring along the Blockfront.
  4. Minimum Lot Width: Twenty-five (25) feet.
  5. Minimum Lot Depth: No standard.
  6. Townhouse Lot Subdivision: Lots that are 5,000 square feet or greater and at least fifty (50) feet wide are permitted to be subdivided according to the following standards:
    - a. Minimum Lot Width: Eighteen (18) feet for lots subdivided according to this clause.
    - b. Minimum Lot Area: One Thousand (1,000) square feet for lots subdivided according to this clause.
    - c. Lots subdivided according to this clause shall have alternate bulk requirements as follows. All other bulk standards of this Zone shall apply.
      - i) Minimum front yard setback of zero (0) feet.
      - ii) Minimum side yard setback of zero (0) feet.
    - d. Interior Lot(s): If any of the new lots created according to this clause do not front on a pre-existing public right-of-way, then the new lots created shall be subdivided by major subdivision and shall front on a public right-of-way of at least seven (7) feet wide (aka Walking Alley) that runs the full depth of the original lot or group of lots pre-subdivision. If adjacent subdivisions occur according to this clause, those major subdivisions shall extend or expand the public right-of-way (aka Walking Alley) by connecting parallel streets or widening the right-of-way to a minimum of fourteen (14) feet. See Walking Alley reference in the Lot Line Diagram definition (345-6 Definitions).



7. Rear Yard Setback, Building Height and Coverage shall be in accordance with standards in the table:

	Minimum rear yard setback standards for Principal Structures:	Maximum Building Height standards for Principal Structures: <sup>B</sup>	Maximum Lot Coverage:
Lots 1,800 square feet or less: <sup>C</sup>	Twenty-five percent (25%) of the lot depth, rounded to nearest whole number. <sup>D, E</sup>	Three (3) stories, thirty-five (35) feet	Eighty-five percent (85%)
Lots greater than 1,800 square feet and less than 3,200 square feet: <sup>A, C</sup>	Thirty percent (30%) of the lot depth, rounded to nearest whole number. <sup>E</sup>	Three (3) stories, thirty-five (35) feet	Seventy-five percent (75%)
Lots 3,200 square feet or more: <sup>C</sup>	Twenty-five percent (25%) of the lot depth, rounded to nearest whole number. <sup>E</sup>	Three (3) stories, thirty-five (35) feet	Eighty-five percent (85%)

Table Footnotes:

- A. The required finished floor height of the building entry on the Primary Front Façade shall match the finished floor height of the building entry for either lot adjacent to the subject parcel.
- B. Maximum parapet height: 42 inches above any flat roof or eave.
- C. Buildings proportions shall be compatible with the predominant proportional relationship along a street. Building entries, windows and other openings shall be compatible in location, size and pattern to other similar structures on the block or area. To the greatest extent possible, characteristics of surrounding development such as roof style and pitch, material, window and door detailing, and the presence of porches shall be consistent with other structures on the block.
- D. For example, a lot with a depth of 75 feet, the minimum rear yard required is 19 feet (calculated  $75 \times 0.25 = 18.75$ , rounded to 19-foot setback).
- E. No required minimum rear yard setback for principal structures shall be greater than forty-five (45) feet.

8. Front Yard Setback Standards for principal structures shall be in accordance with standards in the table:

For interior lots, flag lots, or through lots:	For corner lots:	For cap lots:	For whole block lots:
Match adjacent building line <sup>A</sup>	1) Setback along one front lot line: Match Adjacent building line <sup>A</sup> 2) Setback along other front line: No Standard.	Maximum of seven (7) feet along all front lot lines.	No Standard.

Table Footnotes:

- A. The required front yard setback shall match the Building Line of the Front Primary Façade of either lot adjacent to the subject parcel. The adjacent lot to be matched may be decided by the applicant or property owner. If both adjacent lots are vacant, the subject parcel shall match the nearest building on the same Blockfront.

9. Side Yard Setbacks for principal structures shall be in accordance with standards in the table:

	For detached buildings:	For semi-detached buildings: <sup>C</sup>	For attached or zero lot line buildings: <sup>C</sup>
Side Yard Setback Standards: <sup>A, B</sup>	1) Minimum setback for one side: Two feet. 2) Minimum setback for both: Five feet one inch.	1) Minimum setback for one side: Three feet one inch. 2) Minimum setback for other side: None.	If adjacent building has a less than one (1) foot side yard setback (i.e., is built to the side lot line), a zero feet side yard may be permitted (i.e., new house may also be built to the side lot line).

Table Footnotes:

- A. In the instance that the adjacent building has a side yard setback four (4) feet or greater (as measured to the principal structure), the new building may build to the zero (0) side setback along that lot line. However, for corner and cap lots, one side yard shall be a minimum of five (5) feet.
- B. In the instance that adjacent lot is vacant, the new building may build according to the side yard standards for detached, semi-detached, attached, or zero lot line buildings.
- C. In the instance the adjacent building has a zero side yard setback but also has an existing window that is either directly on the side lot line or setback less than three feet, the new building may still build to the zero side lot line, starting at the front building line, but shall be required to setback the new building three feet from said window, starting from one foot in front of the existing window and terminating at least one foot beyond the existing window.

10. Additional Coverage Standards:

- a. Required performative roof ratio: When building coverage exceeds sixty-five (65%), a green roof system, solar panel system, or combination thereof is required onsite equal to at least ten percent (10%) of the lot area. Green roof trays and other similar green roof systems are acceptable.
- b. Front yard lot coverage standards:
- i) Maximum front yard lot coverage:
- (a) For lots with a front yard setback greater than (2) feet in depth: Fifty percent (50%).
- (b) For lots with a front yard setback two (2) feet or less in depth: No standard.
- ii) For the purpose of calculating front yard depth and front yard area, measurements shall be from the property line to nearest grounded encroachments (See 345-6 and 345-60.D) or building line if there are no ground encroachments. The front yard area should also not include the area or square feet of grounded encroachments. For example, a front yard setback of five (5) feet is measured to the building line, but the structure includes a bay window (a grounded encroachment) that extends three (3) feet into the front yard, then the resulting front yard is only two (2) feet deep and therefore no front yard lot coverage standard applies.

11. Roof deck setbacks: Roof decks shall be setback a minimum of ten (10) feet from Primary and Secondary Front Façades.

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12. Standards for accessory buildings or structures:

- a. Maximum accessory building height:
  - i) For Accessory Dwelling Units: Eighteen (18) feet and two (2) stories.
  - ii) For all other accessory structures: Twelve (12) feet.
- b. Minimum accessory building setbacks:
  - i) Rear yard setback: No standard.
  - ii) Side Yard: Two (2) feet.
  - iii) Standards for corner lots, cap lots, and through lots: Two (2) feet front lot lines.
- c. Maximum lot coverage for lots with Accessory Dwelling Units:
  - i) The maximum lot coverage permitted shall increase by an additional five percent (5%) when an accessory dwelling unit is proposed or present. Reference Rear Yard Setback, Building Height and Coverage table above.

F. Parking Standards:

- 1. No parking shall be permitted between the building line and the street line. In no instance shall a parked vehicle project or encroach over a property line, or into rights-of-way, or block sidewalks.
- 2. Off-street parking requirements:
  - a. For interior lots in Ward C or Ward D:
    - i) Off-street parking is prohibited on interior lots with a width less than twenty-six (26) feet unless off-street parking is predominant on the Blockfront. For the purpose of calculating off-street parking, only lots with garages within the principal structure or lots where the driveway extends at least eighteen (18) feet beyond the building line are to be counted. Lots with grandfathered front yard parking are not counted; and,
    - ii) The 2022 boundaries of Ward C and D as adopted shall apply.
  - b. For interior lots in all other Wards:
    - i) Off-street parking is prohibited on interior lots with a width less than twenty-five (25) feet unless off-street parking is predominant on the Blockfront. For the purpose of calculating off-street parking, only lots with garages within the principal structure or lots where the driveway extends at least eighteen (18) feet beyond the building line are to be counted. Lots with grandfathered front yard parking are not counted.
  - c. For corner lots, cap lots, and through lots:
    - i) Off-street parking is prohibited on corner lots and through lots when the lot width is less than twenty (20) feet.
  - d. For lots with a lot width of fifty (50) feet or less off-street parking is not required.
  - e. For lots with a lot width over fifty (50) feet:
    - i) Minimum parking standards for Residential: A minimum of 0.3 spaces per bedroom is required. For the purpose of calculating this standard, studio units shall be counted as one bedroom. For

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example, in a five-unit structure with twelve bedrooms a minimum of four (4) spaces are required ( $12 * 0.3 = 3.6$  which rounds to 4 spaces).

ii) Minimum parking standard for Assisted Living Residences, Senior Housing, Nursing Homes, and Adult Day Care: None.

iii) Minimum parking standard for all other uses: 1 space per 1,000 square feet of gross floor area for such use, excluding the first 5,000 square feet.

3. Accessory Dwelling Units are exempt from any minimum parking requirement in this Zone.

4. Shared driveway requirement: When off-street parking is permitted, construction of two or more residential buildings with parking on adjacent lots shall include a shared driveway located to maximize on-street parking spaces; no existing street tree shall be removed to create a driveway without prior approval by the Jersey City Division of Parks & Forestry.

5. Curb cut standards:

a. Maximum number: One (1) curb cut is permitted per lot when off-street parking is a permitted use.

b. Maximum width: Ten (10) feet.

G. Permitted conditional uses are as follows:

1. Adaptive reuse of a garage as a dwelling unit, subject to following conditions:

a. Maximum of one (1) additional dwelling unit is permitted for a maximum of three (3) dwelling units in the principal structure regardless of lot size.

b. Adaptive reuse of garage as a dwelling unit.

c. Removal of driveway and curb cut and prohibition of any off-street parking.

d. Install new curb and compliance with forestry standards.

e. If front yard is three (3) feet deep or more, install knee wall planter(s) in front yard and landscape with groundcover, plantings, mulch, shrubs, and/or trees. Planter(s) must be designed and sized to inhibit any front yard parking.

f. A portion of the garage not used as dwelling unit may be used for storage, mechanical, refuse, or other ancillary uses. Off-street parking is prohibited.

2. Corner Commercial, subject to the following conditions:

a. Shall be one of the following defined uses:

i) Cafes

ii) Laundromats

iii) Retail Sales of goods and services

iv) Offices and Medical Offices

b. There must be an existing commercial use on at least one of the other corner properties at the same intersection where the subject site is located.

c. Commercial uses limited to ground floor and cellar or basement levels.

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- d. The corner commercial frontage shall maximize storefront glazing on all street facing facades to the greatest extent possible.
  - e. Maximum permitted lot coverage shall be increased to ninety percent (90%).
  - f. For existing buildings, if a garage is being adaptively reused, improvements shall include removal of the curb cut and replacement with sidewalk and curb.
  - g. A minimum front yard setback of two (2) feet is permitted; however, if an existing building has a front yard setback less than two (2) feet, the setback is considered conforming.
  - h. Class 5 cannabis retailers are prohibited.
3. Multi-unit Residential in Historically Significant Structures, subject to the following conditions:
- a. The existing structure is determined to be historically significant by the Historic Preservation Office.
  - b. Rehabilitation is conducted in compliance with the Secretary of Interior's Standards and Guidelines for the Treatment of Historic Properties. A report shall be provided from a historic preservation specialist certifying the rehabilitation meets the Secretary of Interior Standards for Rehabilitation.
  - c. Permitted Residential Density: A maximum of seventy-five (75) units per acre or four (4) dwelling units in a principal structure, whichever is greater.
  - d. Compliance with the minimum parking ratio for residential uses in this zone.
  - e. Front yard additions are not permitted, unless supported by photographic evidence. The existing front yard setback shall be considered compliant.
4. Surface Parking Lot as a principal use, subject to the following conditions:
- a. Minimum of two (2) parking spaces or twenty percent (20%) of all parking spaces, whichever is greater, shall be reserved and equipped with electric vehicle charging for the general public.
  - b. Maximum lot coverage: Ninety Percent (90%).
  - c. Minimum landscaped area: A minimum of ten percent (10%) of the lot shall be planted or mulched with grasses, plants, shrubs, or trees and may not be reduced by any of the porous materials listed above.
  - d. Maximum curb cut and driveway width: Ten (10) feet.
  - e. Parking spaces shall be offered use to general public for a fee on an hourly, daily, weekly, monthly, or annual basis. A Parking Lot License per Chapter 236 of the municipal code shall be obtained and maintained.
  - f. Maximum lot size: 7,500 square feet.
5. Mortuaries, subject to the following conditions:
- a. Minimum lot width or frontage: One hundred (100) feet.
  - b. Minimum parking: One (1) space per employee and one (1) space per every five square feet of floor area exclusive of administrative and preparation areas.

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**§ 345-42. - R-2 Multi-Unit Attached Housing District (four stories or less).**

- A. Purpose. The purpose of the multi-unit attached housing (four stories or less) district is to recognize the existing pattern of housing development and to promote compatible infill development.
- B. Permitted principal uses are as follows:
1. Residential.
  2. Townhouses.
  3. Places of Assembly and Houses of worship.
  4. Civic Uses.
  5. Parks and playgrounds.
  6. Essential services.
  7. Schools.
  8. Governmental uses.
  9. Assisted living facilities.
  10. Nursing homes.
  11. Senior housing.
  12. Public utilities, except that natural gas transmission lines shall be prohibited.
  13. First floor commercial provided, that the commercial unit(s) existed in the 1930's Tax Assessor's photo and that the original storefront character including window configuration be restored or maintained. Cannabis Class 5 Retailers are prohibited in this zone.
- C. Uses incidental and accessory to the principal use, such as:
1. Off-street parking within the building envelope, except when parking it is prohibited.
  2. Fences and walls.
  3. Meeting rooms, cafeterias, recreation areas and similar uses normally associated with schools, houses of worship and other public buildings.
  4. Home occupations.
  5. Swimming pools.
  6. Decks, patios, pergolas, and storage sheds.
  7. Electric Vehicle Charging, except when off-street parking is prohibited.
  8. Signs.
  9. Accessory Dwelling Units, one dwelling unit permitted in an accessory structure per lot regardless of lot size and in addition to unit(s) in the principal structure.
- D. Conditional Uses.
1. Mortuaries.
- E. Density and Bulk Standards.

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1. Maximum permitted density by use:
    - a. Residential: a maximum of fifty-five (55) units per acre.
    - b. Assisted Living Residences: No standard.
    - c. Senior Housing: No standard.
    - d. Nursing Homes: No standard.
  2. All existing lots are considered conforming.
  3. Minimum Lot Size: One thousand eight hundred (1,800) square feet.
  4. Minimum Lot Width: Eighteen (18) feet.
  5. Minimum Lot Depth: No Standard.
  6. Maximum Lot Area: Twelve thousand five hundred (12,500) square feet.
  7. Front Yard Setback: The required front yard setback shall match the Building Line of the Front Primary Façade of either lot adjacent to the subject parcel. The adjacent property to be matched may be decided by the applicant.
  8. Maximum Side Yard: Zero (0) feet; except when an adjacent building has an existing window or windows three (3) feet or less from a property line, the subject building shall be required to setback the new building at least three (3) feet from any said window, starting at least one (1) foot in front of the existing window and terminating at least one (1) foot beyond the existing window.
  9. Minimum Rear Yard: Thirty percent (30%) of the lot depth, rounded to nearest whole number. For example, a lot with a depth of 75 feet, the minimum rear yard required is 23 feet (calculated  $75 \times 0.3 = 22.5$ , rounded to 23-foot setback).
  10. Building Height Standards:
    - a. Maximum Building Height: Four stories and forty (40) feet.
    - b. Maximum parapet height: 42 inches above any roof or roof deck.
  11. Maximum Lot Coverage: Eighty percent (80%).
  12. Lot coverage may be decreased by using any combination of the following porous materials:
    - a. Interlocking concrete blocks
    - b. Permeable Pavers
    - c. Open-celled pavers
    - d. Porous pavement
    - e. Gravel
    - f. Reinforced lawn
    - g. Or other material deemed appropriate by Planning or Zoning Board
  13. Landscaped area requirement: A minimum of ten percent (10%) of the lot shall be planted or mulched with grasses, plants, shrubs, or trees and may not be reduced by any of the porous materials listed above.

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14. Required green roof ratio: When building coverage exceeds sixty percent (60%), a green roof system is required of at least 100 square feet or ten percent (10%) of the lot area, whichever is greater. Green roof trays are acceptable.
  15. Roof Deck Setback: Roof decks shall be setback a minimum of ten (10) feet from Primary and Secondary Front Façades.
  16. Standards for accessory buildings or structures:
    - a. Maximum Accessory Building Height:
      - i) For Accessory Dwelling Units: Eighteen (18) feet and two (2) stories.
      - ii) For all other accessory structures: Twelve (12) feet.
    - b. Minimum Accessory Building Setbacks:
      - i) Rear Yard: Three (3) feet.
      - ii) Side Yard: Three (3) feet.

F. Parking Standards.

1. No parking shall be permitted between the building line and the street line. In no instance shall a parked vehicle project or encroach over a property line, or into rights-of-way, or block sidewalks.
2. Off-street parking is prohibited on lots with a width of fifty (50) feet or less.
3. Off-street parking requirements for residential, townhouses, senior housing, nursing homes, and assisted living facilities:
  - a. For lots with a lot width over fifty (50) feet: A minimum of 0.3 spaces per bedroom. For the purpose of calculating this standard, studio units shall be counted as one bedroom. For example, in a five-unit structure with fifteen bedrooms a minimum of five (5) spaces are required ( $15 * 0.3 = 4.5$  which rounds to 5spaces).
4. Curb cut standards:
  - a. Maximum Number: One (1) curb cut is permitted per lot when off-street parking is a permitted use.
  - b. Maximum Width: ten (10) feet.

G. Design Standards:

1. All principal structures are to be designed with flat roofs.
2. If a ground floor setback is required by the Construction Code Official for egress to rights-of-way, any cantilevered setback area must be designed with a minimum six (6) inch wide column at the primary building facade to simulate or carry the weight of the building bulk above.

H. Mortuaries, subject to the following conditions:

1. Minimum lot width or frontage: one-hundred (100) feet.
2. Minimum parking: One (1) space per employee and one (1) space per every five square feet of floor area exclusive of administrative and preparation areas.



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**§ 345-43. - R-3 Multi-Unit Mid-Rise District.****A. Purpose.**

1. The purpose of the multi-unit mid-rise district is to provide for a broad range of multi-unit housing in areas served by arterial streets, mass transit, neighborhood commercial uses and community facilities.
2. The purpose of this zone is to relate the building to the street and not create the type of development that centers the tower in a sea of parking, disconnecting the building from the street.
3. The multi-unit mid-rise district contains mid-rise buildings of three to eight stories and regulates height and density by lot size.

**B. Permitted Principal Uses:**

1. Uses for all floors:
  - a. Residential
  - b. Townhouses.
  - c. One to four unit detached dwellings.
  - d. Houses of worship.
  - e. Parks and playgrounds.
  - f. Essential services.
  - g. Schools.
  - h. Government Uses.
  - i. Assisted living residences.
  - j. Nursing homes and Adult Day Care Facilities
  - k. Senior Housing.
  - l. Live/Work.
2. Uses for ground floor only:
  - a. Offices
  - b. Medical offices.
  - c. Retail sales and services.
  - d. Cafés.
  - e. Restaurants, Categories one and two.
  - f. Mortuaries.
3. Mix of uses are permitted.

**C. Uses incidental and accessory to the principal use, such as:**

1. Private garages.
2. Off-street parking.
3. Fences and walls.
4. Meeting rooms, cafeterias, recreation areas and similar uses normally associated with schools, houses of worship and other public buildings.
5. Home occupations.
6. Swimming pools.
7. Recreation areas as part of residential developments.
8. Signs.
9. Decks, patios, pergolas, and storage sheds.

**D. Density and Bulk Standards by lot size.**

1. All existing lots are considered conforming.

2. Minimum lot width: twenty (20) feet.
3. Minimum lot depth: no standard.
4. Minimum lot area: two-thousand (2,000) square feet.
5. Maximum lot size: twenty-two thousand (22,000) square feet.
6. Maximum Density regulated by lot size shall apply in accordance with the following table.

<b>Lot Size (square feet)</b>	<b>Maximum Density* (Dwelling Units per Acre)</b>
Less than 2,500	4 dwelling units regardless of lot size
2,500 to 5,999	4 dwelling units regardless of lot size
6,000 to 6,999	60
7,000 to 7,499	65
7,500 to 7,999	70
8,000 to 8,999	75
9,000 to 9,999	80
10,000 to 10,999	85
11,000 to 11,999	90
12,000 to 12,999	95
13,000 to 13,999	100
14,000 to 14,999	105
15,000 to 15,999	110
16,000 to 16,999	115
17,000 to 17,999	120
18,000 to 18,999	125
19,000 to 19,999	130
20,000 to 20,999	135
21,000 to 21,999	140
22,000 and up	145

\*Applicable density for any interim lot size shall apply and may be calculated as needed, rounding down for fractions less than 0.5 and up for fractions of 0.5 or greater.

7. Building Height Standards:
  - a. Maximum height for principal structures on lots less than 6,000 square feet: four (4) stories, forty-two (42) feet.
  - b. Maximum height for principal structures on lots 6,000 square feet or more: eight (8) stories, eighty-five (85) feet.
8. Front Yard Setback Standards:
  - a. Standard on lots less than 6,000 square feet: The required front yard setback shall match the Building Line of the Front Primary Façade of either lot adjacent to the subject parcel. The adjacent lot to be matched may be decided by the applicant or property owner.
  - b. Standard on lots 6,000 square feet or more: a minimum of five (5) feet and a maximum of ten (10) feet.
9. Side Yard Setback Standards:

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- a. Standard on lots less than 37 feet wide: No standard. However, when an adjacent building has an existing window or windows three (3) feet or less from a property line, the subject building shall be required to setback the new building at least three (3) feet from any said window, starting at least one (1) foot in front of the existing window and terminating at least one (1) foot beyond the existing window.
  - b. Standard on lots 37 feet wide to 59 feet wide: minimum five (5) feet on each side.
  - c. Standard on lots 60 feet wide or more: parking garage level(s) may be built to the side lot line, and residential or upper floors shall provide a minimum of five (5) feet on each side.

10. Rear Yard Setback Standards:

- a. Standard on lots less than 6,000 square feet: minimum equal to twenty-five (25%) of lot depth.
- b. Standard on lots 6,000 square feet or more: parking garages on the ground floor may have a zero foot setback, all other floors shall have a minimum rear yard equal to twenty-five (25%) of the lot depth.

11. Coverage Standards:

- a. Standard on lots less than 6,000 square feet: a maximum of eighty (80%) lot coverage.
- b. Standard on lots 6,000 square feet or more: a maximum of one hundred (100%) lot coverage if a parking garage is provided, and a maximum of eighty (80%) lot coverage if no parking is provided.

12. Maximum Accessory Building Height: Fifteen (15) feet.

13. Minimum Accessory Building Setbacks:

- a. Rear Yard: Three (3) feet.
- b. Side Yard: Two (2) feet.

E. Parking Standards:

1. No parking shall be permitted between the building line and the street line. In no instance shall a parked vehicle project or encroach over a property line, or into rights-of-way, or block sidewalks.
2. Standards for residential uses on lots less than thirty-seven (37) feet in width:
  - a. Off-street parking is not required.
  - b. All parking shall be contained within the building envelope and spaces may be located one behind the other.
3. Standards for residential uses on lots thirty-seven (37) feet in width or greater:
  - a. Minimum Parking requirements: A minimum of 0.3 spaces per bedroom. For the purpose of calculating this standard, studio units shall be counted as one bedroom. For example, in a five-unit structure with fifteen bedrooms a minimum of five (5) spaces are required ( $15 * 0.3 = 4.5$  which rounds to 5 spaces).
4. Standards for Houses of Worship, Schools, Mortuaries, and Government Uses. See R-1 parking standards.
5. Standards for Assisted Living Residences, Nursing Homes and Senior Housing. See R-1 parking standards.
6. Curb Cut Standards:
  - a. Maximum width of curb cut: ten (10) feet.
  - b. Maximum number: One (1) curb cut is permitted per lot when off-street parking is required and provided, except where there is construction of two or more buildings with permitted driveways on adjacent lots, driveways shall be shared and located so as to maximize on-street parking space.

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- F. Compliance provision: Lots that were Zoned R-1 and were 8,422 square feet in area or more when Ordinance 21-077 (aka Inclusionary Zoning Ordinance) was adopted on December 15, 2021 are subject to a mandatory affordable housing set aside per Chapter 187 if the developer of such lot builds fifteen (15) or more residential units onsite or subdivides the lot and builds fifteen (15) or more residential units in aggregate.

#### **§ 345-44. - R-4 Multi-Unit High-Rise District.**

- A. Purpose.
1. The purpose of the multi-family high-rise district is to accommodate low, medium and high-rise multi-family housing in appropriate locations that are served by mass transit, off-street parking and adequate public infrastructure. The location of these districts in close proximity to shopping, employment and recreational amenities is intended to promote an increased mix of uses, twenty-four (24) hour activity and pedestrian traffic characteristic of dense urban centers.
  2. This district should not create a "tower in the park," type of development. This type of development centers the tower in a sea of parking disconnecting the building from the street.
- B. Permitted principal uses are as follows:
1. Townhouses.
  2. Mid-rise apartments.
  3. High-rise apartments.
  4. Schools.
  5. Parks and playgrounds.
  6. Essential services.
  7. Governmental uses.
  8. Houses of worship.
  9. Retail sales of goods and services.
  10. Assisted living residences.
  11. Nursing homes.
  12. Senior housing.
  13. Offices
- C. Uses incidental and accessory to the principal use, such as:
1. Private garages.
  2. Off-street parking.
  3. Fences and walls.

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4. Meeting rooms, cafeterias, recreation areas and similar uses normally associated with schools, houses of worship and other public buildings.
  5. Home occupations.
  6. Swimming pools.
  7. Recreation areas as part of residential developments.
  8. Signs.
  9. Decks, patios, pergolas, and storage sheds.
- D. Conditional Uses.
1. Mortuaries.
- E. Bulk Standards for High-Rise Apartments.
1. Minimum Lot Size: Sixty thousand (60,000) square feet.
  2. Maximum Density: One hundred fifty (150) units per acre.
  3. Minimum Lot Width: Three hundred (300) feet.
  4. Minimum Lot Depth: Two hundred (200) feet.
  5. Minimum Front Yard: Ten (10) feet.
  6. Minimum Rear Yard: Twenty-five (25) feet.
  7. Minimum Side Yard: Ten (10) feet.
  8. Minimum Building Height: Eight (8) stories and eighty (80) feet.
  9. Maximum Building Height: One hundred ten (110) feet.
  10. Maximum Building Coverage: Sixty percent (60%).
  11. Maximum Lot Coverage: Eighty-five percent (85%).
- F. Parking Standards for High-Rise Apartments.
1. Minimum 0.5 parking spaces per dwelling unit.
  2. Office and Retail Use where permitted: None.
  3. A minimum buffer of ten (10) feet is required between on-site parking areas and adjacent R-1 and R-2 zones.
- G. Bulk and Parking Standards for Townhouses. See R-2 Bulk and Parking Standards.
- H. Bulk and Parking Standards for Mid-Rise Apartments.
1. Minimum Lot Size: Sixty thousand (60,000) square feet, provided all bulk and parking standards are met. All lots legally existing at the time this ordinance is adopted are considered conforming.
  2. Maximum Density:

Lot Dimensions	Lot Size	Max. dwelling units/acre*
60 × 100	6,000	60
	7,000	65

Lot Dimensions	Lot Size	Max. dwelling units/acre*
75 × 100	7,500	70
	8,000	75
	9,000	80
100 × 100	10,000	85
	11,000	90
	12,000	95
	13,000	100
	14,000	105
	15,000	110
	16,000	115
	17,000	120
	18,000	125
	19,000	130
100 × 200	20,000	135
	21,000	140
	22,000	145

\*Lots with greater than 22,000 sf shall be capped at 145 units per acre.

3. Minimum Lot Width: Sixty (60) feet.
4. Minimum Lot Depth: One hundred (100) feet.
5. Required Front Yard: Shall match the front yard setback of the primary building facade of adjacent building(s), if any, or a minimum of five (5) feet and a maximum of ten (10) feet shall apply if no adjacent building.
6. Minimum Rear Yard: Ground floor or single floor partially above grade parking garages may be built to the rear lot line in accordance with height restrictions, and all floors above the garage shall provide a minimum of thirty (30) feet.
7. Required Side Yard: Parking garage level(s) may be built to the side lot line, and residential floors shall provide a minimum of five (5) feet on each side.
8. Minimum and Maximum Building Height: Three (3) stories minimum and eight (8) stories and eighty-five (85) feet maximum including above-grade parking levels, and a minimum floor to ceiling height of nine (9) feet for all residential floors, and a maximum floor to ceiling height of eight (8) feet for a parking level and any residential unit located on the same level as parking. No wall/elevation of any parking structure connected to a mid-rise apartment building shall rise more than ten (10) feet above the existing grade.
9. Maximum Building Coverage: Up to one hundred (100) percent building coverage shall be permitted only for a parking garage level at grade or partially below grade and where the front yard standard requires between zero (0) and four and ninety-nine-hundredths (4.99) feet (see front yard standard); sixty-five (65) percent for all residential floors above the garage on lots of ten thousand (10,000) square feet or less; and seventy-five (75) percent for all residential floors on lots over ten thousand (10,000) square feet.

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10. Maximum Lot Coverage: Up to one hundred (100) percent lot coverage shall be permitted only for a parking area or parking garage at grade or partially below grade and where the front yard setback standard requires between zero (0) and four and ninety-nine-hundredths (4.99) feet (see front yard standard) and where buffer requirements allow; eighty-five (85) percent if parking is entirely below grade.
  11. Maximum Accessory Building Height: Fifteen (15) feet.
  12. Minimum Accessory Building Setbacks:
    - a. Rear yard: Three (3) feet.
    - b. Side yard: Two (2) feet.
  13. Parking:
    - a. Minimum one-half (0.5) parking spaces per dwelling unit.
    - b. Office uses where permitted: none
    - c. A minimum ten (10) feet wide vegetative landscape buffer is required between on-site surface parking areas for mid-rise apartment buildings and any adjacent residential zones of lower density than R-3 (includes R-2, R-1, RH-1, RH-2, and any other zones of similar low density yet to be adopted).
  - I. Bulk and Parking Standards for Houses of Worship, Schools, and Governmental Uses. See R-1 Bulk and Parking Standards.
  - J. Bulk and Parking Standards for Assisted Living Residences, Nursing Homes and Senior Housing. See R-1 Bulk and Parking Standards except for height; height shall be in accordance with the height standard for high-rise apartments.
  - K. Conditional Use Standards for Mortuaries. See R-1 Conditional Use Standards.

#### **§ 345-45. – RC-1 Residential Commercial District 1 (three and four stories).**

- A. Purpose.
  1. The purpose of this district is to recognize the existence and importance of the historic mixed use, neighborhood business districts through the City. The purpose of this zoning is to promote the historical pattern along these corridors and continue to permit a mix of uses consistent with neighborhood centers.
- B. Permitted principal uses are as follows:
  1. Ground floor and upper floors:
    - a. Residential and/or live/work.
      - i. For lots that are less than 50 feet in width:
        1. Permitted on all floors.
      - ii. For lots that are 50 feet or greater in width:
        1. Permitted above ground floor.
        2. Residential uses are permitted on the ground floor, provided that ground floor residential uses are located 25 linear feet from any lot line fronting on a right-of-way.

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Ground floor residential uses must be situated behind an active storefront use that includes, but is not limited to, retail, building lobbies, art galleries, and offices. For corner lots, residential uses may be within 25 linear feet from a front lot line considered a "side street" so long as active storefront use is proposed along the "main street".

3. Live/work uses permitted on the ground floor, provided that they have a dedicated entrance from the right-of-way.
  - b. Art galleries;
  - c. Health clubs;
  - d. Offices;
  - e. Theaters and museums;
  - f. Education facilities, public and private;
  - g. Child day care centers;
  - h. Adult day care centers;
  - i. Medical offices.
2. Ground floor only:
  - a. Retail sales of goods and services.
  - b. Financial institutions without drive-thru facilities.
  - c. Restaurants, category one and two.
3. Government uses.
4. Parks and playgrounds.
- C. Uses incidental and accessory to the principal use, such as:
  1. Off-street parking and parking garages permitted on lots with a width of twenty-five (25) feet or more.
  2. Fences and walls.
  3. Signs.
  4. Sidewalk cafes associated with category one and two restaurants.
  5. TV, radio, and/or stereo systems accessory to bars and restaurants.
  6. Live entertainment accessory to Category One restaurants only, subject to issuance of a "restaurant entertainment license" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance No. 12-001).
- D. Bulk standards:
  1. All existing lots of record at the time of adoption of the ordinance from which this section derived are considered conforming.
  2. Minimum lot size: 2,000 square feet.



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- a. Minimum lot width: 25 feet.
    - b. Minimum lot depth: No standard.
  3. Maximum density: 65 units an acre.
  4. Setback standards:
    - a. Front yard setback: None.
    - b. Minimum side yard: None; except where existing adjacent building has windows less than three feet from the side lot line then three feet required starting from one foot in front of the first window to the rear building line.
    - c. Minimum rear yard: 15% of the lot depth at the ground floor and 30% of lot depth for all floors above.
  5. Coverage standard:
    - a. Maximum lot coverage: 90%
    - b. Maximum building coverage: 85%
    - c. All exposed rooftop shall provide an inaccessible true green roof.
    - d. All pervious areas shall be covered using one of the following materials:
      - i. Reinforced lawn;
      - ii. Ground cover;
      - iii. Rain garden;
      - iv. Bioswales;
      - v. Plants that are native, non-invasive and proven drought resistant in an urban environment.
  6. Height:
    - a. Maximum building height:
      - i. Corner lots: Four stories, forty-five (45) feet
      - ii. All other lots: Three stories, thirty-five (35) feet
    - b. Rooftop decks must be setback a minimum of five feet from the side property line and a minimum ten feet setback from the front and rear of the roof. Rooftop deck shall not cover more than 30 percent of the roof inclusive of the setback requirements herein. Where an inaccessible green roof is installed for stormwater detention, a rooftop deck is permitted an increase in coverage but shall not cover more than 80 percent of the roof, inclusive of the setback requirements herein, and provided that the remaining areas of the roof is a green roof.

E. Parking standards:

1. In no instance shall parking be permitted between the front building line and street line. In no instance shall a parked vehicle project or encroach over a property line, or into rights-of-way, or block sidewalks.
2. No on-site parking is required for additions on structures greater or for adaptive reuse or for change of use of existing buildings.
3. No parking is permitted or required on lots with a width less than twenty-five (25) feet.
4. Off-street parking is not required for lots with a lot width less than seventy-five (75) feet. For corner lots, the shorter lot width shall control whether parking is required.

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5. Parking is permitted on lots that are twenty-five (25) feet wide or greater, and parking is required for new construction on lots seventy-five (75) feet wide and greater subject to the following requirements: A minimum of 0.3 spaces per bedroom. For the purpose of calculating this standard, studio units shall be counted as one bedroom. For example, in a five-unit structure with fifteen bedrooms a minimum of five (5) spaces are required ( $15 * 0.3 = 4.5$  which rounds to 5 spaces).
  6. Garage placement shall be setback a minimum of four feet from any lot line fronting a right-of-way.
  7. Maximum width of curb cut: 10 feet; and in no instance shall the siting of a curb cut preclude the retention or creation of at least three on-street parking spaces
  8. Curb cuts are prohibited along Summit Avenue, Franklin Avenue, and Mallory Avenue (for lots between Clendenny Avenue and Roosevelt Avenue). This shall result in zero parking required or permitted on lots with no other access to alternative rights-of-way.
  9. Curb cuts are discouraged along Mallory Avenue, Sterling Avenue, Danforth Avenue, Rose Avenue, and Old Bergen Road. If the property is on a corner lot, the location for the curb cut shall be on the side street.
  10. Parking stalls shall be at least twenty-five (25) feet from any lot line fronting Summit Avenue, Mallory Avenue, Sterling Avenue, Franklin Avenue, Danforth Avenue, Rose Avenue, or Old Bergen Avenue.
  11. Surface parking spaces, driveways, and any type of patio shall be constructed using pervious paving materials. The following are acceptable materials:
    - a. Interlocking concrete blocks;
    - b. Permeable pavers;
    - c. Open-celled pavers;
    - d. Porous pavement, concrete or asphalt;
    - e. Gravel;
    - f. Reinforced lawn; or
    - g. Other material deemed appropriate by Planning/Zoning Board.

F. Design standards.

1. Chain link fences are prohibited.
2. Buildings shall be designed contextually to present a harmonious appearance in terms of architectural style and materials and shall be encouraged to incorporate historic elements found throughout the surrounding area.
3. The width and height of windows, doors and entries, including porches and stoops, must harmonize in scale and proportion with the width and height of windows, doors and entries of adjacent and surrounding buildings.
4. The roof form and slope of a building or structure shall be consistent with the prevailing block or corridor pattern.

G. Compliance Provision.

1. Lots that were zoned R-1 and were 9,717 square feet in area or more when Ordinance 21-077 (aka Inclusionary Zoning Ordinance) was adopted on December 15, 2021 are subject to a mandatory

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affordable housing set aside per Chapter 187 if the developer of such lot builds fifteen (15) or more residential units onsite or subdivides the lot and builds fifteen (15) or more residential units in aggregate.

**§ 345-45.1. – RC-2 Residential Commercial District 2 (four and five stories).**

A. Purpose.

1. Jersey City is a consolidation of a number of smaller communities, connected by main arteries of travel, creating several distinct neighborhood centers. The purpose of this district is to recognize and promote the existence and importance of historic mixed use, neighborhood business districts throughout the City.

B. Permitted principal uses are as follows:

1. Ground floor and upper floors:
  - a. Residential and/or live/work. For corner lots, the shorter lot width shall control.
    - i. For lots that are 25 feet and less in width:
      1. Permitted on all floors, provided that in no instance shall there be a garage on the ground floor or on-site parking.
    - ii. For lots that are greater than 25 feet in width:
      1. Permitted above ground floor.
      2. Residential uses are permitted on the ground floor, provided that ground floor residential uses are located 25 linear feet from any lot line fronting on a right-of-way. Residential uses must be situated behind an active storefront use that includes, but is not limited to, retail, building lobbies, art galleries, and offices. For corner lots, residential uses may be within 25 linear feet from a front lot line considered a “side street” so long as active storefront use is proposed along the “main street”.
      3. Live/work uses permitted on the ground floor, provided that they have a dedicated entrance from the right-of-way.
  - b. Art galleries;
  - c. Health clubs;
  - d. Offices;
  - e. Theaters and museums;
  - f. Education facilities, public and private;
  - g. Child day care centers;
  - h. Adult day care centers.
  - i. Medical Offices
2. Ground floor only:
  - a. Retail sales of goods and services.
  - b. Financial institutions without drive-thru facilities.

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- c. Restaurants, category one and two.
  - 3. Government uses.
  - 4. Parks and playgrounds.
  - C. Uses incidental and accessory to the principal use, such as:
    - 1. Parking garages permitted on lots with a width of fifty (50) feet or more.
    - 2. Fences and walls.
    - 3. Signs.
    - 4. Sidewalk cafes associated with category one and two restaurants.
    - 5. TV, radio, and/or stereo systems accessory to bars and restaurants.
    - 6. Live entertainment accessory to Category One restaurants only, subject to issuance of a "restaurant entertainment license" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance No. 12-001).
  - D. Bulk standards:
    - 1. All existing lots of record at the time of adoption of the ordinance from which this section derived are considered conforming.
    - 2. Minimum lot size: 2,500 square feet.
      - a. Minimum lot width: 25 feet.
      - b. Minimum lot depth: No standard.
    - 3. Maximum density: 75 units an acre.
    - 4. Setback standards:
      - a. Front yard setback: None.
      - b. Minimum side yard: None; except where existing adjacent building has windows less than three feet from the side lot line then three feet required starting from one foot in front of the first window to the rear building line.
      - c. Minimum rear yard: 15% of the lot depth at the ground floor level, 30% of the lot depth for all levels above the ground floor.
    - 5. Coverage standard:
      - a. Maximum lot coverage: 90%
      - b. Maximum building coverage: 85%.
      - c. All exposed rooftop shall provide an inaccessible true green roof.
      - d. All pervious areas shall be covered using one of the following materials:
        - i. Reinforced lawn;
        - ii. Ground cover;
        - iii. Rain garden;
        - iv. Bioswales;
        - v. Plants that are native, non-invasive and proven drought resistant in an urban environment.

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6. Height:

- a. Maximum building height:
  - i. Four stories, 45 feet on lots 50 feet wide or less.
  - ii. Five stories, 55 feet on lots greater than 50 feet wide, provided that the fifth story is setback ten feet from the front of the primary street frontage.
  - iii. For corner lots, the shorter lot width shall control the maximum permitted height. For example, a 50 by 100 foot lot is only permitted to be four stories, 45 feet in height because the shorter lot width is 50 feet.
- b. Rooftop decks must be setback a minimum of five feet from the side property line and a minimum ten feet setback from the front and rear of the roof. Rooftop deck shall not cover more than 30 percent of the roof inclusive of the setback requirements herein. Where an inaccessible green roof is installed for stormwater detention, a rooftop deck is permitted an increase in coverage but shall not cover more than 50 percent of the roof, inclusive of the setback requirements herein, and provided that the remaining areas of the roof is a green roof.
- c. Rooftop appurtenances shall be no larger than 20 percent of the roof surface area.

E. Parking standards:

1. No on-site parking is required for additions on structures or for adaptive reuse or for change of use of existing buildings.
2. No parking is required or permitted for lots 50 feet wide or less.
3. Parking is permitted on lots that are greater than 50 feet wide, and parking is required for new construction on lots 75 feet wide and greater subject to the following requirements:
  - a. In no instance shall parking be permitted between the front building line and street line.
  - b. Garage placement shall be setback a minimum of four feet from any lot line fronting a right-of-way.
  - c. Maximum width of curb cut: 10 feet; and in no instance shall the siting of a curb cut preclude the retention or creation of at least three on-street parking spaces along width of the lot for that portion of Palisade Avenue.
  - d. For corner lots, the shorter lot width shall control whether parking is required.
  - e. Minimum parking requirements for residential uses: A minimum of 0.3 spaces per bedroom. For the purpose of calculating this standard, studio units shall be counted as one bedroom. For example, in a five-unit structure with fifteen bedrooms a minimum of five (5) spaces are required ( $15 * 0.3 = 4.5$  which rounds to 5 spaces).
4. Curb cuts are discouraged along Palisade Avenue, Kennedy Boulevard, Ocean Avenue, and West Side Avenue. If the property is on a corner lot, the location for the curb cut shall be on the side street.
5. Curb cuts are prohibited along Congress Street. This shall result in zero parking required or permitted on lots with no other access to alternative rights-of-way.
6. Parking stalls shall be at least twenty-five (25) feet from any lot line fronting on Palisade Avenue, Kennedy Boulevard, Ocean Avenue, Congress Street, or West Side Avenue.
7. Surface parking spaces, driveways, and any type of patio shall be constructed using pervious paving materials. The following are acceptable materials:
  - a. Interlocking concrete blocks;

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- b. Permeable pavers;
  - c. Open-celled pavers;
  - d. Porous pavement, concrete or asphalt;
  - e. Gravel;
  - f. Reinforced lawn; or
  - g. Other material deemed appropriate by Planning/Zoning Board.

F. Design standards.

- 1. Chain link fences are prohibited.
- 2. Buildings shall be designed contextually to present a harmonious appearance in terms of architectural style and materials and shall be encouraged to incorporate historic elements found throughout the surrounding area.
- 3. The width and height of windows, doors and entries, including porches and stoops, must harmonize in scale and proportion with the width and height of windows, doors and entries of adjacent and surrounding buildings.
- 4. The roof form and slope of a building or structure shall be consistent with the prevailing block or corridor pattern.

G. Compliance Provisions.

- 1. Lots that were zoned R-1 and were 8,424 square feet in area or more when Ordinance 21-077 (aka Inclusionary Zoning Ordinance) was adopted on December 15, 2021 are subject to a mandatory affordable housing set aside per Chapter 187 if the developer of such lot builds fifteen (15) or more residential units onsite or subdivides the lot and builds fifteen (15) or more residential units in aggregate.
- 2. Lots that were zoned C – Cemetery when Ordinance 21-077 (aka Inclusionary Zoning Ordinance) was adopted on December 15, 2021 are subject to a mandatory affordable housing set aside per Chapter 187 if the developer of such lot builds any residential dwelling units onsite or subdivides the lot and builds any residential dwelling units onsite.

**§ 345-45.2. – RC-3 Residential Commercial District 3 (narrow lots, three and four stories).**

- A. Purpose: The purpose of this district is to provide development regulations contextual to the existing predominantly two- to four-story multifamily neighborhood with occasional retail venues. Moreover, the intent of the zoning regulations are to protect the historically low-rise nature of the neighborhood from inappropriate infill such as: buildings greater than four (4) stories, detached buildings, front yard parking, and ground floor garages on lots smaller than four thousand (4,000) square feet. Additionally, the purpose of the zoning in this district is to address and mitigate the impact the flooding in low lying vulnerable areas, and create a more resilient neighborhood for future generations.
- B. Permitted Principal Uses:
- 1. Residential.
  - 2. Retail sales of goods and services on the ground floor along Brunswick Street, Monmouth Street, Baldwin Avenue, or Coles Street, or other locations where there are existing, legal storefronts.

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3. Professional offices and medical offices on the ground floor along Brunswick Street, Monmouth Street, Baldwin Avenue, or Coles Street, or other locations where there are existing, legal storefronts.
  4. Cafes on the ground floor along Brunswick Street, Monmouth Street, Baldwin Avenue, or Coles Street, or other locations where there are existing, legal storefronts.
  5. Schools.
  6. Governmental uses.
  7. Houses of worship.
  8. Parks and playgrounds.
  9. Home occupations
  10. Live work.
  11. Any combination of the above (with the exception that retail and office are limited to the criteria above in B.2 and B.3)
- C. Uses incidental and accessory to the principal use, such as:
1. Parking garages and off-street parking.
  2. Fences and walls.
  3. Signs.
  4. Sidewalk cafes associated with category two restaurants.
  5. TV, radio, and/or stereo systems accessory to restaurants.
- D. Bulk Standards:
1. All lots legally existing at the time of adoption of this section are conforming.
  2. Lot Standards:
    - a. Minimum Lot Size: One thousand eight hundred (1,800) square feet.
    - b. Minimum Lot Width: Eighteen (18) feet.
    - c. Minimum Lot Depth: One hundred (100) feet.
  3. Setback Standards.
    - a. Minimum Front Yard Setback: Must meet adjacent structure setback closest to the predominant blockfront setback.
    - b. Minimum Rear Yard Setback: Thirty percent (30%) of lot depth.
    - c. Side Yard Setbacks: Zero, except where there a window exists on an adjacent structure. In that instance, the building must be setback a minimum three (3) feet one (1) inch, starting at least one (1) foot before the window.
  4. Height:
    - a. Maximum Building Height:
      - i. Streets with sixty-foot right-of-way or larger: Four (4) stories, forty-two (42) feet.

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- ii. Streets with less than sixty-foot right-of-way: Three (3) stories with a fourth floor setback a minimum of fifteen (15) feet from the front of the building. The total height permitted is forty-two (42) feet. In the instance the fifteen-foot setback cannot be met, a height variance and setback variance shall be required.
    - iii. Corner lots: The height of the lot shall be controlled by the size of the street line with the lesser frontage.
  - b. Minimum Floor to Ceiling Height: Nine (9) feet.
  - c. Mezzanines are not permitted.
  - d. Any rooftop deck and its surrounding barrier, required by code, must be setback a minimum of five feet from the front of the building. Rooftop deck shall not cover more than thirty percent (30%) of the roof's available surface, area except where a green roof is installed. Where a green roof is installed, the remaining roof area, inclusive of the setback requirements, can be covered up to fifty percent (50%); the rest must be a green roof installation.
5. Density:
- a. Maximum Density: Eighty (80) units an acre.
6. Coverage Standard:
- a. Maximum Building Coverage: Seventy percent (70%).
  - b. Maximum Lot Coverage: Eighty percent (80%).
- E. Parking Standards:
- 1. Parking is prohibited on any lots that have sole frontage on Brunswick Street, Monmouth Street, or Coles Street.
  - 2. Parking is prohibited on lots less than forty (40) feet wide, unless the rear lot line is adjacent to an alley, in which case parking is permitted in the rear yard with access from the alley.
  - 3. Where parking is permitted, parking is required on lots forty (40) feet wide or greater, according to the following:
    - a. Parking Requirements: A minimum of 0.3 spaces per bedroom. For the purpose of calculating this standard, studio units shall be counted as one bedroom. For example, in a five-unit structure with fifteen bedrooms a minimum of five (5) spaces are required ( $15 * 0.3 = 4.5$  which rounds to 5 spaces).
    - b. In no instance shall parking be permitted between the front building line and street line.
    - c. Maximum width of curb cut: Ten (10) feet.
    - d. Maximum width of driveway: Ten (10) feet.
    - e. Only a single curb cut, per property, is permitted; however in no instance shall a curb cut be permitted on Brunswick Street, Monmouth Street, or Coles Street.
  - 4. Surface Parking spaces, driveways, and any type of patio shall be constructed using pervious paving materials. The following are acceptable materials:
    - a. Interlocking concrete blocks.
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- b. Permeable pavers.
  - c. Open-celled pavers.
  - d. Porous pavement, concrete or asphalt.
  - e. Gravel.
  - f. Reinforced lawn.
  - g. Or other material deemed appropriate by Planning/Zoning Board.

F. Landscaping Standards:

- 1. All properties are required to provide street trees, except where it can be demonstrated to Planning Staff that it is not possible to plant trees due to underground constraints such as water or utility lines.
- 2. All street trees shall be in accordance with the design standards in 345-66.B.
- 3. In the event a street, tree is removed for construction, required repair/replacement, or for any other purpose, restoration of a street tree is required in accordance with the design standards in 345-66.B
- 4. At least twenty percent (20%) of every lot shall be landscaped with one of the following materials:
  - a. Reinforced lawn.
  - b. Ground cover.
  - c. Rain garden.
  - d. Bioswales.
  - e. Plants that are native, non-invasive and proven drought resistant in an urban environment.

G. Design Standards:

- 1. Buildings shall be designed to present a harmonious appearance in terms of architectural style and materials and shall be encouraged to incorporate historic elements found throughout the surrounding area.
- 2. Blank walls without fenestration, specifically the non-habitable portion of the building within the flood elevations, shall incorporate facade articulation, recess portions of the street wall, a planter/landscaping buffer, stairs, porches, or any other architectural techniques to ensure visual connectivity between the elevated first floor and the sidewalk.
- 3. Buildings where ground floor retail is permitted shall incorporate a cornice element or horizontal projection above the storefront glazing separating ground floor uses from the building above.

H. Compliance Provision

- 1. Lots that were zoned R-1 and were 7,895 square feet in area or more when Ordinance 21-077 (aka Inclusionary Zoning Ordinance) was adopted on December 15, 2021 are subject to a mandatory affordable housing set aside per Chapter 187 if the developer of such lot builds fifteen (15) or more residential units onsite or subdivides the lot and builds fifteen (15) or more residential units in aggregate.

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**§ 345-46. – NC-1 Neighborhood Commercial District 1 (five stories or less).****A. Purpose:**

The purpose of this district is to recognize the existence and importance of neighborhood business districts and provide ground floor commercial in mixed-use buildings to promote walkability.

**B. Permitted principal uses are as follows:**

1. Retail sales of goods and services.
2. Offices.
3. Financial institutions without drive-thru facilities.
4. Restaurants, category one and two.
5. Theaters and museums.
6. Governmental uses.
7. Parks and playgrounds.
8. Residential apartments above ground floor.
9. Educational facilities, public and private, above ground floor.
10. Bars.
11. Child day care centers.
12. Medical offices.
13. Health clubs.
14. Cafes.
15. Any combination of the above.

**C. Uses incidental and accessory to the principal use, such as:**

1. Off-street parking.
2. Fences and walls.
3. Signs.
4. Sidewalk cafes associated with category one and two restaurants.
5. T.V., radio, and/or stereo systems accessory to bars and restaurants.
6. Live entertainment accessory to Category One restaurants only, subject to issuance of a "restaurant entertainment license" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001), with the exception of properties on Lower John F. Kennedy Boulevard where no live entertainment shall be permitted.

**D. Conditional uses:**

1. Residential on the ground floor:
  - a. Following conditions apply when no commercial uses are proposed:

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- i. Subject lot is not a corner lot.
  - ii. Subject lot is directly adjacent to other properties with ground floor residential.
  - b. Following conditions apply when ground floor commercial is proposed:
    - i. Residential uses are limited to a maximum of forty percent (40%) of the ground floor.
    - ii. Commercial uses shall be at least forty percent (40%) of the ground floor.

E. Bulk standards for Neighborhood Commercial Uses:

- 1. All existing lots of record at time of the adoption of this section are considered conforming.
- 2. Minimum lot size: Two thousand five hundred (2,500) square feet.
- 3. Minimum lot width: Twenty-five (25) feet.
- 4. Minimum lot depth: One hundred (100) feet.
- 5. Front yard setback: None.
- 6. Minimum side yard: None.
- 7. Minimum rear yard: 15% of the lot depth
- 8. Reserved.
- 9. Maximum building height:
  - a. Five stories and sixty-four (64) feet for buildings without residential apartments above the ground floor.
  - b. Five stories and fifty-five (55) feet for buildings with residential apartments above the ground floor.
- 10. Minimum floor to ceiling heights:
  - a. Ground floor: minimum floor to ceiling height is eleven (11) feet.
  - b. Upper floors: minimum floor to ceiling height is nine feet; however, the top floor may have a minimum floor to ceiling height of eight feet.
  - c. Drop ceilings for bathrooms, kitchens, corridors and other similar spaces are exempt from floor to ceiling minimums.

F. Parking standards and requirements:

- 1. Curb cuts are prohibited along Bergen Avenue, Brunswick Street, Coles Street, Central Avenue, Grand Street, Grove Street, Monmouth Street, Newark Avenue, and West Side Avenue. This shall result in zero parking permitted on lots with no other access to alternative rights-of-way.
- 2. Curb cuts are only permitted to gain access to off-street parking areas with five parking spaces or more. This shall result in zero parking required where the minimum parking required is less than five spaces as per the parking standards and requirements of this zone.
- 3. No on-site parking is required for additions on structures for adaptive reuse of existing buildings.
- 4. Minimum parking requirements:
  - a. For lots five thousand (5,000) square feet or greater that are not located on Kennedy Blvd:

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- i. Residential uses shall provide a minimum of two-tenths (0.2) space per bedroom. For the purpose of calculating this requirement studio apartments shall be counted as one-bedroom apartments.
    - ii. For non-residential uses when the gross floor area of non-residential uses is greater than five thousand (5,000) square feet: one space per one thousand (1,000) square feet.
  5. For all lots located on Kennedy Blvd:
    - i. Residential uses shall provide a minimum of three-tenths (0.3) space per bedroom. For the purpose of calculating this requirement studio apartments shall be counted as one-bedroom apartments.
    - ii. For non-residential uses when the gross floor area of non-residential uses is greater than five thousand (5,000) square feet: One space per one thousand (1,000) square feet.
  6. For lots less than five thousand (5,000) square feet which are not located on Kennedy Blvd, off-street parking is not required.
  7. No on-site parking is required for additions on structures or for adaptive reuse or for change of use of existing buildings.

**§ 345-46.1 – NC-2 Neighborhood Commercial District 2 (Six stories or less).**

**A. Purpose:**

The purpose of this district is to recognize the importance of neighborhood business districts and provide ground floor commercial in mixed-use buildings to promote walkability. To increase pedestrian safety, pedestrian scale aesthetics and environmental performance.

**B. Permitted principal uses are as follows:**

1. Retail sales of goods and services.
2. Offices.
3. Hotels.
4. Financial institutions without drive-thru facilities.
5. Restaurants, category one, two and three.
6. Theaters and museums.
7. Governmental uses.
8. Parks and playgrounds.
9. Residential apartments above ground floor.
  - a. Compliance provision: lots that were formerly zoned C/A are subject to mandatory affordable housing set aside per Chapter 187 if the developer of such lot builds fifteen (15) or more residential units onsite or subdivides the lot and buildings fifteen (15) or more residential units in aggregate.
10. Educational facilities, public and private, above ground floor.

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11. Civic uses.
  12. Bars.
  13. Child day care centers.
  14. Medical offices.
  15. Health clubs.
  16. Cafes.
  17. Business Incubators.
  18. Any combination of the above.

C. Uses incidental and accessory to the principal use, such as:

1. Off-street parking.
2. Fences and walls.
3. Signs.
4. Sidewalk cafes associated with category one and two restaurants.
5. T.V., radio, and/or stereo systems accessory to bars and restaurants.
6. Meeting rooms and facilities
7. Home occupations
8. Live entertainment accessory to Category One restaurants only, subject to issuance of a "restaurant entertainment license" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).

D. Conditional uses:

1. Residential on the ground floor:
  - a. Following conditions apply when no commercial uses are proposed:
    - i. Subject lot is not a corner lot.
    - ii. Subject lot is directly adjacent to other properties with ground floor residential.
  - b. Following conditions apply when ground floor commercial is proposed:
    - i. Residential uses are limited to a maximum of forty percent (40%) of the ground floor.
    - ii. Commercial uses shall be at least forty percent (40%) of the ground floor.

E. Bulk standards for Neighborhood Commercial District 2 Uses:

1. All existing lots of record at time of the adoption of this section are considered conforming.
2. Minimum lot size: Two thousand five hundred (2,500) square feet.
3. Minimum lot width: Twenty-five (25) feet.
4. Minimum lot depth: One hundred (100) feet.
5. Front yard setback:
  - a. Setback shall be sufficient to provide a minimum sidewalk width of 15 ft

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b. A green buffer/planting area with a minimum width of 3 ft shall be provided between the building facade and the 15 ft wide sidewalk. This green buffer shall incorporate a knee wall to protect the planting area. An integrated irrigation system is required. Runoff water is required to permeate into the ground below. Pedestrian scale lighting shall be incorporated into the green buffer. See Design Standards below for recommended landscape materials/treatments.

c. No awning or canopy should extend more than 5 ft off the building façade

6. Minimum side yard:

a. On lots less than 50 feet wide: None, except where there exists a window on the adjacent structure. In that instance, the building must be setback a minimum of 3 feet

b. On lots 50 feet wide or more: parking garage levels may be built to the side lot line, and residential or upper floors shall provide a minimum of five (5) on each side.

7. Minimum rear yard: Parking garages on the ground floor may have a zero-foot setback, all other floors shall have a minimum rear yard equal to 25% of the lot depth

8. Coverage Standards:

a. Standard on lots less than 5,000 square feet: a maximum of eighty (80%) lot coverage.

b. Standard on lots 5,000 square feet or more: a maximum of one hundred (100%) lot coverage if a parking garage is provided, and a maximum of eighty (80%) lot coverage if no parking is provided.

9. Maximum building height: Six stories and sixty-four (64) feet

10. Minimum floor to ceiling heights:

a. Ground floor: minimum floor to ceiling height is eleven (11) feet.

b. Upper floors: minimum floor to ceiling height is nine feet; however, the top floor may have a minimum floor to ceiling height of eight feet.

c. Drop ceilings for bathrooms, kitchens, corridors and other similar spaces are exempt from floor to ceiling minimums.

G. Parking standards and requirements:

1. Curb cuts on Communipaw Avenue shall be kept to a minimum. Where possible, curb cuts shall be located on side streets.

2. Curb cuts are only permitted to gain access to off-street parking areas with five parking spaces or more. This shall result in zero parking required where the minimum parking required is less than five spaces as per the parking standards and requirements of this zone.

3. No on-site parking is required for additions on structures for adaptive reuse of existing buildings.

4. Maximum width of curb cut: 10 feet

5. No parking is permitted for lots 50 feet wide or less.

6. Parking is permitted on lots that are greater than 50 feet wide, and parking is required for new construction on lots 75 feet wide and greater.

7. A minimum of ten percent (10%) of total parking spaces shall be dedicated charging locations for electric vehicles.

8. Minimum parking requirements and queuing standards for Category 3 restaurants:

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- a. One space per three hundred (300) square feet.
  - b. The queuing lane shall not conflict with ingress/egress and/or parking aisles required for circulation pertaining to any use on the site.
  - c. The queuing lane shall be contained on-site.

9. Minimum parking requirements for all other uses:

- a. Residential uses shall provide a minimum of two-tenths (0.2) space per bedroom. For the purpose of calculating this requirement studio apartments shall be counted as one-bedroom apartments.
- b. Hotels: 1 space: 8 rooms
- c. For all non-residential or non-hotel room uses: when the gross floor area is greater than five thousand (5,000) square feet: one space per one thousand (1,000) square feet.
- d. In no instance shall parking be permitted between the front building line and street line.

H. Design Standards:

- a. Given the historic and ongoing (in-part) industrial use of the area, industrial characteristics shall be incorporated in façade design of new structures. When appropriate, adaptive reuse is encouraged to maintain portions of the existing industrial fabric within the area. Materials evoking historic industrial building characteristics such as brick, stone, cast stone, metal, concrete, and wood shall be used.
- b. All façade vents for air conditioning or heating units shall be integrated into the window design such that vent grills and windows appear as a single unit.
- c. Required green roof ratio: When building coverage exceeds sixty percent (60%), a green roof system is required of at least 200 square feet or ten percent (10%) of the lot area, whichever is greater. Green roof trays are acceptable.
- d. At least twenty percent (20%) of every lot shall be landscaped with one of the following materials:
  - i. Reinforced lawn.
  - ii. Ground cover.
  - iii. Rain garden.
  - iv. Bioswales.
  - v. Plants that are native, non-invasive and proven drought resistant in an urban environment.

**§ 345-46.2 – NC-3 Neighborhood Commercial District 3 (110 feet or less).**

A. Purpose.

- 1. The purpose of this district is to foster the development of a vibrant and accessible citywide activity district that is a center of commerce and civic activity. It functions as a Local and regional destination for business, retail, education, government services, entertainment and transportation.
- 2. The Neighborhood Commercial District 3 contains numerous commercial, residential, institutional and government/public uses in a high intensity urban context.

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B. Permitted principal uses are as follows:

1. Government uses.
2. Public and private colleges, universities and technical/vocational schools.
3. Parking garages.
4. Retail sales of goods and services.
5. Offices.
6. Hotels.
7. Conference centers.
8. Restaurants, category one and two.
9. Financial institutions without drive-thru facilities.
10. Theaters.
11. Billboards on buildings (Except that in Historic Districts billboards are prohibited).
12. Residential.
13. Civic.
14. Medical offices.
15. Child Day Care Centers.
16. Any combination of the above.

C. Uses incidental and accessory to the principal uses, such as:

1. Parking garages.
2. Meeting rooms, conference facilities, gymnasiums and exercise rooms and pools.
3. Signs.
4. T.V., radio, and/or stereo systems accessory to bars and restaurants.
5. Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).

D. Bulk Standards.

1. Minimum Lot Size: Ten thousand (10,000) square feet.
2. Minimum Lot Width: One hundred (100) feet.
3. Minimum Lot Depth: One hundred (100) feet.
4. Front Yard Setback: None if under eight stories; a minimum of fifteen (15) feet if over eight stories as measured from the curb to the Building Line.
5. Rear Yard: A minimum of fifteen percent (15%) of lot depth.
6. Side Yard: None.
7. Maximum Building Height: One hundred ten (110) feet.



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8. Maximum Building Coverage: One hundred percent (100%).

E. Standards for Billboards.

1. Maximum height: Sixty (60) feet above grade at their highest point when erected on the roof of a building.
2. Setback from roof edge: Five feet.
3. Maximum area: Six hundred (600) square feet with maximum vertical dimension of twelve (12) feet for each sign. When billboard has more than one face, the maximum area shall be seven hundred fifty (750) square feet.

F. Parking Standards.

1. No on-site parking is required for additions on structures for adaptive reuse of existing buildings.
2. No on-site parking is required, nor do the following minimum apply on lots less than ten thousand (10,000) square feet.
3. Offices (except medical offices), financial institutions, brokerage houses, governmental uses and colleges and universities: 0.7 space per one thousand (1,000) square feet of floor area.
4. Medical Offices: One space per five hundred (500) square feet, excluding the first two thousand (2,000) square feet of ground floor area.
5. Hotels: One space per one thousand (1,000) square feet of gross floor area including all-purpose rooms such as banquet, meeting and conference rooms.
6. Residential uses shall provide a minimum of two-tenths (0.2) space per bedroom. For the purpose of calculating this requirement studio apartments shall be counted as one-bedroom apartments.
7. Retail sales of goods and services, restaurants, bars, theaters and night clubs: One space per one thousand (1,000) square feet of gross floor area, excluding the first five thousand (5,000) square feet of gross floor area.

**§ 345-47. – HC Highway Commercial District.**

- A. Purpose. The purpose of this district is to promote the development of desirable highway commercial uses, improve the appearance of the streetscape, buffer adjacent neighborhoods and reinforce the area's function as a gateway to Jersey City.
- B. Permitted principal uses are as follows:
1. Retail sales of goods and services.
  2. Offices.
  3. Financial institutions and brokerage houses.
  4. Hotels.
  5. Restaurants, all categories.
  6. Nightclubs and bars.

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7. Service stations.
  8. Governmental uses.
  9. Auto and truck sales.
  10. Theaters.
  11. Child Day Care Centers.
  12. Self Storage Facilities.
  13. Auto repair and services
  14. Auto body shops
- C. Uses incidental and accessory to the principal uses, such as:
1. Off-street parking, garages and off-street loading.
  2. Fences and walls.
  3. Signs.
  4. Auto service ancillary to retail car dealership.
  5. Outdoor garden centers.
  6. T.V., radio, and/or stereo systems accessory to bars and restaurants.
  7. Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).
- D. Conditional Uses.
1. Car washes, all categories, subject to the following conditions:
    - a. A minimum of twelve (12) on-site holding or queuing spaces with minimum space dimensions eighteen (18) feet by nine feet must be provided as an approach lane or lanes to the car wash.
    - b. A minimum of four holding or queuing spaces (min. twenty-five (25) feet by ten (10) feet) after the car passes through the complete wash cycle.
    - c. Holding and/or queuing spaces on multiple use sites shall be designed so as not to conflict with the ingress or egress of any pumping island that may be located on the same site, or with ingress/egress and/or parking aisles required for circulation pertaining to any use on the site.
- E. Bulk Standards Highway Commercial District.
1. Minimum Lot Size: Ten thousand (10,000) square feet.
  2. Minimum Perimeter Setback: Fifteen (15) feet for lots ten thousand (10,000) square feet or more. Otherwise, none.
  3. Maximum Building Height: Six stories.
  4. Maximum Building Coverage: Fifty percent (50%).
  5. Maximum Lot Coverage: Ninety percent (90%).
- F. Parking Standards for Highway Commercial District.

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1. Surface parking areas or aisles should be distributed around the building, and at least ten percent (10%) of surface parking areas shall be landscaped along the front property line or between parking aisles.
  2. Lots with thirty (30) or more parking spaces shall be designed with a reasonable amount of pedestrian refuge areas and paths between parking stalls or aisles to better facilitate pedestrian movement and safety.
  3. Service stations: Three spaces per lift, wheel alignment pit, bay, or similar work area; spaces shall be separate from the driveway and apron areas which give access to pumps, service areas and areas for display of merchandise. Where no repair services are provided a minimum of three spaces shall be required. Where retail sales are provided a minimum of one space per one hundred fifty (150) square feet of retail space shall be provided.
  4. Car washes: Fifteen (15) on site holding or queuing spaces as an approach lane to the car wash, and a minimum of three queuing spaces after the car passes through the wash cycle. All spaces shall be on site. Where a carwash is associated with a service station, the holding or queuing lane shall not conflict with the ingress or egress of any pump island.
  5. Financial institutions: One (1) space per five hundred (500) square feet of gross floor area.
  6. Restaurants: One (1) space per five hundred (500) square feet of gross floor area.
  7. Offices: One (1) space per five hundred (500) square feet of gross floor area.
  8. Retail sales of goods and services: One (1) space per five hundred (500) square feet of gross floor area.
- G. 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.

#### **§ 345-48. – C/A Commercial/Automotive District.**

- A. Purpose.
1. The purpose of this district is to upgrade the appearance and function of Communipaw Avenue through screening and buffering, sensitive site planning, selective acquisition of properties and the relocation of parking.
  2. The Commercial Automotive district is along both sides of Communipaw Avenue, extending easterly from Route 440 to Bergen Avenue.
- B. Permitted principal uses are as follows:
1. Retail sales of goods and services.
  2. Auto sales.
  3. Auto repair and services.
  4. Service stations.

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5. Auto body shops.
  6. Financial institutions.
  7. Restaurants, all categories.
  8. Offices.
- C. Uses incidental and accessory to the principal use, such as:
1. Offices.
  2. Fences and walls.
  3. Signs.
  4. Parking.
  5. Car washes, all categories.
- D. Bulk Standards for Commercial/Automotive District.
1. Minimum Lot Size: Ten thousand (10,000) square feet.
  2. Minimum Lot Width: One hundred (100) feet.
  3. Minimum Lot Depth: One hundred (100) feet.
  4. Maximum Front Yard Setback: Five (5) feet; setback may exceed five (5) feet if the entire yard adjacent to the right-of-way is fully landscaped and provides a pedestrian pathway to the building entrance. Additionally, garage bays with overhead doors must be set back twenty (20) feet to allow for queuing. Garage bays shall be limited to fifty percent (50%) of the front building façade width.
  5. Side Yard: Zero feet. On corner lots, setback may exceed zero feet if the entire yard adjacent to the right-of-way is fully landscaped and provides a pedestrian pathway to the building entrance.
  6. Minimum Rear Yard: Five feet.
  7. Maximum Building Height: Thirty (30) feet.
  8. Maximum Building and Lot Coverage: Ninety percent (90%).
  9. A six foot high decorative brick wall is required along the rear lot line if the parcel abuts residential uses or zones.
- E. Minimum Parking Standards for Commercial/Automotive District.
1. No on-site parking is required for additions on structures for adaptive reuse of existing buildings.
  2. Auto sales: One space per one hundred (100) square feet of showroom floor area plus one space for each one thousand (1,000) square feet of gross floor area other than showroom area.
  3. Service stations: Three spaces per lift, wheel alignment pit, bay, or similar work area; spaces shall be separate from the driveway and apron areas which give access to pumps, service areas and areas for display of merchandise. Where no repair services are provided a minimum of three spaces shall be required. Where retail sales are provided a minimum of one space per one hundred fifty (150) square feet of retail space shall be provided.
  4. Car washes: Fifteen (15) on site holding or queuing spaces as an approach lane to the car wash, and a minimum of three queuing spaces after the car passes through the wash cycle. All spaces shall be on

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site. Where a carwash is associated with a service station, the holding or queuing lane shall not conflict with the ingress or egress of any pump island.

5. Financial institutions: One (1) space per five hundred (500) square feet of gross floor area.
6. Restaurants: One (1) space per five hundred (500) square feet of gross floor area.
7. Offices: One (1) space per five hundred (500) square feet of gross floor area.
8. Retail sales of goods and services: One (1) space per five hundred (500) square feet of gross floor area, exempting the first five thousand (5,000) square feet.

#### **§ 345-49. – I Industrial District.**

- A. Purpose. The purpose of this district is to acknowledge areas where there is an existing concentration of industrial activity or where future industrial activity is planned. This district accommodates a broad range of industrial uses in appropriate locations with enhanced provisions for screening and buffering to protect nearby development.
- B. Permitted principal uses are as follows:
  1. Assembly and packaging.
  2. Manufacturing.
  3. Warehousing, wholesaling and distribution.
  4. Printing.
  5. Cyber hotels.
  6. Offices.
  7. Service stations.
  8. Car washes, all categories.
  9. Industrial parks.
  10. Self storage facilities.
  11. Auto repair and services
  12. Auto body shops
- C. Uses incidental and accessory to the principal use, such as:
  1. Off-street parking and loading.
  2. Fences and walls.
  3. Signs.
  4. Guardhouses and employee cafeterias.
  5. On site service and maintenance operations for equipment and operations conducted on site.
  6. Garages for parking and storage of vehicles.

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D. Bulk Standards for Industrial District.

1. Minimum Lot Size: Ten thousand (10,000) square feet.
2. Minimum Lot Width: One hundred (100) feet.
3. Minimum Lot Depth: One hundred (100) feet.
4. Minimum Front Yard Setback: Fifteen (15) feet.
5. Minimum Side Yard: Ten (10) feet.
6. Minimum Rear Yard: Fifteen (15) feet.
7. Maximum Building Height: Fifty (50) feet.
8. Maximum Building Coverage: Sixty percent (60%).
9. Maximum Lot Coverage: Ninety percent (90%).
10. Minimum Buffer to a residential zone or use: Twenty (20) feet.
11. A six foot high decorative brick wall is required along the rear lot line if the parcel abuts residential uses or zones.

E. Parking Standards for Industrial District.

1. Manufacturing, assembly, printing, packaging: One space per three thousand (3,000) square feet of gross floor area.
2. Warehousing, wholesaling and distribution: One space per five thousand (5,000) square feet of gross floor area.
3. Offices: One space per six hundred (600) square feet of gross floor area.
4. Car washes: See CA parking standards.
5. Service stations: See CA parking standards.
6. Cyber hotels: One space per ten thousand (10,000) of gross floor area.
7. Self storage facilities: One (1) space per five thousand (5,000) square feet of gross floor area.
8. Auto repair and services/Auto body shops: See C/A district parking standards

**§ 345-50. – PI Port Industrial District.**

A. Purpose.

1. The purpose of the district is to enhance and accommodate the City's working waterfront and to provide an area for current port activity and future port development in an appropriate location served by extensive transportation facilities with adequate buffering to protect nearby residential neighborhoods.
2. Jersey City's port industrial district is located in Greenville in the southeastern section of the City.

B. Permitted principal uses are as follows:

1. Offices.

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2. Warehousing and distribution.
  3. Manufacturing, processing, research and assembly operations.
  4. Terminal facilities for rail, truck and waterborne transportation, including storage and containerization facilities.
  5. Marinas and the construction and repair of boats.
  6. Service stations.
  7. Surface parking.
- C. Uses incidental and accessory to the principal use, such as:
1. Fences and walls.
  2. Signs.
  3. Garages for the parking and storage of vehicles.
  4. Boat sales and rentals, repair facilities and sales of marine supplies associated with marinas.
- D. Bulk Standards for Port Industrial District.
1. Minimum Lot Area: Eighty thousand (80,000) square feet.
  2. Minimum Lot Width: Two hundred (200) feet.
  3. Minimum Landscaped Buffer adjacent to residential uses and zones: Fifty (50) feet.
  4. Maximum Lot Coverage: Ninety percent (90%).
  5. Minimum Perimeter Setback: Sixty (60) feet.
  6. Maximum Height of Principal and Accessory buildings: Fifty (50) feet.
- E. Parking Standards for Port Industrial District.
1. Terminal facilities: One space per five thousand (5,000) square feet of gross floor area.
  2. Marinas and construction and repair of boats: 0.33 space per berth plus six hundred (600) square feet of gross floor area for other service uses.
  3. Other Uses. See Industrial zone parking standards.

#### **§ 345-51. – U University District.**

- A. Purpose. The purpose of this district is to accommodate existing colleges and universities while preserving neighborhood stability and residential quality of life, especially in areas bordering institutions of higher education.
- B. Permitted principal uses are as follows:
1. Colleges and universities.
  2. Parks and playgrounds.
  3. Dormitories, fraternity and sorority houses.

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- 4. Meeting halls.
  - C. Uses incidental and accessory to the principal use, such as:
    - 1. Parking structures and lots.
    - 2. Fences and walls.
    - 3. Signs.
  - D. Bulk and Parking Standards for University District.
    - 1. Maximum Height: Four stories and forty (40) feet; provided, however, that where necessary because of topographical conditions the height may be increased establish a uniform height with existing buildings on the same street.
    - 2. Maximum Building Coverage: Sixty percent (60%).
    - 3. Maximum Lot Coverage: Eighty percent (80%).
    - 4. Maximum Height of Parking Garage: Four stories.
    - 5. Minimum buffer adjacent to residential uses and zones: Ten (10) feet.
    - 6. Parking: Ten (10) spaces for each classroom, plus one space per ten (10) seats for each auditorium, gymnasium and lecture hall.

#### **§ 345-52. – M Medical District.**

- A. Purpose.
  - 1. The purpose of this district is to recognize the existing medical facilities in the city and other medical related uses traditionally associated with these facilities.
  - 2. The medical district encompasses Christ Hospital in the Heights and Greenville Hospital in Greenville.
- B. Permitted principal uses are as follows:
  - 1. Hospitals.
  - 2. Medical offices.
  - 3. Ambulatory care facilities.
  - 4. Offices.
  - 5. Diagnostic centers.
  - 6. Rehabilitation centers.
  - 7. Assisted living residences.
  - 8. Nursing homes.
  - 9. Senior housing.
  - 10. Public utilities, except that natural gas transmission lines shall be prohibited.
  - 11. Schools, limited to the Medical District in Greenville.



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- C. Uses incidental and accessory to the principal use, such as:
    - 1. Parking garages and off-street parking.
    - 2. Meeting rooms, conference facilities, gymnasiums and exercise rooms and pools.
    - 3. Staff housing.
    - 4. Medical training including nursing and therapists.
    - 5. Fences and walls.
    - 6. Signs.
  - D. Bulk and Parking Standards for Medical District.
    - 1. Maximum Height: Ten (10) stories and one hundred (100) feet, provided, however, that in the Medical District in Greenville, the maximum height shall be limited to five (5) stories.
    - 2. Maximum Building and Lot Coverage: Eighty percent (80%).
    - 3. Maximum Height of Parking Garage: Four stories.
    - 4. Minimum Buffer adjacent to residential uses and zones: Ten (10) feet.
    - 5. Parking Standards: One space for five thousand (5,000) square feet of gross floor area.

#### **§ 345-53. – G Government District.**

- A. Purpose. The purpose of this district is to recognize the presence of government uses in neighborhoods throughout the City and identify existing and planned government facilities of City-wide significance.
- B. Permitted principal uses are as follows:
  - 1. Offices.
  - 2. Governmental uses.
- C. Uses incidental and accessory to the principal use, such as:
  - 1. Fences and walls.
  - 2. Parking.
  - 3. Signs.
- D. Bulk and Parking Standards for Government Uses. See R-1 Bulk and Parking Standards.

#### **§ 345-54. – P/OS Parks/Open Space District.**

- A. Purpose. The purpose of the parks and open space district is to acknowledge the City's existing inventory of parks and open space.
- B. Permitted principal uses are as follows:
  - 1. Parks and playgrounds.

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2. Public utilities, except that natural gas transmission lines shall be prohibited.
  3. Kiosks.
  4. Bathrooms.
- C. Uses incidental and accessory to the principal use, such as:
1. Off-street parking.
  2. Recreation, entertainment and educational programs.
  3. Signs.
  4. Dog runs.
- D. Bulk and Parking Standards for Parks/Open Space District. None.

#### **§ 345-55. – WPD Waterfront Planned Development.**

- A. Purpose. The purpose of the Waterfront Planned Development District is to identify areas where the redevelopment of water oriented commercial, residential and recreational uses has occurred or has the potential to occur including high cube warehousing uses in designated areas. The intent of the District is to accurately reflect existing conditions, endorse ongoing redevelopment activity, accommodate a broad range of new uses, promote the creative reuse of large tracts of land and to continue to provide public access to an enhanced waterfront.
- B. Permitted principal uses are as follows:
1. Marinas.
  2. Offices.
  3. Townhouses.
  4. Multi-family dwellings.
  5. Retail sales of goods and services.
  6. Theaters.
  7. Restaurants, All Categories.
  8. High-Cube warehousing and distribution subject to the following requirements:
    - a. Location. High cube warehousing shall only be permitted north of Duncan Avenue with frontage on State Highway Routes 1 & 9 truck route.
    - b. Minimum development area: Thirty (30) acres.
    - c. Site/building design requirements: In addition to the zoning and non-residential design standards contained herein, the following additional design standards shall apply:
      - (1) Minimum building size: Three hundred thousand (300,000) square feet gross floor area.
      - (2) Minimum internal building height: Thirty (30) feet clear height.
      - (3) Minimum building column spacing/loading dock design: Fifty (50) feet wide on-center column bay spacing module to accommodate four truck loading berths per column bay module.

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- (4) Minimum staging bay design: Sixty (60) feet measured from dock door to first interior column line.
  - (5) Fire suppression system: An "Early Safety Fast Response" (ESFR) internal fire sprinkler system or a comparable system where required by the large size of a building's design shall be provided.
  - (6) Maximum automobile parking: One-half space per one thousand (1,000) square feet of gross floor area.
  - (7) Maximum trailer storage parking: Two spaces per one loading dock doors.
  - (8) Loading dock location: No areas specifically intended for loading or trailer storage shall be located between the front building line and a public street line.
  - (9) Building design: Architectural design features shall reduce the visual impact of large warehouse buildings when viewed from a public street.

C. Uses incidental and accessory to the principal use, such as:

1. Fences and walls.
2. Signs.
3. Off-street parking and loading.
4. T.V., radio, and/or stereo systems accessory to bars and restaurants.
5. Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).

D. Bulk and Parking Standards for Waterfront Planned Development District.

1. Marinas: See PI Bulk and Parking Standards.
2. Offices: See HC Bulk and Parking Standards.
3. Townhouses: See R-2 Bulk and Parking Standards.
4. Multi-family dwellings: See R-3 Bulk and Parking Standards.
5. Retail sales of goods and services: See HC Bulk and Parking Standards.
6. Theaters: See HC Bulk and Parking Standards.
7. Restaurants, All Categories: See HC Bulk and Parking Standards.
8. High-Cube Warehousing: See I-Industrial District Bulk and Parking Standards.

E. Conditional Uses.

1. Animal shelter, subject to the following standards and conditions:
  - a. Maximum two stories in height.
  - b. Minimum lot size shall be one acre.
  - c. No outdoor kennels to be located within twenty (20) feet of the property lines, and only if screened by a double, staggered planting of evergreen material which shall reach a minimum of five feet height after two growing seasons.
  - d. A minimum of five percent of the surface area of each wall shall be comprised of brick, tile or other decorative masonry element or treatment.

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- e. Any accessory building shall be of the same material and style as the principal building.
  - f. Signs shall be as regulated for retail uses in this district.
  - g. All areas to which animals have access shall be securely fenced.
  - h. A dog run shall be provided, which shall be fenced and screened.
  - i. Hose bibs shall be provided on at least two exterior walls.

#### **§ 345-56. – C Cemetery District.**

- A. Purpose. The City has established the cemetery district to recognize the presence of large and smaller historic cemeteries and the influence they have upon land use in the areas where they are located.
- B. Permitted principal uses are as follows:
  - 1. Cemeteries.
- C. Uses incidental and accessory to the principal use, such as:
  - 1. Mausoleums.
  - 2. Signs.
  - 3. Fences and walls.
- D. Bulk Standards for Cemetery Uses.
  - 1. Maximum Height for mausoleums: Thirty (30) feet.
  - 2. Minimum Setback of mausoleums from property line: Thirty (30) feet.

#### **§ 345-57. – DT Destination Tourism District.**

- A. Purpose. The purpose of this district is to further develop this area as a national tourist attraction.
- B. Permitted principal uses are as follows:
  - 1. Convention centers.
  - 2. Conference centers.
  - 3. Hotels.
  - 4. Parks and playgrounds.
  - 5. Retail sales of goods and services.
  - 6. Restaurants, all categories.

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**§ 345-58. – H Historic District.**

- A. Purpose. The purpose of this district is to recognize the special significance of these neighborhoods because of their varied and well-preserved historic character. They reflect Jersey City's past and its unique geographic location. Historic Districts include: Hamilton Park, Harsimus Cove, Paulus Hook and Van Vorst Park.
- B. Permitted principal uses in all Historic Districts are as follows (Paulus Hook Historic District, north of York Street only, shall refer to the NC-3 district for principal permitted uses and bulk standards):
  - 1. Townhouses.
  - 2. Schools.
  - 3. Governmental uses.
  - 4. Houses of worship.
  - 5. Mortuaries.
  - 6. Parks and playgrounds.
  - 7. Home occupations.
- C. Accessory uses permitted in all Historic Districts.
  - 1. Private garages, for projects of ten (10) dwelling units or more.
  - 2. Screened off-street parking, for projects of ten (10) dwelling units or more.
  - 3. Live entertainment accessory to Category One restaurants only, where permitted as conditional uses or where NC-3 use standards apply, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).
- D. Conditional Uses Permitted in Harsimus Cove Historic District.
  - 1. Retail sales, retail services and offices, limited to the ground floors and parlor floors of attached dwelling units having direct pedestrian access from one 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. Bed and breakfasts.
- E. Conditional uses permitted in Paulus Hook Historic District.
  - 1. Retail sales, retail services and offices, including medical offices, limited to the ground floors and parlor floors of attached dwelling units having direct pedestrian access from one of the following streets or parts thereof: west side of Washington Street between Morris and York Streets; east side of Washington Street between Sussex and Morris Street; subject to the following conditions:
    - a. No business dealing in the sale of fresh food products (including produce, meats, processed or prepared foods) of any kind shall be permitted to occupy new retail spaces.
    - b. New or expanded uses shall meet the bulk and yard requirements for townhouses. (Conditional use application to the Planning Board shall be required for any new retail or office use or the expansion of an existing use).

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2. Restaurants, category one and two, limited to the ground floor of buildings located on corner lots where a ground floor commercial use is already in place at the time of adoption of this ordinance and having direct pedestrian access from Washington Street between Sussex and Morris Streets. New or expanded restaurants shall meet the bulk and yard requirements for townhouses. (Conditional use application to the Planning Board shall be required for a new restaurant or for the expansion of an existing restaurant).
  3. Sidewalk cafes and front yard seating areas accessory only to those restaurants and delicatessens permitted under subsections (B), (E)(1) and (E)(2) of this section, subject to the following conditions:
    - a. A Certificate of Appropriateness shall be obtained from the Historic Preservation Commission for the design (including style of furniture, partitions and overhead covering) of any sidewalk café and/or front yard seating area. This approval shall be subject to enforcement by the Division of Zoning and/or the Division of Commerce.
    - b. Any front yard seating area (i.e., within the property line) shall meet the following standards:
      - i. The front yard seating area shall be partitioned by a three-sided, movable structure separating the seating area from the public right-of-way, and which is no less than thirty (30) inches in height and no more than thirty-six (36) inches in height, providing one opening for entrance and exit which is no less than forty-two (42) inches in width and no more than sixty (60) inches in width, and whose boundaries allow patrons and pedestrians to clearly ascertain the entrance and exit to the front yard seating area.
      - ii. The front yard seating area shall have an overhead covering, consisting of either an individual umbrella over each table or a retractable awning covering all tables and chairs.
      - iii. The front yard seating area partition and overhead covering shall not contain advertising.
      - iv. The front yard seating area partition, overhead covering, and all tables, chairs, and other café furniture shall be removed from the front yard at the close of business each day.
      - v. Food service shall be available during all times in which the front yard seating area is open for business.
      - vi. Alcoholic beverages, when permitted under any other ordinance, shall not be served or consumed in any public area which is outside the partitioned seating area of the front yard.
      - vii. All areas comprising the front yard seating area, including tables and chairs, shall remain clean and orderly at all times.
      - viii. No persons other than those consuming food prepared on the premises or personnel pertaining to the establishment preparing the food shall be within the front yard seating area except for those persons passing through the seating area to enter or exit the establishment.
      - ix. Front yard seating shall be permitted to operate from April 1 through October 31, inclusive, and between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Wednesday; between the hours of 8:00 a.m. and 11:00 p.m. Thursday; and 8:00 a.m. and midnight Friday and Saturday; except that no alcoholic beverages, when permitted under any other ordinance, shall be served or consumed in a front yard seating area before noon on any day.
    - c. A sidewalk café license shall be obtained from the Division of Commerce for any seating area which extends beyond the property line, and all standards of Article XII (Sidewalk Cafes), Sections 296-80(B), 296-81(B), 296-82, 296-83, 296-85 of the Jersey City Municipal Code, shall be met. These standards shall be enforced by the Division of Commerce.

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- d. Sidewalk cafes located at corner properties shall be permitted to occupy the entire primary lot frontage to the extent feasible, but shall only be permitted to occupy the first fifty percent (50%) of the length of the secondary lot frontage, as measured from the corner of the property line along the primary frontage.
  - e. No sidewalk cafes shall be permitted within the public right-of-way fronting any property which is located within one hundred (100) feet of a school or house of worship as measured from lot line to lot line.

4. Bed and breakfasts.

F. Conditional uses permitted in Van Vorst Park Historic District:

- 1. Retail sales, retail services, and offices, limited to the ground floors and parlor floors of attached dwelling units having direct pedestrian access from one of the following streets or parts thereof: Grove Street between York Street and the northern boundary of the historic district; number 24 through number 28 Mercer Street, 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. Restaurants, Category One and Two, limited to the ground floor of properties from 297 to 311 Grove Street along the west side of Grove Street (in addition to those restaurants permitted from 273 to 295 Grove Street under either the Majestic Theater Redevelopment Plan or the Grove Mercer Redevelopment Plan), from 290 to 304 Grove Street along the east side of Grove Street, and number 24 through number 28 Mercer Street, where a commercial use is already in place at the time of adoption of this ordinance and having direct pedestrian access from Grove Street or Mercer Street.
- 3. Bed and Breakfasts.
- 4. Sidewalk cafes accessory to restaurants permitted under subsection (F)(2) of this section, subject to the following conditions:
  - a. A Certificate of Appropriateness shall be obtained from the Historic Preservation Commission for the design (including style of furniture, partitions and overhead covering) of any sidewalk café. This approval shall be subject to enforcement by the Division of Zoning.
  - b. A sidewalk café license shall be obtained from the Division of Commerce for any seating area which extends beyond the property line, and all standards of Article XII (Sidewalk Cafes), shall be met. These standards shall be enforced by the Division of Commerce.

G. Bulk and Parking Standards for Townhouses.

- 1. Minimum Lot Size: One thousand eight hundred (1,800) square feet.
- 2. Minimum Lot Width: Eighteen (18) feet.
- 3. Minimum Lot Depth: One hundred (100) feet.
- 4. Minimum Front Yard Setback: Must meet adjacent setback on either side.
- 5. Maximum Front Yard Setback: Ten (10) feet.
- 6. Minimum Rear Yard Setback: Thirty (30) feet.
- 7. Side Yard Setbacks: None.

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8. Maximum Building Height:  
Residential/mixed use: Four stories and forty (40) feet.
  9. Maximum Building Coverage: Sixty percent (60%).
  10. Maximum Lot Coverage: Eighty percent (80%).
  11. Maximum Dwelling Units Per Acre: Seventy-five (75).
  12. Rehabilitation, infill or new residential construction (including mixed-use buildings), projects of ten (10) dwelling units or more shall provide, on-site, a minimum of one-half and a maximum of one parking space per dwelling unit.
  13. On-site parking for projects of less than ten (10) dwelling units is prohibited.

H. Bulk and Parking Standards for Schools.

1. Minimum Lot Size: Ten thousand (10,000) square feet.
2. Minimum Lot Width: One hundred (100) feet.
3. Minimum Lot Depth: One hundred (100) feet.
4. Minimum Front Yard Setback: Must meet adjacent setback on either side.
5. Maximum Front Yard Setback: Twenty (20) feet.
6. Minimum Rear Yard Setback: Forty-two (42) feet.
7. Minimum Side Yard Setbacks: Ten (10) feet.
8. Maximum Building Height: Four stories and forty (40) feet.
9. Maximum Building Coverage: Seventy-five percent (75%).
10. Maximum Lot Coverage: Eighty percent (80%).
11. Parking: One space per four teachers and/or teacher's aides.

I. Bulk and Parking Standards for Governmental Uses.

1. Minimum Lot Size: Ten thousand (10,000) square feet.
2. Minimum Lot Width: One hundred (100) feet.
3. Minimum Lot Depth: One hundred (100) feet.
4. Minimum Front Yard Setback: Must meet adjacent setback on either side.
5. Maximum Front Yard Setback: Twenty (20) feet.
6. Minimum Rear Yard Setback: Thirty-six (36) feet.
7. Minimum Side Yard Setbacks: Ten (10) feet.
8. Maximum Building Height: Five stories and fifty (50) feet.
9. Maximum Building Coverage: Seventy-five percent (75%).
10. Maximum Lot Coverage: Eighty percent (80%).
11. Parking: One-half spaces per one thousand (1,000) square feet.



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J. Bulk and Parking Standards for Houses of Worship Districts.

1. Minimum Lot Size: Five thousand (5,000) square feet.
2. Minimum Lot Width: Fifty (50) feet.
3. Minimum Lot Depth: Ten (10) feet.
4. Minimum Front Yard Setback: Must meet adjacent setback on either side.
5. Maximum Front Yard Setback: Twenty (20) feet.
6. Minimum Rear Yard Setback: Eighteen (18) feet.
7. Side Yard Setbacks: Ten (10) feet.
8. Maximum Building Height: Four stories/forty (40) feet.
9. Maximum Building Coverage: Fifty percent (50%).
10. Maximum Lot Coverage: Eighty percent (80%).
11. Parking: One space per each ten (10) seats, excluding the first one hundred (100) seats. One seats hall be considered twenty-four (24) inches in calculating the capacity of pews or benches. Houses of worship without seats or pews shall provide parking at a rate of one stall for each sixty (60) square feet of prayer space excluding the first six thousand (6,000) square feet.

K. Bulk and Parking Standards for Mortuaries.

1. Minimum Lot Size: Ten thousand (10,000) square feet.
2. Minimum Lot Width: One hundred (100) feet.
3. Minimum Lot Depth: One hundred (100) feet.
4. Minimum Front Yard Setbacks: Must meet adjacent setback on either side.
5. Maximum Front Yard Setback: Twenty (20) feet.
6. Minimum Rear Yard Setback: Eighteen (18) feet.
7. Minimum Side Yard Setbacks: Ten (10) feet.
8. Maximum Building Height: Four stories and forty (40) feet.
9. Maximum Building Coverage: Fifty percent (50%).
10. Maximum Lot Coverage: Eighty percent (80%).
11. Parking: One space per employee and one space per every five square feet of floor area exclusive of administrative and preparation areas.

**§ 345-59. – Overlay Districts.**

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**§ 345-59.1 – PPOD Palisades Preservation Overlay District.**

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**A. Establishment of District.**

1. There is hereby established within the City of Jersey City an area which shall be known as the Palisades Preservation Overlay District (PPOD), in which land development and construction shall be subject to the special regulations contained in this Section.
2. The PPOD shall be designated on the Zoning Map of the City of Jersey City, and shall run along the Palisades from Montgomery Street north to the Union City boundary line.
3. The PPOD shall prevail upon all land regulated under this Chapter, as well as those properties within a duly adopted redevelopment area. Redevelopment plans shall be amended, or initially written, as the case may be, to refer to or include the requirements of this Subsection.
4. All uses permitted in the zone or redevelopment plan in which the property is located shall be permitted in the PPOD, provided, however, that the setback and procedural regulations and performance standards of this Article shall apply to any such uses, whether permitted as of right, by conditional use or by use variance.

**B. Procedural Regulations. The following information shall be submitted in addition to any information required to be submitted in the Site Plan Checklist:**

1. A topographic map of the site at two foot contour intervals (drawn in a lighter line weight) where the slope is less than ten percent (10%), and ten (10) foot contour intervals (drawn in a heavier line weight) where the slope exceeds ten percent (10%).
2. A land form analysis which shows the location and extent of the site's major landforms including the top of the cliff, the cliff face, the side slope and the base of the slope. Any exposed cliff face shall be shown. The area in each land form category shall be calculated and shown on the land form analysis.
3. A physical description of the site which shall include a technical summary of site characteristics such as soils, load bearing capacity, erosion potential, depth to bedrock, etc.
4. Site grading and development data which shall include the type and location of development activity, procedures for grading, excavation, construction access and stockpiling, extent and phasing of construction and cut and fill operations.

**C. Performance Standards.**

1. The minimum building setback line from the edge of the cliff face at the top of the cliff shall be thirty (30) feet . The minimum building setback line from the edge of the cliff face at the base of the cliff shall be sixty-five (65) feet.
2. For purposes of preservation of the Palisades cliff face, no portion of any building or structure shall be constructed on that portion of a lot which has a grade, prior to such construction, in excess of thirty percent (30%), or on any portion of the lot, which lies within ten (10) feet of the portion having such grade.
3. No portion of a building built below the Palisades within the PPOD and within four hundred fifty (450) feet of the cliff face, including all bulkheads, parapets and penthouses, shall extend into the area occupied by the top twenty-five percent (25%) of the distance between the top of cliff and the lowest portion of existing grade of a development site.

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#### **§ 345-59.2 – A - Arts Overlay District.**

- A. Purpose. The purpose of the overlay zone is:
1. To recognize the extensive location and relocation of artists' homes and/or studios into a portion of the "Heights" section formerly designated by the Municipal Council as the Riverview Arts District in 1984 and subsequent land use approvals pertaining to arts-related uses; and
  2. To encourage the further development of this section of the city as an additional viable arts enclave.
- B. Arts District Overlay Zoning Regulations:
1. Permitted Principal Uses:
    - a. Work/live artist studio;
    - b. Work/live unit;
    - c. Artist studio workspace.
  2. Existing bulk and parking regulations as regulated in underlying zoning districts shall remain unchanged and shall apply to any of the above new uses within the overlay zone.
  3. See definition for each of the above uses for additional standards.

#### **§ 345-59.3 – F Overlay – Flood Prone District.**

- A. Purpose.
1. The purpose of this subsection is to help protect development in flood prone zones, as defined as VE and AE FEMA Zones, from future flood damage and to encourage resilient design in vulnerable zones.
  2. The Flood Overlay zone (F Overlay) applies to all properties citywide which are located wholly or partially within a Federal Emergency Management Agency (FEMA) designated VE or AE zone, as depicted on official FEMA Flood Insurance Rate Maps (FIRMs) or Preliminary Flood Insurance Rate Maps (PFIRMs). The F Overlay boundary is established by whichever FEMA map incorporates the latest flood zone information. A copy of the F Overlay map is available upon request from Division of City Planning staff or a digital version is accessible through the City's official website.
  3. The F Overlay provides additional green infrastructure and resilient design requirements for properties in flood prone zones. These requirements are calculated as a green area ratio (GAR) as explained in § 345-66.1.
  4. The F Overlay zone shall prevail upon all land regulated under this Chapter, as well as those properties within a duly adopted redevelopment area. Redevelopment plans shall be amended, or initially written, as the case may be, to refer to or include the requirements of this subsection.
- B. Permitted uses are as follows:
1. The F zone is an overlay zone only. Any permitted, accessory, and conditional uses are as detailed in the applicable underlying zone.
- C. Bulk standards.

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1. The Flood Overlay zone is an overlay zone only. Any bulk requirements shall be as detailed in the applicable underlying zone.
  2. GAR requirements per § 345-66.1 apply to major and minor site plan applications.
  3. Relief from these requirements shall require a "C" variance or deviation.
- D. Parking standards for one and two family dwellings.
1. The F zone is an overlay zone only. Any parking requirements as detailed in the applicable underlying zone.

#### **§ 345-59.4 – MWORKS Marion Works Office/Residential Overlay District.**

A. Purpose

1. The Marion Works Office/Residential District (MWORD) shall apply to the area depicted on the revised Zoning Map of the City of Jersey City. The area encompassed by the MWORD is an older Industrial District located at the periphery of the Journal Square community. The purpose of this district is to encourage the redevelopment, rehabilitation and conversion of older industrial structures in the area to higher intensity residential and mixed-use buildings, and the construction of new residential and mixed-use buildings on vacant and underutilized land, while incorporating much needed public open space for district residents and the surrounding community. Ancillary commercial facilities are also encouraged to serve the surrounding community.
2. The MWORD shall apply as an overlay district, which means that it applies as alternative zoning regulations, when and if chosen by the property owner. Property owners within the MWORD may also continue to maintain uses of the property that were permitted at the time of the adoption of this amendment. However, it is recognized that the size and configuration of the existing blocks and lots are the result of the industrial and railroad use and development of this area. Therefore, if a property owner/developer chooses to utilize the Office/Residential Overlay Zoning, then the property owner I developer shall be required to provide new and/or re-opened streets rights of way. These may include the re-opening of previously vacated streets, such as Dey Street and/or the creation of new public streets and rights-of-way to accommodate the new residential and commercial re-use of property within the MWORD. It is specifically anticipated that new street connections will be necessary from the western end of Dey Street to both Saint Paul's Avenue and Newark Avenue. The location of new streets and rights-of-way should be located so as not to destroy existing or modified structures within the district. The intent of requiring these new and/or re-opened streets is to extend the street pattern into the district in order to better integrate the district into the surrounding street grid and urban fabric of the community, and to better disperse traffic from new developments.
3. Because of the nature and scale of the existing industrial buildings within the MWORD, the conversion from industrial to residential and mixed-use land uses may occur in a phased fashion, wherein a portion of a building and/or property may continue to be used for uses permitted at the time of adoption of this amendment, as other portions of the building and/or property are rehabilitated and used for residential and/or mixed-use purposes; provided that all building, health, safety, fire and other applicable codes are complied with.

B. Permitted principal uses are as follows:

1. Residential dwelling units within existing structures.

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2. Work/Live Units.
  3. High-Rise Apartments.
  4. Mid-Rise Apartments.
  5. Townhouses.
  6. Offices, provided that not more than 10% of the floor area of any development project may be dedicated to office uses.
  7. Financial institutions and brokerage houses.
  8. Retail sales of goods and services, including health clubs.
  9. Restaurants, category one and two.
  10. Theaters.
  11. Hotels.
  12. Colleges and Universities.
  13. Governmental uses, including public parks.
  14. Child Care Centers.
  15. Any combination of the above.
- C. Uses incidental and accessory to the principal use, such as:
1. Off-street parking garages and lots and off-street loading.
  2. Recreation facilities and areas, including pools, active recreation uses, gymnasiums, exercise rooms, etc.
  3. Meeting rooms, banquet facilities, conference centers.
  4. Fences and walls.
  5. Home occupations.
  6. Signs.
- D. Bulk Standards: (Note: Townhouses shall follow R-2 Standards.)
1. Minimum Lot Size: 10,000 square feet
  2. Minimum Lot Width: 100 feet
  3. Minimum Lot Depth: 100 feet
  4. Minimum Front Yard: None
  5. Maximum Front Yard: 10 feet
  6. Minimum Rear Yard:
    - a. Buildings up to 25 feet tall: 10 feet
    - b. Buildings up to 50 feet tall: 20 feet
    - c. Buildings over 50 feet tall: 30 feet

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7. Minimum Side Yard: None
  8. Minimum Building Height: 2 stories or 20 feet
  9. Maximum Building Coverage:
    - a. Not including enclosed parking: 65%
    - b. Inclusive of enclosed parking: 85%
  10. Maximum Lot Coverage: 90%
  11. Maximum Building Height:

It is recognized that the MWORD district is located on a slope wherein the highest elevation of the district is located on the eastern side of the district and the lowest elevation is located to the western side of the district. It is also recognized that taller buildings and the Pulaski Skyway are located on the north of the district and that there is an existing low-rise residential community located just to the east of the district between Dey Street and Van Winkle Avenue. Therefore, in order to accommodate the higher intensity residential and mixed-use development envisioned for the MWORD district, while at the same time respecting the existing community to the east and the opportunities afforded by the existing topography of the district, the following height regulations shall apply.

- a. Sub-district A: Four (4) stories. The first residential floor shall be at least one (1) foot taller than the floors above, and no floor shall be less than eight (8) feet tall as measured from floor to ceiling.
  - b. Sub-district B: Existing building height at the time of adoption of the MWORD overlay zoning shall be considered conforming. In addition, the height of the eastern most building within the former American Can Company complex and the existing industrial buildings located on Newark Avenue, may be increased by one (1) story, but not more than 15 feet, provided that the additional story is setback a minimum of 15 feet from the exterior walls of the building and are designed in conformance with paragraph G of this section "Building Design Standards for Rehabilitation of Existing Industrial Structures". New buildings shall not exceed 110 feet.
12. Maximum Density and Floor Area Ratio:

Similar to height, maximum density and floor area ratio shall be regulated within each sub-district as follows:

- a. Sub-district A:

Max Density - 80 units per acre
- b. Sub-district B:

Max Density — The number of units permitted within any existing building shall be determined by dividing the gross floor area of that building, which shall include any permitted additional floor area or mezzanines, by 1,200 square feet. The maximum permitted density within newly constructed buildings shall be 125 units per acre.

Max Floor Area Ratio — N/A for existing buildings, rather, the permitted floor area shall be the existing floor area within any existing building and any additional floor area permitted pursuant to the regulations found in the MWORD. The maximum permitted floor area ratio for newly constructed buildings shall be 4.5. Areas dedicated to parking, loading areas and mechanical rooms shall be excluded from the calculation of gross floor area.

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c. Density Bonus for additional Open Space:

A residential density bonus is available for new residential construction projects only, not renovation projects. A project shall qualify for the density bonus when open space is provided in excess of the minimum ten percent (10%) requirement and when these new open spaces are improved as a public park and deed restricted as publicly accessible open space. The available bonus and conditions that must exist to receive the bonus are further described in Section D.14 of this plan.

13. Required Publicly Accessible Open Space:

At least 10% of the net land area of any development (less any area provided for public streets, rights-of-way or easements) shall be dedicated as publicly accessible open space/vest pocket parks. All such open spaces shall be at least 5,000 square feet in area.

Development projects consisting of multiple phases or parcels may provide such publicly accessible open space at a later date and on another parcel or parcels within the MWORD district other than the parcel that is the subject of the development application. Projects consisting of the rehabilitation of existing buildings shall provide five percent (5%) of the net land area of any development (less any area provided for public streets, rights-of-way or easements) as publicly accessible open space. Phased and/or larger development projects shall group the proposed open spaces so as to create larger more effective and usable areas.

14. Specific Bonus Requirements:

a. Sub-district A:

- i. A density bonus of an additional seventy (70) units per acre shall be permitted (for a total of one hundred fifty (150) units per acre) when a new construction project provides an additional five percent (5%) improved open space park (to total at least fifteen percent(15%)) of the net land area of new construction. Net land area shall be the lot area, less any area provided for public streets or rights-of-way.
- ii. Number of stories shall be permitted to increase to six (6) levels of residential over one level of parking, but only for the portion of the building having frontage along Senate Place. This higher portion of the building shall not be greater than seventy-five (75) feet in depth as measured from the Senate Place frontage building facade.
- iii. Direct pedestrian ingress and egress to individual ground floor units shall be provided along Senate Place.
- iv. Required Conditions to Qualify for Sub-District A Bonus:
  - The land shall be deed restricted as public open space and dedicated to the city as a public municipal park.
  - This open space shall be located at the corner of Dey Street and Senate Place so as to provide a centrally located recreational focal point within the district.
  - Site plan approval by the Planning Board for the park design, configuration, amenities and materials shall be pursued and received in order to receive the bonus.
  - The open space improvements shall be constructed prior to the issuance of any Certificate of Occupancy for the project.

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b. Sub-district B:

- i. A density bonus of an additional fifty-five (55) units per acre shall be permitted (for a total of one hundred eighty (180) units per acre) where a development project provides an additional five percent (5%) improved open space and park (to total at least fifteen percent (15%)) of the net land area of any development net land area shall be the lot area, less any area provided for public streets or rights-of-way.
- ii. Because the street elevations are so varied within and adjacent to Block 613.1 Lot 2, a portion of open space associated with this new construction at this location, if it is proposed, may be located on a roof top provided that the roof-top open space has at least one twenty-foot wide connection to an adjacent street at the elevation of the public sidewalk and the roof-top open space is publicly accessible and identified as such within the project deed and through signage at the street level.
- iii. Direct pedestrian ingress and egress to individual units shall be provided along Senate Place, Dey Street and Newark Avenue.
- iv. Required Conditions to Qualify for Sub-District B Bonus:
  - The land shall be deed restricted as open space and dedicated to the City or remain in private ownership and protected for perpetual public access through an easement attached to the deed.
  - This open space shall be located at the corner of Dey Street and Senate Place so as to provide a centrally located recreational focal point within the district.
  - Site plan approval by the Planning Board for the park design, configuration, amenities and materials shall be pursued and received in order to receive the bonus.
  - The open space improvements shall be constructed prior to the issuance of any Certificate of Occupancy for the project.

E. Exceptions to Bulk Standards:

1. Existing buildings and structures shall be exempt from all Bulk Standards. However, any expansion of an existing building or structure must be in conformance with the Bulk Standards listed above.
2. On development sites containing multiple parcels or lots; individual parcels or lots may exceed the above bulk standards provided that the development site taken as a whole is in compliance with the above bulk standards. For lots with frontage on multiple streets, all frontages shall be treated as a front lot line/yard.
3. Any open space or open area on a development site that is dedicated or set aside as public open space, such as a park, and which is accessible to the public at grade shall be utilized in calculating the Maximum Density, F.A.R., Maximum Building Coverage and Maximum Lot Coverage of said development site.
4. Any area on a development site that is dedicated or set aside as a street or public right-of-way, shall be utilized in calculating the permitted Maximum Density, F.A.R., Maximum Building Coverage and Maximum Lot Coverage of said development site.
5. Within any existing building, interior spaces may be modified to include new interior floors and/or mezzanine levels where ceiling heights permit. Interior spaces may also be modified to provide interior courtyards to provide air and light in compliance with applicable building codes.



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F. Minimum Parking Standards:

1. Residential and Work/Live Units:
  - a. In Rehab Buildings 0.5 space per unit.
  - b. New Construction in Sub-District A - Minimum of one hundred twenty (120) new off-street parking spaces constructed for the new building in Sub-District A.
  - c. New Construction in Sub District "B" - 1 Bedroom - 0.5 space per unit; 2 Bedrooms and above - 1.0 space per unit.
2. Offices: 1 space per 1,000 square feet.
3. Retail Sales of Goods and Services: 1 space per 1,000 square feet.
4. Restaurants and Theaters: 1 space per 1,000 square feet.
5. Hotels: One-half (0.5) space per hotel room.
6. Colleges and Universities: 2 spaces per classroom.
7. Shared parking and valet parking arrangements are permitted upon submission of a parking plan by the developer demonstrating that such alternative parking arrangements are appropriate and approval by the Planning Board of such parking plan.

G. Building Design Standards for Rehabilitation of Existing Industrial Structures:

1. General: Rehabilitation and renovation of existing industrial structures shall be done in a manner that respects the individual architectural style and character of the particular building being renovated. The Dominant features or characteristics of these buildings shall be maintained. For example, many larger industrial structures were designed as a series of bays consisting of a repetition of building units along the streetscape, broken up by recessed areas or voids intended to bring air and light to inner portions of the building. These voids shall not be filled in.
2. Materials: It is preferable to repair, rather than replace, materials on the facades of the buildings. However, if materials must be replaced, they must be carefully selected to match the appearance of existing materials to the greatest extent practical.
3. Windows: Windows are a major component of a building's appearance, therefore all windows that are visible along street facades must be treated in a manner that are consistent with the architectural character of the building. Such window openings must not be reduced or modified. Although it is recognized that replacement windows must conform to contemporary standards for energy efficiency; replacement windows must be selected to be compatible with the character of the existing windows (including muntins and mullions) and the architectural style and character of the building being renovated.
4. Entrances: Care must be taken in locating new entrances into the buildings to accommodate the re-use of these structures. All buildings must relate to the streetscape and orient their primary entrance to the public right-of-way. Pedestrian access points shall be located on less trafficked streets and designed in manner that relates to the adjoining street and encourages pedestrian activity along the street. Conversely, vehicular access points shall be located and designed to limit their impact on the pedestrian environment and to the appearance of the building.
5. Roofscape: Many older industrial buildings contained skylights, water towers and other rooftop appurtenances that add to the architectural style and character of the structure. These features shall

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be retained and incorporated into the design and reuse of the structure. New necessary mechanical equipment and rooftop appurtenances may be located on the roof, but shall be screened and/or incorporated into the roofscape design.

6. Other Design Features: Many older industrial structures contained unique features such as tall smoke stacks, which became familiar features in the landscape. These features shall be retained and incorporated into the design of the building. However, other smaller or minor buildings, or minor portions of buildings, which may have been accessory to the previous use, but are no longer appropriate to the new reuse; may be removed.
7. Additions/Expansions: New additions/expansions of existing structures must be done in a manner that is complimentary to the existing building's design and architecture in term of size, scale, materials, etc. However, new additions should not seek to copy the existing building, as each building is a product of its own time. Additional floors may be added to the top of existing buildings provided that such construction is not contrary to the intent of paragraph G. 5. above and is in compliance with the height requirements of paragraph D. 11. of this section.
8. New Construction: New buildings constructed as part of the reuse and/or redevelopment of industrial sites, either as accessory to the new reuse or as infill buildings, must be designed to compliment the architecture of the existing major buildings on the site. It is recognized that each building is a product of its own time. Therefore, the new buildings should not be copies of the architectural style of the existing buildings.

#### H. Parking Structure Design Standards

1. Along all street rights-of-way within sub-district B, any all parking levels shall be screened by an intervening use (i.e. residential, office, retail, lobby, etc.) between the parking and the building façade. Parking levels below grade shall be exempt from this requirement. In addition, parking levels fronting onto Saint Paul's Avenue west of Van Wagenen Avenue shall also be exempt from this requirement. The design of parking levels within sub-district A shall adhere to the requirements of paragraph 2. below.
2. The façades of all parking structures or levels within buildings that are not screened by an intervening use shall be architecturally screened so as to not give the apparent perception of garage space from the exterior. The façade of the parking structure shall be designed to disguise the parking use to the greatest degree possible. The exterior wall of the parking structure shall be architecturally designed to mimic and reflect the occupied portions of the building in terms of style and materials. All openings in the parking structure facade shall be of the punched style. These openings shall be consistent with the rhythm of the window openings serving the principal uses within the building. They shall be covered by glass or metal in such a way that the exterior design is compatible with the design of the building and the actual windows of the building. The glass tint and/or reflectivity may be different so as to decrease the visibility of the garage use within. In lieu of glass, the openings may be covered by a hinged solid metal plate/shutter, or recessed decorative grill over a louvered opening as described below. Blind windows, where appropriate shall also be permitted. Where louvers are needed or proposed, decorative grills shall be installed over functional louvers, or other comparable decorative material shall be used in openings or portions of the openings resembling the windows provided above and/or below parking levels. The intent of the above regulations is that no exposed garage exterior wall shall be detectable as a garage.
3. The design of parking structures and levels shall be consistent with paragraph G of this section "Building Design Standards for Rehabilitation of Existing Industrial Structures".

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4. Garage doors shall be provided at the ingress and egress to the parking garage and shall be designed to reflect the architecture of the building. Open metal grates and similar type doors are prohibited. Garage doors shall be kept to the minimum height and width possible so as to limit their visual impact on the streetscape and the façade of the building.
  - I. Signage: The signage regulations as found in section 345-68 of this ordinance, and as applied to the NC-3 District shall apply to the MWORD district. In addition, the following signage may be permitted by the Planning Board after site plan review and approval.
    1. A roof sign or wall sign on an existing building that has been or is being renovated for a mixed use development, indicating the name of the mixed-use development; provided that it can be evidenced by photographs or other historical documentation that a similar sign previously existed on the building. Such signage must conform to the size, shape, lettering style and design of the historically documented sign.
    2. Signs that were historically used on certain mechanical elements or architectural features of a building or complex, such as watertowers, smokestacks and chimneys, provided that said signage is not used to advertise businesses or services outside the building or complex (i.e. no outdoor advertising signs).

#### **§ 345-59.5 – ROZ Restaurant Overlay Zones.**

1. Restaurant Overlay Zones (ROZ) shall apply to the areas depicted on the Jersey City Zoning Map. The ROZ is intended to apply as an overlay, which means that it applies an alternative zoning pattern when and if chosen by the property owner. Within a ROZ, existing zoning regulations continue unchanged. The application of ROZ zoning provides for a new, additional permitted principal use restaurants.
2. Restaurant Overlay Zoning Regulations.
  - a. Permitted Principal Uses.
    - i. Restaurants, category one and two.
  - b. Permitted Accessory Uses.
    - i. Sidewalk Cafés (subject to the provisions of Chapter 296, Article XII, Sidewalk Cafés).
    - ii. Live entertainment subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).
  - c. Minimum Building Separation.
    - i. No setback from any lot line shall be required for existing structures that are not to be enlarged. However, in the event that a separation of structures exists, or is proposed in the event of new construction, the minimum distance between any rear wall of a building proposed for a ROZ restaurant use and any rear wall of an adjacent building containing any residential uses shall be fifteen (15) feet, as measured from building face to building face, except in the case of corner lots, where no minimum or maximum separation shall apply.

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#### **§ 345-59.6 – Historic Districts Overlay**

- A. Historic District Overlays, as delineated on the Zoning Map, shall retain the underlying zoning for use, bulk, and density standards. Design standards, dictated through individual design guidelines tailored for each historic district, shall be utilized for all proposals in historic district overlays in addition to the standards found in 345-71. These Historic District design guidelines assist HPC Staff, homeowners, and design professionals in retaining the historic integrity of individual properties, landscapes, design features, and the historic districts as a whole.
1. West Bergen-East Lincoln Park Historic District Design Guidelines; adopted by the HPC 12-16-2016 (available on the City Website and via HPC Staff).

#### **§ 345-59.7 – Affordable Housing Overlay**

- A. The purpose of the Affordable Housing Overlay (“Overlay”) is to provide ample opportunities for mixed income housing and the creation of affordable housing.
- B. Developers that request and/or obtain additional dwelling units above the maximum permitted units per acre pursuant to this Overlay are required to fulfill certain community benefits and performance standards for the successful implementation of this Overlay and the objectives of the Master Plan.
- C. This Overlay shall be applicable in all zones, districts, or redevelopment plans where residential, single-unit residential, single-family dwelling unit, townhouse, mid-rise or high-rise residential, apartment, or multi-family residential is a permitted principal use.
- D. Developments pursuant to this Overlay shall have jurisdiction before the Planning Board unless:
1. Site plan review is not required pursuant to Chapter §345-16 of the Land Development Ordinance.
2. Variances are requested pursuant to N.J.S.A. 40:55D-70(d), other than a (d)(5) variance.
- E. If the Affordable Housing Set-Aside and other provisions of this Overlay are satisfied, a developer shall qualify for the following:
1. Multi-unit residential is considered a permitted use in districts where it is not listed as a permitted principal use.
2. Maximum unit per acre or maximum units per block is replaced with an alternate density standard. Instead of a maximum unit per acre standard, density for developments pursuant to this Overlay shall be defined by the “building envelope” as regulated by applicable maximum floor area ratio, height, coverage, setback and setback standards. Minimum room and unit sizes are regulated by building code.
- F. Zone standards and requirements:
1. Any minimum and maximum lot width, depth, area, and bulk requirements per the zone or district of the subject parcel shall still apply.
2. Maximum lot size requirements will be strictly enforced and any oversized lot will be required to subdivide prior to utilizing this Overlay.
- G. Unit mix requirements:

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1. The following standards shall apply to any development built pursuant to this Overlay unless there are existing unit mix requirements per the zone or district which would yield a higher amount of three-bedroom units.
  2. In developments with fifteen (15) dwelling units or more: one dwelling unit or a minimum of two percent (2%) of all residential units, whichever is greater, shall be designed with three (3) bedrooms or more.
  3. In developments with fifty (50) dwellings units or more: Minimum of seventy percent (70%) of all residential units shall be designed with one (1) bedroom or more.
  4. Any and all income mix requirements and unit mix requirements of Chapter 188 (Housing Accommodations and Affordable Housing Compliance) shall apply and supersede where there is any inconsistency.

H. Affordable Housing Set-Aside:

1. In no instance shall this Overlay lower an affordable housing set-aside required as part of a mandatory affordable housing requirement or part of a bonus of a redevelopment plan.
2. Each development subject to this Overlay shall contain an affordable housing set-aside subject to the following:
  - a. Tier 1 – Developments in Low, Moderate, or Middle Income Census Tracts. The minimum on-site affordable housing set-aside for developments in this tier shall be ten percent (10%) of the total number of dwelling units in the development. Low Income Census Tracts are defined as tracts below fifty percent (50%) of area median income. Moderate Income Census Tracts are defined as tracts between fifty percent (50%) and below eighty percent (80%) of area median income. Middle Income Census Tracts are defined as tracts between eighty percent (80%) and below one-hundred-and-twenty percent (120%) of area median income. Developments that obtain a tax abatement/payment in lieu of taxes from the City shall provide a fifteen percent (15%) minimum on-site affordable housing set-aside of the total number of dwelling units.
  - b. Tier 2 – Developments in Upper Income Census Tracts. The minimum on-site affordable housing set-aside for developments in this tier shall be fifteen percent (15%) of the total number of dwelling units in the development. Upper Income Census Tracts are defined as tracts at or above one-hundred-and-twenty percent (120%) of area median income.
  - c. Irrespective of Census Tract or Tier, all developments that obtain low income housing tax credits and/or tax-exempt bond financing from the New Jersey Housing Mortgage Finance Agency, funding from the Economic Development Authority Aspire program or similar program, and/or any other State support pursuant to N.J.S.A. 52:27D-329.9(b) shall contain a minimum on-site affordable housing set-aside of at least twenty percent (20%) of the total number of dwelling units in the development. Any development that uses any of these funding sources shall disclose this information as a part of their Affordable Housing Agreement (AHA) as required in Chapter 188 of the Jersey City Municipal Code.
  - d. Irrespective of Census Tract or Tier, all developments subject to this Overlay in the Canal Crossing Redevelopment Plan area shall include a minimum on-site affordable housing set-aside of fifteen percent (15%) of the total number of dwelling units in the development.
3. When the calculation of the affordable housing set-aside results in a fractional affordable unit, the fraction shall be rounded up if the fraction is one-half (.5) or higher. This shall mean that the affordable

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housing unit shall be provided. When the fraction is less than one half, the developer shall provide a payment in lieu of the fractional unit. The payment shall be calculated based on a pro rata basis of \$180,000.00 per unit.

a. Example Calculations:

1) 14 total units X 10% set-aside = 1.4. A calculation of 1.4 results in:

- $0.4 \times \$180,000 = \$72,000$  contribution required; and
- 1.0 = 1 on-site affordable unit required.

2) 7 total units X 15% set-aside = 1.05. A calculation of 1.05 results in:

- 1.05 rounds to 1.1
- $0.1 \times \$180,000 = \$18,000$  contribution required; and
- 1.0 = 1 on-site affordable unit required.

3) 23 total units X 15% set-aside = 3.45. A calculation of 3.45 rounds to 3.5 and results in:

- 3.5 rounds to 4.
- 4 on-site affordable units required, no contribution required.

4. Any payment in lieu of a fractional affordable unit shall be fulfilled by the developer payable upon a non-appealable board approval (or granting of permits if no Board action is required). All payments shall be deposited into the City of Jersey City Affordable Housing Trust Fund.

5. The City may waive the fractional unit payment for owner-occupants when the following applies:

- a. Property must be in a Tier 1 area at the time of application.
- b. Applicant(s) must be an owner-occupant of the property for at least three (3) years prior to utilizing the AHO.
- c. Only applies to projects that create a three-unit or four-unit principal structure.
- d. Following completion of the new unit(s), the owner-occupant must maintain residency at the property for at least five (5) years for three-unit buildings or seven (7) years (for four-unit buildings).
- e. In order to ensure residency, the City shall require a deed restriction or other legal instrument as a prerequisite to granting permits.

I. Other Provisions - the following sections of Chapter §187, Inclusionary Zoning, shall apply to each development subject to this Overlay:

1. Definitions, Section §187-2
2. Additional Standards for Affordable Housing, Section §187-5
3. Tier Map, Section §187-6
4. Compliance, Section §187-7
5. Administrative Fee, Section §187-8
6. Violations, Section §187-9

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7. Severability, Section §187-10
  8. Inconsistencies, Section §187-11
  9. If a development subject to this Overlay does not result in an on-site affordable housing unit, then the Approving Authority may exempt a developer from those provisions which regulate or apply to on-site affordable housing compliance and administration.

**§ 345-59.8 – Required setbacks for zones and redevelopment plans that abut or are in close proximity to Route 440, Route 1&9T, and a portion of Communipaw Avenue.**

- A. The purpose of this Subsection is to reserve land for a future boulevard and complete street along Route 440 and Route 1&9T that is necessitated by the multi-modal mobility, safety, access, and circulation needs of anticipated future development along the roadway.
- B. There is hereby established within the City of Jersey City required setbacks for all zones and redevelopment plans that abut or are in close proximity to New Jersey State Route 440, New Jersey State Route 1&9T, and a portion of Communipaw Avenue, which shall be known as the "Route 440/Route 1&9T and Communipaw Avenue Required Setbacks."
- C. The Route 440/Route 1&9T and Communipaw Avenue Required Setbacks are established on the map entitled, "Route 440/Route 1&9T/Communipaw Avenue Required Setbacks," (Ordinance 12-039) prepared by Jacobs Engineering, and dated July 12, 2011, which includes required setbacks, lot lines, measurements and coordinates, and which is attached hereto and made a part hereof, and which a 1" = 200' scale paper copy of the map shall be kept on file and available for public inspection at the office of the Jersey City Division of City Planning.
- D. The Route 440/Route 1&9T and Communipaw Avenue Required Setbacks shall prevail upon all land regulated under this Chapter, as well as those properties within a duly adopted redevelopment area. Redevelopment Plans shall be amended, or initially written, as the case may be, to refer to or include the requirements of this Subsection.
- E. The Zoning map of the City of Jersey City shall be annotated as follows: "Pursuant to § 345-60.2, the Route 440/Route 1&9T and Communipaw Avenue Required Setbacks shall prevail upon all land regulated under this Chapter, as well as those properties within a duly adopted redevelopment area.
- F. The Route 440/Route 1&9T and Communipaw Avenue Required Setbacks shall be delineated on the survey and site plan for all proposed development on all property with frontage on Route 440 or Routes 1&9T, or on Communipaw Avenue where it is within eight hundred (800) feet of Route 440, or within one hundred (100) feet of Route 440 or Routes 1&9T, or within one hundred (100) feet of Communipaw Avenue where it is within eight hundred (800) feet of Route 440.

**§ 345-60 – Supplementary Zoning.**

- A. General.
  1. No building or structure shall be erected and no existing building or structure shall be moved, altered, reconstructed, added to or enlarged, nor shall any land, building or structure be designed or used for any purpose or in any manner other than as specified among the uses listed as permitted, accessory



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or conditional in the zone in which such building, structure or land is located, and subject to all area, yard and building requirements of this Chapter.

2. No yard or open space surrounding any building or structure shall be encroached upon or reduced in any manner, except in conformity with the yard, area or building regulations designated for zone(s) in which such building or structure and yard or open space is located.
3. The area and dimensions of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Chapter; and, if already less than the minimum required by this Chapter, such area and/or dimension shall not be further reduced.
4. The provisions and restrictions contained in this Chapter shall not apply to or be binding upon the City.

B. Principal Structures. Only one principal structure may be located on a single lot in the R-1, RH-1, RH-2, R-2, R-3, R-4, RC-1, RC-2, RC-3, NC-1, NC-2, NC-3 zones, and residential and mixed-use residential zones in Redevelopment Plans. In all other zones, related compatible principal structures under one management may be erected, used or occupied provided that all yard, setback, and coverage requirements of this Chapter are met.

C. Lot Regulations.

1. Every lot shall have the areas and dimensions required within the particular zone in which such lot is located.
2. No yard or other open space provided for any building or structure for the purpose of complying with the provisions of this Chapter shall be considered as providing a yard or other open space for any other building or structure.
3. No land in a residential zone shall be used to fulfill open space, minimum area, minimum yard and/or setback requirements, parking or other similar requirements for any nonresidential use in a nonresidential zone.
4. Whenever title to two 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 other operation of law, and one or more of the said individual lots shall 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 apply.
5. 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 the City, the zoning officer 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 owner has no other adjacent land to provide the minimum requirements.

D. Yard Regulations.

1. Any addition(s), vertical or horizontal, to a structure which is already nonconforming with respect to yard requirements at the time of adoption of this ordinance shall adhere to the yard requirements for the district in which said structure is located.
2. Projections and encroachments that extend beyond the building line, especially along Front Primary Façades can add interest and diversity to the building environment. Projections are defined in this



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chapter as cornices, eaves, leaders, sills, or headers. Encroachments are defined in this chapter as combinations of enclosed, open, grounded, and/or cantilevered.

3. Projections and Encroachments: Minimum required yards shall be entirely free of buildings or structures or parts thereof, and no building or structure shall project into a minimum required front, side or rear yards, except as follows:
  - a. Cornices and eaves may project not more than two feet into any required yard or beyond front lot lines.
  - b. Sills, leaders, and similar ornamental or structural features may project six inches into any required yard or beyond front lot lines.
  - c. Window wells affording light and air to basement and cellar areas are permitted in all required yards.
  - d. Television and radio aerials masts, outdoor fireplaces, and children's playground equipment are permitted in any required rear yard.
  - e. An open fire escape, where required by fire code, may encroach into a required rear yard not more than five feet and shall be the minimum width necessary to meet fire code.
  - f. Balconies, as defined in this chapter, may encroach into a required rear yard not more than five feet, may project into a required side or front yard not more than eighteen (18) inches, provided that no single balcony shall extend along more than sixty (60) percent of the width of the facade to which its attached.
  - g. Permitted Front Yard Encroachments:
    - i. Permitted enclosed encroachment ratio: For every one (1) linear of lot frontage, three (3) square feet of habitable floor area is permitted to encroach into a required front yard. For example, on a lot that is twenty-five foot (25') wide, a total of seventy-five (75) square feet of habitable floor area is permitted within the required front yard setback area.
      1. Each primary front façade shall be calculated and permitted individually.
      2. Permitted habitable floor area may be distributed on different floors along the same façade but the maximum floor area shall not be exceeded.
      3. Minimum Offset: Oriels and bay windows must be offset at least sixteen (16) inches from all building corners. Other encroachments, like enclosed porches, do not have a minimum offset requirement.
      4. Enclosed encroachment is defined in 345-6 and include but are not limited to enclosed porches, oriels, overhangs, and bay windows.
      5. Where development is regulated by Floor Area Ratio, this regulation shall not apply.
      6. For buildings in Historic Districts or locally landmarked, this regulation shall not apply. All front yard encroachments on buildings in Historic Districts or locally

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landmarked are required to seek and/or obtain a certificate of no effect or a certificate of appropriateness.

- ii. Open encroachments may project into required front yards up to six (6) feet. Stairs may project an additional four (4) feet into any required front yard. Access ramps for ADA compliance may project into required front yards as necessary to create safe and efficient access. See definition of Open Encroachment in 345-6.

h. Permitted Rear Yard Encroachments:

- i. Stairs may project up to (4) feet into any required yard.
- ii. Decks and patios more than three feet above finished grade shall meet the setbacks of principal structures. A six-foot (6') high screen or a minimum of a three (3) setback from any lot line shall be required if the deck projects beyond the rear building line of the adjacent lot.

4. Projection and encroachment considerations:

- a. Lot Lines: encroachments are not permitted to extend beyond lot lines. Projections are not permitted to extend beyond side or rear lot lines.
- b. Enclosed encroachments are calculated toward building coverage and lot coverage.
- c. Grounded or open encroachments are calculated toward lot coverage if the method of construction renders the encroachment impervious. For example, some porches may be pervious if constructed of wood above dirt and decks are built to allow water to pass through slats.
- d. Cantilevered encroachments are not counted toward building coverage or lot coverage.
- e. Screened-in porches are not considered enclosed porches. When a porch has windows, even if removable, it is considered enclosed.
- f. Stairs that project more than four (4) feet into a required front yard should be designed with a landing and turn ninety (90) degrees before continuing to grade.

E. Zoning Standard Calculations.

- 1. When a numerical calculation of zoning standards for a particular lot results in a fractional number, such numbers shall be rounded down to the next whole number for fractions less than .5 and rounded up for fractions .5 and above.
- 2. Irrespective of the numerical calculation of density standards for a particular lot, a minimum of two units shall always be permitted.

F. Frontage Upon a Street. Every principal building shall be built upon a lot having minimum street frontage equal to the required minimum lot width upon an approved street which shall be improved in accordance with street standards established by the City of Jersey City.

G. Height Exceptions.

1. Roof structures and appurtenances 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 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 spires for houses of worship shall have no height restrictions.

Building Height (feet)	Maximum Height of the Exceptions (permitted to accommodate appurtenances and roof structures)
Up to 45	10 feet
45 to 100	12 feet or 20% of building height, whichever is greater for buildings without common rooftop amenity space. For buildings with common rooftop amenity space, a total of 20 feet shall be permitted
101 and over	20 feet or 20% of building height, whichever is greater for buildings without common rooftop amenity space. For buildings with common rooftop amenity space, a total of 30 feet or 20% of building height, whichever is less shall be permitted

2. Any rooftop structure or appurtenance covered by this section must be set back from any front facade (primary or secondary) by a distance of one foot one inch for every foot of rooftop structure or appurtenance height.
3. Fire or parapet walls may be erected above the height limits prescribed by this Chapter up to a maximum height of six feet from the roof of the top story and with a minimum of 42 inches from the floor of the rooftop deck, if provided.
4. Mechanical and other roof appurtenances and structures shall not exceed twenty percent (20%) of the roof area and shall be properly shielded.
5. Where a property is located within the "One Percent (1%) Annual Chance Flood Hazard Area," the number of feet required to reach the base flood elevation plus one foot shall be added to the maximum permitted height of the building. This provision shall apply to all property within any regular zone district or within any duly adopted redevelopment plan area. Where property is located within an historic district, or where an historic district and redevelopment plan overlap, this exception shall not apply.
6. Requirements for roof decks and terraces:
  - a. Terraces shall provide privacy screening that measures six (6) feet high. This standard shall not apply to any terrace encroaching into a front yard. In addition, any un-amenitized or non-mechanical appurtenance areas on the roof area shall provide green roof, solar panels, or another form of green infrastructure.
  - b. In historic districts and historic overlay, roof decks and terraces shall not be visible from the street and shall be setback a minimum of ten feet from any front façade (primary or secondary).
  - c. Roof decks on the uppermost roof area are permitted a maximum of eighty percent (80%) coverage of said roof area. Any un-amenitized or non-mechanical appurtenance roof areas shall provide green roof, solar panels, or another form of green infrastructure.

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- d. Roof decks atop the base/podium of a tower or high-rise development do not have a roof deck coverage limit.
  - e. Roof mounted mechanical equipment shall have a level 3 sound enclosure or highest available manufacturer's standard.
  - f. Coverage and setback standards for roof decks or terraces in Zone Districts or Redevelopment Plans shall supplement or supersede these requirements.
7. Requirements for roof structures used as enclosed amenity spaces:
- a. In historic districts, enclosed amenity spaces are limited to a floor area maximum of 100 square feet.
  - b. For buildings without elevator service to the roof, enclosed amenity spaces are limited to a floor area maximum of 100 square feet.
  - c. For buildings with elevator service to the roof, enclosed amenity spaces are limited to a maximum of 100 square feet or ten percent of the floor area of the roof, whichever is greater.
  - d. Enclosed amenity spaces include, but are not limited to, the following: storage closets, trash rooms, bathrooms, common spaces, recreational spaces, lounges, communal spaces, lobbies, and vestibules.
  - e. Should Roof Structures used as enclosed amenity spaces exceed the floor area maximums of this section then the top of any such roof structure shall be considered the highest point of the building and shall be considered a story in determining the height of the building.
- H. Solar Panels.
- 1. Solar panels are exempt from the rooftop area limits of 20%, as outlined in Height Exceptions, G.4 above.
  - 2. Ancillary solar equipment located on the roof is subject to height and rooftop area limits of 20% of rooftop area as outlined in G.1 and G.4 above.
- I. Accessory Structures and Uses Unless Regulated Elsewhere in this Chapter.
- 1. General Requirements.
    - a. No accessory structure shall be built upon any lot on which there is no principal building or structure.
    - b. Unless specified elsewhere, no accessory structure shall exceed fifteen (15) feet in height.
    - c. The distance between the accessory structure and a principal building on the same lot shall meet the minimum requirements for fire, health and safety regulations of any City and/or State regulations.
    - d. No accessory structure(s) shall be located in a required front yard or in any area, such as the "side" front yard of a corner lot, where front yard setbacks apply. On through lots, no accessory structure erected shall be nearer to the "rear" street line than the minimum front yard setback for the zone in which such lot is located.
    - e. Any accessory structure attached to the principal building shall be considered a part of the principal building regardless of the technique of connecting the principal and accessory building and shall adhere to the yard requirements of the principal building.

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- f. Unless specified elsewhere, minimum setbacks from side and rear lot lines for accessory structures shall be set back the minimum side yard of the principal building.
2. Standards for Specific Accessory Uses.
- a. Home Occupations.
    - i. The practitioner must be the owner or lessee of the residence in which the home occupation is contained.
    - ii. The practitioner must reside in the home as his or her principal residence.
    - iii. There shall be no external evidence of the home occupation.
    - iv. The practitioner shall not utilize the services of more than one non-resident employee.
    - v. There shall be no retail sales, manufacturing or industrial operations conducted on the site.
    - vi. No more than one business visitor shall be permitted at any one time.
    - vii. There shall be no sign identifying the home occupation and there shall be no identification of such home occupation upon any mailbox.
    - viii. The residential character of the neighborhood and the premises shall not be subordinated to the home occupation use.
    - ix. The home occupation shall be clearly incidental and subordinate to the principal use of the dwelling for residential purposes. The maximum area devoted to the home occupation shall be limited to not more than forty percent (40%) of the total area of the floor where the home occupation use is located, excluding space used for a private garage, or nine hundred (900) square feet, whichever is smaller.
    - x. No equipment or process shall be used in such home occupation which creates glare, fumes, odors, electrical interference, medical waste, or other nuisance factors detectable to the human senses outside the lot on which the home occupation is conducted.
  - b. Swimming Pools.
    - i. Pools for private use shall be located on a lot containing a residential 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. A deck around the pool shall be a separate structure and such decks shall also meet the setback standards for the pool. All pools shall adhere to the setbacks as set forth in this Chapter for accessory structures.
    - ii. Pools in multi-family developments and in hotels shall not be located within the front yard. All pools shall be landscaped to be below grade with setbacks measured from the water's edge adhering to the requirements for a principal structure. No pool shall occupy more than fifty percent (50%) of the area part of the yard in which it is located.
    - iii. All lighting shall be screened from dwelling units in the area to prevent direct or reflected light from being a nuisance. No public address system shall be erected with any pool. All health and safety codes shall be met in the erection and maintenance of a pool.
    - iv. Enclosure of swimming pools shall be required as set forth in the Uniform Construction Code.
  - d. Restaurants, Category Two.
    - i. Zones citywide that permit restaurant, category two shall permit restaurant, category two mobile food vendors on surface parking lots and private rights-of-way with minimum lot frontage of fifty (50) feet.

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- J. Reserved.
- K. Murals.
1. Murals that advance or promote a business product and/or activity contained within the building to which it is adhered, or the primary purpose of which is to advertise any product and/or business activity, shall be subject to municipal commercial signage regulation under Section 345-68.
  2. Murals proposed to be adhered to buildings or structures located within a designated Historic District, or designated as a municipal, state and/or national landmark shall be referred to the Jersey City Historic Preservation Commission for review and recommendation prior to installation. Such review recommendations shall be limited to the size of the installation and/or the appropriateness of the structure for the placement of art, and shall not be content-based.
  3. Murals that are not painted directly on the host structure and thus require the installation of panels, canvases, or other means of display may require review and approval by the Division of Zoning and/or the Office of Construction Code prior to installation.
- L. Child Care Centers. Child care centers are permitted uses in all nonresidential zones in accordance with the following requirements:
1. Such use shall meet the area requirements of the zone where located.
  2. The floor area occupied in any building or structure as a child care center shall be excluded in calculating the following:
    - a. Any parking requirements otherwise applicable to that number of units or amount of floor space, as appropriate, as required under this Article.
    - b. The permitted density allowable for that building or structure under the applicable zone requirements.
- M. Family Daycare Homes. Family Daycare Homes are permitted as accessory uses in all residential zones.
- N. Senior Housing. Senior Housing shall be permitted in all residential zones in accordance with the Federal Fair Housing Act.
- O. Essential Services. Public utility lines for the transportation, distribution and/or control of water, electricity, gas, oil, steam and telegraph and telephone communications, and their supporting members, other than buildings and structures, including pipes, shall not be required to be located on a lot, nor shall this Chapter be interpreted to prohibit the use of a property in any zone for the above uses. Essential services shall not include wireless communications facilities. All new construction shall require lines for essential services to be underground, and transformers to be underground or housed within the building.
- P. Community Residences. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be a permitted use in all residential districts, and the requirements shall be the same as for single family dwelling units located within such districts.
- Q. Reserved.
- R. Wireless Communications. Wireless Communication Antennas are permitted second principal uses on existing structures and new Wireless Telecommunication Towers are conditional uses.
1. Purpose. The overall purpose of these provisions is to provide specific zoning conditions and standards for the location and operation of antennas used for the transmission and reception of wave

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frequencies for the purposes of any wireless telecommunication (e.g., telephone, radio, paging and/or television communication) within the City of Jersey City, which recognize the need to safeguard the public good and preserve the intent and purposes of the Jersey City Master Plan and Zone Plan.

2. Overall Objective. The overall objective of these ordinance provisions is to enable the location within the City of Jersey City of those antennas which are necessary to provide adequate wireless communication services while, at the same time, limiting the number of supporting towers to the fewest possible and minimizing the impact of the antennas, accessory equipment, and supporting structures on residences, streetscapes, and view corridors throughout the municipality.
3. Specific Goals.
  - a. To encourage the location of antennas upon, or within, existing structures, including existing buildings, existing wireless communication towers, existing water towers, and existing telephone and electric towers, especially those existing structures situated in non-residential districts;
  - b. To encourage the configuration of telecommunication facilities in a manner that minimizes and mitigates any adverse impacts upon affected properties, streetscapes, and vistas through careful design, siting, screening, landscaping, and innovative camouflaging techniques;
  - c. To encourage the colocation of as many antennas as possible, of as many wireless telecommunication carriers as possible, on existing towers and other structures in industrial districts;
  - d. To discourage the construction of new towers which do not have the likelihood of being used by a number of wireless telecommunication carriers;
  - e. To minimize the total number of wireless telecommunications towers within the City of Jersey City;
  - f. To discourage adverse impacts on scenic corridors and historic sites and districts;
  - g. To enhance the ability of the carriers of wireless communications services who adhere to the specific requirements and intent of these ordinance provisions to provide such services quickly, effectively, and efficiently; and
  - h. To comply with the mandate of the Federal Telecommunications Act of 1996, 47 U.S.C. Section 332 (c)(7), which preserves local government authority to enforce zoning requirements which protect public safety, public and private property, and community aesthetics.
4. Exemptions of Applicability. Wireless Communications Antennas provisions shall not apply to the following:
  - a. These provisions shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated only by a federally licensed amateur radio station operator or is used exclusively to receive transmissions;
  - b. Preexisting towers or antennas shall not be required to meet the requirements of this section, except that in the case of enlargement, structural modification, or addition to any existing tower or antenna facility which shall result in an increase of ten percent (10%) or more in tower height or facility floor area, the provisions of this section shall apply; and
  - c. These provisions shall not govern any parabolic satellite antennas.

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5. "Wireless communication antennas" shall be permitted as second principal uses on existing structures with the following exemptions:
    - a. No wireless communication antennas shall be permitted in any historic district.
    - b. No wireless communication antennas shall be permitted on any new or existing billboards.
  6. New "wireless telecommunication towers" along with the antennas and equipment facilities associated with such new towers shall be permitted as conditional uses in the industrial districts, provided that:
    - i. The location of a new tower within an industrial district shall be considered as a last resort to locating an antenna on an existing structure.
    - ii. Colocation shall be required for no less than three carriers and a letter of intent by the applicant to meet the colocation requirement shall be provided to the Planning Board; and
    - iii. All of the separation distance, area, setback, height, and design criteria requirements listed herein shall be met.
  7. "Wireless communication antennas" shall be permitted on existing or proposed structures in any Redevelopment Area district.
  8. Area and Setback Requirements.
    - a. If the proposed antenna(s) will be supported by a new wireless telecommunication tower:
      - i. The proposed antenna(s) and proposed supporting tower and ancillary related electronic equipment shall be located on a land area equal to or larger than one-third the "minimum lot area" specified for the I District;
      - ii. The minimum required land area shall either be a separate undeveloped lot or a leased portion of an already developed lot;
      - iii. The proposed antenna(s) and proposed supporting tower and ancillary related electronic equipment and any approved building housing the electronic equipment and any approved camouflaging of the tower shall be the only land uses located on the proposed tower site, whether a separate lot or a leased portion of a lot; and
      - iv. Excepting for any access driveway into the property, any required landscaping, and any underground utility lines reviewed and approved by the Planning Board as part of the site plan submission, no building structure and/or disturbance of land shall be permitted within one hundred (100) feet from any street line, from any other existing or proposed property line, or from any "lease line," provided that if a tower will exceed one hundred (100) feet in height, the tower shall be set back from any street line and from any other existing or proposed property line a distance equal to or greater than the height of the tower, except that, in any case the tower shall be required to be setback a minimum distance of only one hundred (100) feet from any line demarcating the leased premises.
  9. Maximum Height.
    - a. The maximum height of any proposed antenna extending above any existing building or existing structure shall be the minimum height necessary for the proposed installation to satisfactory operate; and
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- b. The height of any proposed new supporting tower shall not exceed one hundred fifty (150) feet unless it can be demonstrated by the applicant, to the satisfaction of the Planning Board, that a higher height is necessary for the proposed installation of the antenna(s) to satisfactorily operate and is necessary for the colocation of at least three other carriers on the tower.
10. Design Criteria. All applications for wireless communication antennas shall adhere to the following design criteria:
- a. For location on an existing building or structure:
    - i. Minor site plan application to the Planning Board shall be required.
    - ii. To the greatest extent possible, any antenna(s) located on an existing building shall be surface-mounted on the building façade at the roofline or along the exterior parapet wall so as to reasonably blend in with the architectural features of the building and painted to match the color of the material on which it is mounted, or pole mounted to the back of the parapet wall without horizontal supports.
    - iii. Antenna(s) and supporting electrical and mechanical equipment shall be of a color that matches, as closely as possible, the background color of the façade on which it is mounted so as to make the antenna(s) and related equipment as visually unobtrusive as possible.
    - iv. All ancillary electronic and mechanical equipment shall be housed either within an enclosed area inside the existing building or on the roof top of the building, provided:
      - (A) The height of roof top equipment facilities shall not exceed the height of the tallest accessory rooftop structure such as a stair or elevator housing by more than ten (10) feet, and shall be fully enclosed in a cabinet which shall be constructed of a material and color which will match those of the existing roof top accessory structures, or enclosed in a radio frequency transparent material designed to blend architecturally with the building's design; and
      - (B) Documentation by a qualified expert that any existing structure will have sufficient structural integrity to support the proposed antennas and ancillary equipment shall be provided to the Planning Board.
      - (C) The roof is at least thirty-five (35) feet above grade and documentation by a qualified expert that ancillary equipment cannot be physically located inside the building.
    - v. Antenna(s), supporting structures, and ancillary equipment and housing shall not be visible from any property or public right-of-way within a historic district, to the greatest extent possible.
    - vi. Any additional public utility lines and/or cables deemed necessary for the operation of the proposed antenna facility shall be located underground. The applicant shall provide documentation to the Planning Board as to the necessity of the additional lines.
    - vii. No signage shall be permitted that is visible from adjacent properties or from the public right-of-way.
  - b. For a new tower:
    - i. Preliminary and Final Site Plan application shall be required for any proposed new wireless telecommunication tower.

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- ii. Any proposed new tower shall be a "mono-pole" unless the applicant can demonstrate, and the Planning Board agrees, that a different type of pole is necessary for the colocation of additional antennas on the tower.
  - iii. Unless otherwise required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC), all towers shall be either constructed of a neutrally colored material or painted a neutral color so as to reduce the visual obtrusiveness. All applicable FAA or FCC standards regarding color or materials that may apply to the proposed tower shall be provided to the Planning Board.
  - iv. No lighting is permitted on a tower except lighting that is specifically required by the FAA and any such required lighting shall be focused and shielded, to the greatest extent possible, so as not to project towards adjacent and nearby properties. All applicable FAA standards regarding lighting that may apply to the proposed tower shall be provided to the Planning Board.
  - v. All ancillary electronic and other equipment shall be located within a building or enclosed structure which structure shall meet the following design criteria:
    - (A) Each provider of wireless communication services located on the site may have a maximum of one cabinet enclosing required electronic equipment, which cabinet shall not exceed fifteen (15) feet in height nor more than two hundred fifty (250) square feet in area. All such cabinets shall be located within a building which shall not exceed one and one-half stories and twenty (20) feet in height nor one thousand (1,000) gross square feet in area.
    - (B) The building shall use materials, textures, and colors that together with required screening and landscaping will cause it to blend into the natural setting and surroundings, to the greatest extent possible.
    - (C) Provision for colocation of equipment shall be incorporated into the design of the building/structure.
    - (D) No electronic equipment shall be designed in such a way as to interfere with any public safety communication.
    - (E) All equipment shall be automated so that, to the greatest extent possible, the need for on-site maintenance and associated vehicular trips to and from the site will be minimized.
    - (F) Lighting shall be limited to a single light at the entrance to the building which shall be focused downward.
  - vi. Landscaping shall be provided between the tower and also between any building or structure used to house ancillary equipment and any public street or residential dwelling unit or residential zoning district in accordance with the following:
    - (A) Required landscaping shall consist of sufficient density of evergreen planting to effectively screen the view of the tower base and, in addition, sufficient other plantings which may consist of a combination of shrubs and deciduous trees to screen the tower and enhance the appearance of, to the maximum extent reasonably possible, from any surrounding residential properties and from any public street.
    - (B) Any newly planted evergreen trees shall be at least eight feet high at the time of planting and any newly planted deciduous trees shall be a minimum caliper of three and one half inches at the time of planting.

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- (C) No signage shall be permitted except "warning" and/or equipment information signs as deemed necessary or as required by state and/or federal regulatory agencies for safety purposes and are specifically approved by the Planning Board.
- vii. Minimal off-street parking shall be permitted as needed to provide maintenance at the site and as specifically approved by the Planning Board.
- viii. No antenna shall be located on any tower in order to provide non-cellular telephone service; such service shall be provided via existing telephone lines if available to the site or by the underground extension of telephone lines to the site if necessary.
- ix. Any new tower shall be located behind existing buildings and/or natural topographic elevations in order to screen the tower's base from being visible from adjacent properties and from any street right-of-way; to the greatest extent possible, no new tower shall be visible from a public street in any residential district.
- x. Towers shall be enclosed by security fencing consisting of eight foot high one-inch chain link "non-climbable" mesh which shall be fully screened by the required landscaping.
- xi. Documentation by a qualified expert that any existing structure will have sufficient structural integrity to support the proposed antennas and ancillary equipment shall be provided to the Planning Board.
11. Radio Frequency Emissions. Applicants shall provide current FCC information concerning wireless telecommunication towers and Radio Frequency (RF) emission standards to the Planning Board, whenever applicable. Upon documentation by a qualified expert, proposed wireless communication antenna projects which meet the current FCC standards shall not be conditioned or denied on the basis of RF impact.
12. Removal of Abandoned/Obsolete Antennas and Towers.
- a. Any "wireless communication antenna" facility not used for its intended and approved purpose for a period of one year shall be considered "no longer operative" and shall be removed by the responsible party within sixty (60) days thereof.
- S. Group Homes. Group Homes, containing twelve (12) children or less shall be permitted in all zones where residential uses are permitted subject to the residential standards of the specific zone.
- T. Reserved.
- U. Satellite Earth Stations.
1. A satellite earth station shall be permitted as an accessory use in all zone districts. Satellite earth stations shall require site plan approval from the Planning Board, except where accessory to a one- or two-family residential use.
2. Performance Standards.
- a. No satellite earth station may be placed in the front yard of any lot in the City. A corner lot shall be deemed to have a front yard facing each street.
- b. Receive-only satellite earth stations thirty-six (36) inches in diameter or less shall be located on the roof. Receive-only satellite earth stations greater than thirty-six (36) inches in diameter shall be placed on a lot only in the rear yard; provided, however, that on a clear and convincing showing by an applicant that a reasonably satisfactory signal cannot be obtained from a rear

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- yard location, the Board may permit the antenna to be located in the side yard, and if such signal cannot be obtained in either rear or side yard, the Board may permit the antenna to be located on the roof of any principal or accessory building on the lot.
- c. A transmit/receive satellite earth station shall be placed on the roof of the principal building of the lot; provided, however, that on a clear and convincing showing by an applicant that this requirement is impracticable or would cause undue hardship, the Planning Board may permit the antenna to be located in the rear yard of the lot. If a ground-mounted transmit/receive-type antenna is proposed, the site plan shall include the proposed location of a protective fence, a minimum of four feet in height, surrounding the antenna on all sides. The proposed fence shall be constructed in accordance with the fence provisions of this Chapter.
  - d. All satellite earth stations shall not be closer to the side property line than a distance equal to the diameter of said antenna or side yard setback requirement for the principal structure on the lot, whichever results in the greatest setback.
  - e. All satellite earth stations shall not be closer to the rear property line than a distance equal to the diameter of said antenna or rear yard setback requirement for the principal structure on the lot, whichever results in the greatest setback.
  - f. When mounted on the ground, the overall height from the surrounding ground level to the lowest point of the antenna shall not exceed two feet, except in instances where additional clearance is needed to satisfactorily receive and/or transmit signals. No ground-mounted satellite earth station shall exceed twelve (12) feet in height, as measured from the average grade of the base of the antenna to the highest point of the antenna.
  - g. Roof-Mounted Antennas.
    - i. Flat roofs and mansard-style roofs. No roof-mounted satellite earth station may extend above the roofline more than nine feet six inches when mounted on a flat roof or mansard-style roof. However, upon a showing that such a roof-mounted antenna will not receive adequate reception under the restrictions of this subsection, the minimum height necessary for reasonable satisfactory reception may be allowed. Roof-mounted antennas on a flat roof shall be located in the center of the roof structure to reduce visibility.
    - ii. All other style roofs. No roof-mounted satellite earth stations may extend above the highest point of the roof more than three feet when mounted on all other style roofs, and the roof-mounted satellite earth station must be located on the portion of the roof facing the rear yard or, if this would unreasonable limit signal reception, the side yard. However, upon a showing that such a roof-mounted antenna will not receive adequate reception under the restrictions of this subsection, the minimum height necessary for reasonably satisfactory reception may be allowed.
  - h. All satellite earth stations shall be of the mesh type only, with not more than eighty-five percent (85%) of the surface being solid.
  - i. All satellite earth stations shall be painted a solid, dark, nonmetallic, non-glossy color if ground mounted. Roof-mounted antennas mounted on a flat roof or mansard-style roof shall be painted a solid, dark, nonmetallic, nonglossy light to medium gray. When mounted on all other style roofs, the satellite antenna shall be painted the color of the surface to which it is attached.

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- j. The ability of the applicant to install a satellite earth station in an unobtrusive location and to minimize the visual and health impacts on neighboring properties shall be a major factor in determining whether or not a permit is issued.
  - k. The number of allowable satellite earth stations is as follows:
    - i. For single-family and two-family dwellings, one per building.
    - ii. For attached dwellings, patio homes and duplex, townhouse and multifamily dwellings, one per building.
    - iii. For all other uses permitted in residential zones not specifically provided for otherwise (e.g., schools, churches, nursing, homes, etc.), one per building.
  - l. The satellite earth station may only be used for occupants of the building located on the property.
  - m. When the use of a satellite earth station is abandoned it shall be removed.
  - n. Satellite earth stations may not be mounted on a portable or movable structure, such as a trailer.
  - o. To the extent permitted by law, no satellite earth station shall be located on or abutting any property which is located in the National of State Register or Historic Places.
  - p. No satellite earth station shall be erected on a public utility easement without the consent of the easement holder.
  - q. The proposed earth satellite station shall be the smallest commercially available equipment based on the current technology so as to minimize the visual impact on the surrounding areas.
  - r. The satellite earth station may not be used as a sign.
  - s. All wiring or connecting cables between the satellite earth station and the principal building on the site shall be buried underground.
  - t. Screening. Ground-mounted antennas shall be screened as to minimize visibility from public streets and adjoining properties. Screening shall be accompanied by the installation of landscaping and/or fencing or in the form of a wall or structure enclosing the antenna. The species, quantity, size and spacing of plant materials shall be specified on the site plan. In order to reduce the height of plant materials, soil berms may be used in conjunction with the proposed landscaping. Any walls or structure shall be constructed of plastic, fiberglass, or other approved materials which will not impede the function and operation of the antenna. Any walls or structures shall be constructed to be consistent with the surrounding site characteristics. The requirements of this subsection shall not impose unreasonable limitations on, or prevent, reception of satellite-delivered signals by satellite and receiving/transmitting antennas or impose costs on the users of such antennas that are excessive in light of the purchase and installation cost of the equipment.
3. Such satellite earth stations, appurtenances, landscaping and fencing shall be kept and maintained in good condition.

V. Nonconforming Uses, Structures and Lots.

- 1. Continuance of existing nonconforming uses and structures. Any nonconforming use or structure which lawfully existed at the time of the passage of this Chapter may be continued, and any legally

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existing nonconforming building or structure may be reconstructed or structurally altered, but only in accordance with the requirements of this Chapter. Land on which a nonconforming use or structure is located shall not be reduced in size.

2. Abandonment. A nonconforming use of a building or land, which has been abandoned, shall not thereafter be revived. A rebuttable presumption of intention to abandon a nonconforming use shall arise whenever any of the following circumstances are found to exist:
  - a. The owner has made representations in any public forum that the (non-conforming) use of the property has been abandoned; or
  - b. The intent to abandon is manifested by the conduct and/or statements of the owner and is evidenced by an external act or omissions to act, which is consistent with such intent and contrary to any interest in preserving or continuing the non-conformance; or
  - c. The property is vacant and is not the subject of any current development approvals and has been vacant and substantially unused and inactive for a period of twelve (12) consecutive calendar months.
  - d. The characteristic equipment and furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within twelve (12) months, unless other facts show intention to resume the non-conforming use; or
  - e. Such non-conforming use has been replaced by a conforming use.
3. Alteration, Extension or Enlargement of Non-Conforming Use or Structure.
  - a. A non-conforming use of any building, structure or land shall not be increased, enlarged, extended or changed in any manner whatsoever.
  - b. No building or structure in which a nonconforming use exists shall be enlarged, extended or structurally altered in any manner, provided, however, that:
    - i. Nothing herein shall prevent the repair and maintenance of any building wherein there exists a non-conforming use, provided that such maintenance and repair does not in any way constitute or result in a further extension of a non-conforming use.
    - ii. Alterations and improvements which do not constitute or require structural changes may be in or to a building wherein a non-conforming use exists, provided that such non-conforming use will not be increased, extended or enlarged thereby.
    - iii. Nothing herein shall prevent the strengthening or restoration to a safe and lawful condition on any part of any building which is non-conforming.
  - c. A non-conforming use changed or altered to a conforming use may not thereafter be changed back to a non-conforming use.
4. Restoration.
  - a. In the event that the owner and Zoning Officer are unable to agree with respect to any non-conforming 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 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

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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 non-conforming structure or use specifications only upon approval of a use variance as provided by state statute.

- b. 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 people, the non-conforming structure or use 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 people and the reconstruction shall commence within one year and ninety (90) days from the date the building was damaged or condemned and the reconstruction shall be carried on without interruption.
- c. 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 people, the non-conforming structure or use may be rebuilt and the property used for the same non-conforming 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 people, and the reconstruction shall commence within one year and ninety (90) days from the date the building was damaged or condemned and the reconstruction shall be carried on without interruption.
- d. 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 current replacement costs of the portion damaged or condemned computed as a percentage of the current total replacement cost of the entire structure.

5. Nonconforming Lots.

- a. Any existing lot which 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 lot and 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.
- b. 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 and lot coverage limit is not exceeded, parking requirements are met and the yard and height provisions are met and provided no adjacent lot is in common ownership.

V.1. Agriculture.

- 1. Community gardening: Shall be permitted in all zones and redevelopment plan areas, and it is exempt from site plan approval. When community gardening is done on city owned land, it is subject to the Jersey City "Adopt-A-Lot" Program standards and requirements.



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2. Commercial agriculture: Shall be permitted in all commercial, industrial and mixed use redevelopment plan area zones. Commercial greenhouses shall be subject to the maximum, but not the minimum, height regulations of the zone they are located within. Greenhouses shall be required to meet minimum setback requirements of two feet for each sideyard, five feet for the rear yard and five feet for the front yard.
  3. Rooftop gardens and raised planters: Shall be permitted in all zones and redevelopment plan areas, and shall be exempt from setback requirements and site plan approval.

W. Green Roofs.

1. Green roofs shall be exempt from the rooftop area limit of twenty percent (20%) for rooftop appurtenances, as per Section 345-60.G.2.
2. Green roofs shall be exempt from site plan approval, unless their installation is part of a project that exceeds the threshold for Site Plan review as per Section 345-16.
3. Ancillary green roof equipment and structures, including but not limited to the installation of a greenhouse, shall be subject to the maximum height for exceptions for roof appurtenances, as is outlined in Section 345-60.G.1. of the Land Development Ordinance.

X. Café - Category Two, Restaurant.

1. Conditional use permitted in all districts, except on the east side of Washington between Sussex and Morris, but to include the corner properties on that block.
  - a. Shall only be located where there is an existing legal storefront.
  - b. In no instance shall alcohol be served or consumed on premises.
  - c. In no instance shall a hooded ventilation system, exhausting outside the building, be permitted.
  - d. Seating shall be limited to no more than twenty (20) seats total, both inside and outside.
  - e. In no instance shall rear yard seating be permitted.
  - f. In no instance shall food preparation create grease-laden vapors.
  - g. Garbage receptacles shall be kept within the building for storage, so that it is not stored on any street, sidewalk, areaway, front yard or within any public right-of-way. The owner shall provide for the daily collection, haulage and disposal of their own refuse with a private contractor, pursuant to Chapter 287-6, 7, 8, and 9.
  - h. Café shall not stay open any later than 10:00 p.m., and not open to the public before 5:00 a.m.

Y. Art Gallery.

1. Permitted in all existing non-residential spaces or zoned non-residential spaces. In no instance shall an art gallery be considered a theater.
2. Studio workspace is prohibited where not already permitted.
3. All noise and entertainment shall be regulated by Chapters 157 (Entertainment License) and 222 (Noise) of the Jersey City Code.
4. Signage shall be regulated by 345-68. The type and size of the signage shall be limited to the retail use signage standards for the zone where the space exists. If there are no applicable retail standards, signage shall be limited to a maximum six square feet.



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5. Any work on a building which is an individual landmark or is within a Historic District shall first be subject to approval from the Historic Preservation Commission under the provisions of Section 345-30, Historic preservation review procedures.
  - Z. Short-Term Rental. Short term rentals are permitted as art accessory use to a permitted principal residential use in all zoning districts and redevelopment plan areas where residential uses are permitted.

**§ 345-60.1 – Reserved.**

**§ 345-60.2 – Reserved.**

**§ 345-60.3 – Reserved.**

**§ 345-60.4 – Reserved.**

**§ 345-60.5 – Cannabis Establishment Regulations.**

**1 – Purpose.**

- A. Pursuant to N.J.S.A. 24:6I-45(a) (“State Law”), Jersey City may enact ordinances governing the number of cannabis establishments as well as the location, manner, and times of operation of these establishments. The purpose of this chapter is to regulate cannabis establishments in a manner that will minimize potential adverse impacts of such establishments and to promote the public health, safety, morals, and general welfare.

**2 – Definitions.**

- A. Definitions promulgated in N.J.S.A. 24:6I-33 shall apply to this section of the Jersey City Municipal Code.
- B. For the purposes of local restrictions, the following definitions shall supplement or give greater specificity to the terms used in this section of the Municipal Code.
  1. Cannabis Establishment – means a cannabis cultivator (Class 1 license), a cannabis manufacturer (Class 2 license), a cannabis wholesaler (Class 3 license), or a cannabis retailer (Class 5 license).
  2. Cannabis Distributor – means a Class 4 license.
  3. Cannabis Consumption Area – means a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis times or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained

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- from the retailer or permit holder , or brought by a person to the consumption, may be consumed.
4. Microbusiness – means a person or entity licensed as a cannabis establishment that shall meet the following requirements:
    - a. 100 percent of the ownership interest in the microbusiness shall be held by current New Jersey residents who have resided in the state for at least the past two consecutive years;
    - b. At least 51 percent of the owners, directors, officers, or employees of the microbusiness shall be residents of the municipality in which the microbusiness is located, or to be located;
    - c. Concerning business operations, and capacity and quantity restrictions:
      - 1) Employ no more than 10 employees;
      - 2) Operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet;
      - 3) Possess no more than 1,000 cannabis plants each month, except that a cannabis distributor’s possession of cannabis plants for transportation shall not be subject to this limit;
      - 4) Acquire each month in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis;
      - 5) Acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and
      - 6) Acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof.
  5. State Commission – means the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24).

### 3 – General Provisions.

- A. The regulations of this Section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Section is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.
- B. Prior the operation of any cannabis establishment, a permit or license must be obtained from the State of New Jersey and from the City of Jersey City for the applicable type(s) of cannabis establishment and for cannabis consumption area endorsement. No cannabis establishment shall be permitted to operate without State and municipal permits or licenses.
- C. Permitted conditional uses shall, at all times, comply with the terms and conditions of the licensee’s cannabis establishment license for permits and licenses issued by the State of New Jersey and the City of Jersey City.

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- D. Odor. A cannabis establishment shall have the equipment to mitigate cannabis-related odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The carbon filters are required to be replaced regularly for the best effectiveness to mitigate odor.
  - E. Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling, or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
  - F. Security. All cannabis establishments shall be secured in accordance with State of New Jersey statutes and regulations and shall have a round-the-clock video surveillance system, 365 days a year.
  - G. Compliance with all other applicable chapters of the Jersey City Municipal Code.
  - H. When the state commission receives an application for initial licensing or renewal of an existing license for any cannabis establishment, distributor, or delivery service, or endorsement for a cannabis consumption area, the state commission shall provide, within 14 days, a copy of the application the City of Jersey City which shall be delivered to the Division of City Planning, Jersey City Planning Board, and the City Clerk.

4 – Cannabis Establishments, classes 1 to 5, shall be permitted conditional uses, as regulated herein.

- A. Cannabis Establishments and Distributors subject to a Class 1, 2, 3 or 4 licenses shall be permitted conditional uses, as regulated herein, in all industrial zones, light industrial zones or industrial overlays as well as the Highway Commercial Zone (HC) along Tonnele Avenue.
  - 1. Cannabis Establishments shall not be collocated with any residential use in the same structure or on the same lot.
  - 2. No outdoor cultivation shall be allowed within thirty (30) feet of any property line.
  - 3. Barb wire or razor wire is prohibited.
  - 4. Compliance with the general provisions of this Section.
  - 5. Cannabis Manufacturers shall prove that proper and adequate conditions and safeguards are provided to mitigate any detrimental impacts to the public health, safety or general welfare of nearby residential uses.
  - 6. The signage, bulk, coverage, design standards, loading, and parking regulations and standards of the zone in which the subject property is located shall apply. If standards are differentiated by use then the following land use categories shall apply:
    - a. Cannabis Establishments subject to a class 1 license shall comport with regulations related to Manufacturing uses.
    - b. Cannabis Establishments subject to a class 2 license shall comport with regulations related to Manufacturing uses.
    - c. Cannabis Establishments subject to a class 3 license shall comport with regulations related to Warehousing uses.
    - d. Cannabis Distributors subject to a class 4 license shall comport with regulations related to Warehousing uses.
    - e. If a Zone does not include the land use categories listed above, the most restrictive or least intense regulations or standards of that particular zone shall apply to that cannabis establishment.

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7. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional use application for a Cannabis Establishment or Distributor shall include the following, as it relates to the manner of operation:
    - a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
    - b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.
    - c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
    - d. Submit attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.
    - e. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.
  - B. Cannabis Establishments and Distributors subject to a Class 1, 2, 3, 4 licenses and certified as a microbusiness *shall be permitted conditional uses*, as regulated herein, in all industrial zones, light industrial zones or industrial overlays, Commercial/Automotive (C/A) zone, Highway Commercial Zones (HC), as well as any structure in all zone districts and redevelopments plans which industrial, light industrial, warehouse, auto repair garage, or auto body shop is deemed as a pre-existing use.
    1. Cannabis Establishments and Distributors shall not be collocated with any residential use in the same structure or on the same lot.
    2. Outdoor cultivation is prohibited.
    3. Barb wire or razor wire is prohibited.
    4. Compliance with the general provisions of this Section.
    5. Cannabis Manufacturers shall prove that proper and adequate conditions and safeguards are provided to mitigate any detrimental impacts to the public health, safety or general welfare of nearby residential uses.
    6. The signage, bulk, coverage, and design regulations and standards of the zone in which the subject property is located shall apply. For the purposes of this Section, in instances where signage, bulk, coverage, and design regulations and standards are regulated by use or differentiated by use, the standards and regulations that are most restrictive or least intense shall apply to cannabis establishments.
    7. Parking Requirements: Excluding the first 5,000 square feet, one off-street parking space is required for 500 square feet of gross floor area.
    8. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional use application for a Cannabis Establishment or Distributor shall include the following, as it relates to the manner of operation:
      - a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be

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- located; which shall include an economic impact plan and a description of outreach activities.
- b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.
  - c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
  - d. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.
- C. Microbusiness subject to a Class 5 (Cannabis Retailer) license shall be a permitted conditional use, as regulated herein.
- 1. The microbusiness shall be located wholly or partially within one or more of the following zoning districts:
    - a. Neighborhood Commercial (NC), Residential Commercial District 2 (RC-2), Commercial/Automotive (C/A), Highway Commercial (HC), Waterfront Planned Development (WPD), Neighborhood Commercial 2 (NC-2), Neighborhood Commercial 3 (NC-3), Port Industrial (PI), and Industrial (I).
    - b. Any district, zone, overlay, or subdistrict of a Redevelopment Plan where retail sales of goods and services is a permitted principal use.
  - 2. Separation Distances and Location Maximums.
    - a. The main entry door of any Microbusiness subject to a class 5 license shall be at least 200 feet from any school identified on the City's Official Drug Free School and Park Zones Map, pursuant to Section 151-1 of the Jersey City Municipal Code and pursuant to regulations and definitions in N.J.S.A. 2C:35-7 et seq., and N.J.S.A. 2C:35-7.1 et seq.. A copy of said map may be made available by the Division of Engineering or City Clerk. Distance is measured from the parcel boundary on which the School is located.
    - b. Exception to school distance requirement: If a business was operation prior to February 21, 2021 and can prove a majority of sales were cannabis or hemp products, they may remain at their current location and are rendered exempt from the 200-foot school distance requirement.
    - c. For lots wholly or partially within a Neighborhood Commercial (NC) zone, there shall not be more than two (2) cannabis establishments on the same block. A block includes all lots fronting on both sides of a right-of-way between intersections. Corner lots are on two blocks.
    - d. For lots wholly or partially within 800 feet of a PATH Station in Jersey City, there shall not be more than two (2) cannabis establishments on the same block. A block includes all lots fronting on both sides of a right-of-way between intersections. Corner lots are on two blocks.
    - e. For areas where clause c and d above overlap, there shall be no more than two (2) cannabis establishments on the same block and at least one (1) of the two (2) shall be a certified microbusiness.
    - f. For lots 800 feet or more from a PATH Station in Jersey City or outside of a Neighborhood Commercial (NC) zone, the main entry door of any Microbusinesses

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- subject to a Class 5 license shall be separated from one another by a distance of at least 600 feet.
- g. The official location of a Station is determined by the NJ Office of Information Technology, Office of GIS (NJOGIS) and published under the title “NJ TRANSIT, PATH, PATCO and SEPTA Passenger Rail Station points, 2018 (NAD83, NJSP feet)” and available for download at <https://njogis-newjersey.opendata.arcgis.com/>.
3. Compliance with the general provisions of this Section.
  4. The signage, bulk, coverage, design standards, loading, and parking regulations and standards of the zone in which the subject property is located shall apply. For the purposes of this Section, Cannabis Establishments subject to a class 5 license shall comport with regulations related to Retail Sales of Goods and Services.
  5. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional use application for a Cannabis Establishment shall include the following, as it relates to the manner of operation:
    - a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
    - b. A written description of the applicant’s record of social responsibility, philanthropy, and ties to the proposed host community.
    - c. A workforce development and job creation plan, which may include information on the applicant’s history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
    - d. Submit attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.
    - e. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.
- D. Cannabis Establishments subject to a Class 5 (Cannabis Retailer) license, which do not classify as a Microbusiness, shall be a permitted conditional use, as regulated herein.
1. The Cannabis Establishment shall be located wholly or partially within one or more of the following zoning districts:
    - a. Neighborhood Commercial (NC), Residential Commercial District 2 (RC-2), Commercial/Automotive (C/A), Highway Commercial (HC), Waterfront Planned Development (WPD), Neighborhood Commercial 2 (NC-2), Neighborhood Commercial 3 (NC-3), Port Industrial (PI), and Industrial (I).
    - b. Any district, zone, overlay, or subdistrict of a Redevelopment Plan where retail sales of goods and services is a permitted principal use.
  2. Separation Distances.
    - a. The main entry door of any Cannabis Establishment subject to a class 5 license shall be at least 200 feet from any school identified on the City’s Official Drug Free School and Park Zones Map, pursuant to Section 151-1 of the Jersey City Municipal Code and pursuant to regulations and definitions in N.J.S.A. 2C:35-7 et seq., and N.J.S.A. 2C:35-7.1

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- et seq.. A copy of said map may be made available by the Division of Engineering or City Clerk. Distance is measured from the parcel boundary on which the School is located.
- b. Exception to school distance requirement: If a business was operation prior to February 21, 2021 and can prove a majority of sales were cannabis or hemp products, they may remain at their current location and are rendered exempt from the 200-foot school distance requirement.
  - c. The main entry door of any Cannabis Establishment subject to a Class 5 license (including microbusinesses) shall be separated from one another by a distance of at least 600 feet.
3. Compliance with the general provisions of this Section.
  4. The signage, bulk, coverage, design standards, loading, and parking regulations and standards of the zone in which the subject property is located shall apply. For the purposes of this Section, Cannabis Establishments subject to a class 5 license shall comport with regulations related to Retail Sales of Goods and Services.
  5. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional use application for a Cannabis Establishment shall include the following, as it relates to the manner of operation:
    - a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
    - b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.
    - c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
    - d. Submit attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.
    - e. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.
- E. Standards and Endorsement Requirements for Cannabis Consumption Areas.
1. Cannabis Consumption Areas are permitted conditional uses, as regulated herein:
    - a. Compliance with applicable conditional use requirements, of this section, for a microbusiness subject to a Class 5 license or for a Cannabis Establishment subject to a Class 5 license, except that the following conditions shall supplement or supersede.
    - b. An applicant already has a Class 5 license approved by the City of Jersey City and State Commission, or is concurrently seeking conditional use approval as Cannabis Establishment subject to a Class 5 license.
    - c. Standards for indoor Cannabis Consumption Areas:
      - 1) An indoor Cannabis Consumption Area shall be a structurally enclosed area within a cannabis retailer that is separated by solid walls or windows from the area in which retail sales of cannabis items occur, shall only be accessible



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through an interior door after first entering the retailer, and shall comply with all ventilation requirements applicable to cigar lounges, as that term is defined in section 3 of P.L.2005, c.383 (C.26:3D-57), in order to permit indoor smoking, vaping, or aerosolizing that is the equivalent of smoking tobacco not in violation of the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-55 et seq.).

2) Hours of operation in compliance with licensing laws of the City.

d. Standards for outdoor Cannabis Consumption Areas:

1) An outdoor Cannabis Consumption Area shall be an exterior structure on the same premises as the medical cannabis dispensary, clinical registrant facility, or cannabis retailer, that is either separate from or connected to the dispensary, facility, or retailer, and that is not required to be completely enclosed, but shall have sufficient walls, fences, or other barrier to prevent any view of patients consuming medical cannabis or person consuming personal use cannabis items within the consumption area from any sidewalk or other pedestrian or non-motorist right-of-way, as the case may be. Operators of an outdoor consumption area shall ensure that any smoking, vaping, or aerosolizing of medical cannabis or personal use cannabis times that occurs in an outdoor Cannabis Consumption Area does not result in migration, seepage, or recirculation of smoke or other exhaled material to any indoor public place or workplace as those terms are defined in section 3 of P.:”.2005, c.383 (C.26:3D-57). The Board may require an outdoor consumption area to include any ventilation features as the Board deems necessary and appropriate.

2) An outdoor Cannabis Consumption Area shall not be collocated with any residential use in the same structure or on the same lot.

3) Hours of operation. Outdoor consumption areas shall not operate later than 10:00 PM.

4) Additional standards for outdoor Consumption Areas on rooftops:

i. Buffer. The roof or rooftop deck where an outdoor Cannabis Consumption Area is proposed shall be at least fifty (50) feet from any window on an adjacent structure. Distance is measured from the extents of the outdoor Cannabis Consumption Area to adjacent windows.

5) Additional standards for outdoor Consumption Areas in yards:

i. Separation Distance. Outdoor Cannabis Consumption Areas located in yards shall be at least 200 feet from any school, park, or residential use. Distance is measured from the parcel boundary on which the school, park, or residential use is located to the extents of the outdoor Cannabis Consumption Area.

ii. Buffer. An outdoor Cannabis Consumption Area located in yards shall be setback from any property line by a minimum of fifteen (15) feet. In addition to walls or fences, the setback area shall include a landscaped buffer.



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**§ 345-61. – Performance Standards.**

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**A. Air Pollution.**

1. General. No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant or animal life or to property or which interfere unreasonably with the comfortable enjoyment of life and property anywhere in the Town. All provisions of Title 7, Chapter 27 of the New Jersey Administrative Code, (N.J.A.C.), or the regulations contained in this section, whichever shall be more stringent, shall apply.
2. Smoke. In any non-residential zone, no smoke, the shade or appearance of which is darker than No. 1 on the Ringelmann Smoke Chart, shall be emitted into the open air from any fuel-burning equipment; provided, however, that smoke emitted during the cleaning of a firebox or the building of a new fire, the shade or appearance of which is not darker than No.2 on the Ringelmann Smoke Chart, may be permitted for a period or periods aggregating no more than three minutes in any fifteen (15) consecutive minutes. Smoke emissions from the combustion of fuel and mobile sources and from stationary internal combustion engines shall not exceed the limits set forth in N.J.A.C. 7:27.
3. No open burning shall be permitted in any district.
4. Odors. In any zone, no odorous material may be emitted into the atmosphere in quantities sufficient to be detected.

**B. Wastes.**

1. Liquid Wastes. No liquid waste shall be discharged into the watercourse in the City without all necessary permits from the New Jersey Department of Environmental Protection (NJDEP). No liquid waste shall be discharged into the public sewage collection and disposal system unless the appropriate City official shall have first investigated the character and volume of such wastes and shall have certified that the City will accept the discharge of such waste material into the system. The applicant shall comply with any requirements of said officials, including the pretreating of such wastes, the installation of processing methods, separation or screening of wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition of approval of such facilities.
2. Solid Waste. Each property owner shall be responsible for:
  - a. Adequate and regular collection and removal of all refuse, except where the City assumes such responsibility. No materials or wastes shall be deposited upon a lot in such a manner that they can be transferred off the lot, directly or indirectly, by natural forces such as precipitation, evaporation or wind.
  - b. Compliance with all applicable provisions of the NJDEP.
  - c. Compliance with all provisions of Title 7, Chapter 26, of the N.J.A.C., where applicable.
  - d. No accumulation on the property of any junk or other objectionable materials except in designated trash receptacles.
  - e. All materials or waste 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.

**C. Noise.** All applications shall comply with the provisions of N.J.A.C. 7:29.

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- D. Vibration. In any zone, vibrations discernible without instruments at the measuring location shall not be permitted.
  - E. Glare. No single standard for glare is promulgated in this Chapter due to the impracticality of establishing such standards. It is the intent of these performance standards to ensure that both direct and indirect glare, to the extent possible, are eliminated or that activities producing such glare are carried on within a structure. Necessary glare-producing devices such as roadway and walkway lighting shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.
  - F. Temperature Change. Any use or process shall not produce a temperature change greater than three degrees Celsius at the measuring location.
  - G. Fire and Explosive Hazards. If it appears that any proposed use, structure, process or resulting product or material may constitute a fire or explosion hazard, the Board shall require the applicant to supply proof of:
    - 1. Approval of the use, structure, process or resulting product or material from the State Department of Labor indicating that adequate safeguards against fire and explosion have been taken or installed.
  - H. Electricity. Electricity 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 multi-family dwellings, beyond the operator's dwelling unit, as a result of the operation of such equipment.

#### **§ 345-62. – Residential design standards.**

- A. The design and layout of buildings and parking areas shall provide an aesthetically pleasing appearance and efficient arrangement compatible with the character of surrounding development. To the greatest extent possible, new residential development in existing neighborhoods shall be integrated with the housing units in the adjacent area. New development in existing neighborhoods shall incorporate distinctive architectural characteristics of surrounding development, such as window and door detailing, decoration, material, roof style and pitch, height and porches.
- B. All additions, alterations and accessory buildings shall be compatible with the principal structure, and shall share a common architectural theme.
- C. Building proportions shall be compatible with the predominant proportional relationship along a street. Mass, scale, height, orientation, porches, entries and parking shall be consistent with the neighborhood.
- D. Roof line design shall be consistent with the existing block or neighborhood patterns where appropriate. Roof design shall be an integral part of the overall building design.
- E. Rooftop, outdoor living spaces such as decks and gardens shall be integrated into the building architecture. Stepbacks, parapets or other features shall be used to provide privacy and screening.
- F. Monotonous uninterrupted expanses of walls shall be avoided. Facade articulations such as recesses, projections, columns, openings, ornamentation, decorative materials and colors shall be used to add texture and detail.
- G. Materials and colors shall be compatible with the neighborhood character, streetscape and adjacent structures.
- H. Building entries, windows and other openings shall be compatible in location, scale and pattern to other structures on the street.

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- I. Stilted buildings are prohibited.
  - J. Where garages must be located facing streets, they shall whenever feasible be minimized by placement at a lower elevation than the street or recessed within the building façade and framed by balconies, porches, trellises or other architectural elements. Garage doors shall not dominate the front façade.
  - K. Mechanical equipment, whether mounted on the roof, within the building, or on the ground shall be screened from view. All screening devices shall be compatible with the material, architecture and color of the adjacent structures. Electrical transformers shall be underground or housed within the building.
  - L. Window and door security grates shall be as inconspicuous and as complementary to the front façade facing a Street as possible and shall not be permitted above the first floor or parlor floor of any facades facing the street. No security or decorative grates shall be permitted to enclose porches.
  - M. Fire escapes shall be constructed only against the side or rear wall of a building and shall be located and/or screened so as not to detract from the appearance of such buildings.
  - N. Cellar apartments are not permitted.
  - O. Trash containers and outdoor storage areas shall be screened from public streets, pedestrian areas and neighboring properties. The screen shall be designed to be compatible with the architectural character of the development and shall be constructed of durable materials.
  - P. Recycling Facilities for New Multi-Family Housing Developments. There shall be included in any new multi-family housing development that requires site plan approval an indoor or outdoor recycling area for the collection and storage of residentially generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The recycling area shall be conveniently located for the disposition of source-separated recyclable materials by residents of the multi-family housing development, preferably near, but clearly separated from, a refuse dumpster. The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers. Any bins or containers which are used for the collection of recyclable paper or cardboard and which are located in an outdoor recycling area shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein. Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.
  - Q. Conversions of first floor commercial uses to a dwelling unit:
    - 1. The design features of the storefront architecture shall be preserved to the maximum degree possible.
    - 2. Storefront display windows shall be maintained. Residential privacy may be achieved by shades and curtains, blinds and the use of translucent glass such as sandblasted or etched glass, patterned glass and privacy glass.
    - 3. If the existing storefront incorporates a second tier of windows behind the storefront glass this second layer of glass may be clear or obscured.
    - 4. Solid bulkheads shall not exceed two-fifths of the first floor height.

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5. Original bulkhead designs should be preserved to maintain the historic character of the street. Original materials to be maintained included wood, cast iron, cast aluminum, pigmented structural glass, terra cotta, porcelain enamel, ceramic tile, decorative brick, marble and granite.
  6. For security, the use of retractable security grilles and solid wooden doors is preferred to external grilles.
  7. If shielding of sunlight is a concern, awnings may be mounted above or below the transom.
  8. Recommended replacement windows for the transom area include hopper, sliding and awning windows.
  9. Recommended replacement windows for the display area include fixed glass and casement windows.
  10. Recessed entries shall be maintained and "outer" doors shall not be added.
- R. All sidewalks shall be tinted Scofield Charcoal Grey or equivalent.
- S. Both primary and secondary front façades shall be designed with quality materials and details, such as masonry.
- T. Front yard regulations for landscaping and fencing shall apply to both primary and secondary front façades.

#### **§ 345-63. – Non-residential design standards.**

- A. The height and scale of new development shall be compatible with the surrounding development.
- B. In retail structures, storefront windows shall cover a minimum of sixty percent (60%) of the ground floor façade area. On corner lots, the secondary storefront facade shall be consistent with the alignment, location and amount of glazing of the primary storefront window facade.
- C. Blank walls shall be avoided at the ground floor level. Facade articulations such as windows, trellises, recesses, projections, ornamentations, color, arcades, changes of material, landscaping and other features shall be used to lessen the impact of blank walls.
- D. Stilted buildings are prohibited.
- E. Trash containers and outdoor storage areas shall be screened from public streets, pedestrian areas and neighboring properties. The screen shall be designed to be compatible with the architectural character of the development and shall be constructed of durable materials.
- F. The primary access to the building shall be from the front. If necessary, the rear of the building shall be enhanced where appropriate to improve public access from parking lots and service alleys.
- G. In developments requiring loading areas, service and loading areas shall be separated from main circulation and parking areas and away from public streets.
- H. Clearly defined, highly visible entrances shall be provided through the use of features such as canopies, awnings, arches, decorative doors and integral planters.
- I. Store window security grates shall be of open mesh design except the lowest one foot may be of solid construction.
- J. Fire escapes shall be constructed only against side or rear walls of the building.

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- K. Rooftop/mechanical equipment shall be screened with visual barriers from adjacent properties, public roadways, parks and other public areas. The architectural design of buildings shall incorporate design features that screen, contain and conceal all heating, ventilation and air conditioning units. All screening devices shall be compatible with the architecture and color of the principal structures.
  - L. Electrical transformers shall be underground or housed within the building.
  - M. Recycling and solid waste disposal areas shall be enclosed. These enclosures shall be screened with landscaping where feasible. Locations shall be conveniently accessible for trash collection and maintenance and shall not block access drives during loading operations.
  - N. 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 feet above the street centerline or lower than twelve (12) feet above the street centerline 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 curblin shall not require a sight triangle. Traffic control devices, street name poles and utility poles shall be exempt.
  - O. All sidewalks shall be tinted Scofield Charcoal Grey or equivalent.
  - P. Both primary and secondary front façades shall be designed with quality materials and details, such as masonry.
  - Q. Front yard regulations for landscaping and fencing shall apply to both primary and secondary front façades.

#### **§ 345-64. – Public or private common open spaces design standards.**

- A. All open space shall incorporate several elements such as lawn, landscaping including shrubbery and trees, attractive paving materials, street furniture, decorative lighting, low walls, fountains and other architectural and artistic amenities so as to produce and provide a pleasant environment at all levels and to complement the surrounding buildings.
- B. Adequate lighting shall be provided to promote a sense of security in the open space.
- C. Open spaces shall be so located as to provide for maximum usability and to create a harmonious relationship between buildings.

#### **§ 345-65. – Buffers.**

- A. Zoning Standards. Any parking, loading, outside equipment and storage area that adjoins a street open space or residential use shall have a landscaped buffer area along all applicable property lines, except in those instances where a building intervenes and where it impedes safe vehicular and pedestrian traffic.
- B. Design Standards.
  - 1. No activity, storage of materials or parking of vehicles shall be permitted in the buffer area except access driveways, directional signs, and permitted signs.
  - 2. Any buffer area shall be at least three feet in depth and planted and maintained with massed evergreens, deciduous trees and shrubs of such species and sizes which will produce within two

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growing seasons a living screen at least four feet in height and of such density so as to obscure throughout the full course of the year the glare of automobile headlights emanating from the premises. All plantings shall be in accordance with 345-66.B. The screen plantings shall be placed so that at maturity they will not protrude across any street or property line and so that a clear sight triangle shall be maintained at off street intersections and at all points where private accessways intersect public streets.

3. Where spatial restrictions or traffic safety concerns do not provide sufficient width for screen planting, a four-foot high decorative fence or brick wall or any combination of plantings and walls or decorative fences may be provided.

## **§ 345-66. – Landscaping.**

### **A. General Standards.**

1. All areas not occupied by buildings or structures shall be appropriately landscaped in addition to required City trees as defined in Chapter 321 and buffer areas (see maximum lot coverage requirement in each zone).
  - a. Street trees shall be required for all development in accordance with the standards found under Section 345-66.C except where it can be demonstrated to the Municipal Forester that it is not possible to plant trees for one of the following reasons: (1) constraints such as utility lines; (2) danger to public health safety or property; (3) the project location will not allow for the healthy growth of a street tree.
  - b. If replacement of removed City trees as defined in Chapter 321 or planting of new City trees is determined not to be practical at a given location by the Municipal Forester, the applicant will be required to make a monetary contribution to the City for each tree equivalent to the replacement cost per tree, as determined annually by the Division of Parks and Forestry.
2. Front Yard Landscaping.
  - a. At least 60 percent of the area between the building line and street line on residential lots shall be landscaped, provided, however, that for new construction in the R-1 District, or for construction of three-family detached housing in the R-3 District, which includes either a front garage and driveway, or driveway access through the front yard to a side or rear yard parking area, or rear yard garage in lieu of a front yard garage access, a minimum of 30 percent of the area shall be landscaped.
  - b. In the event of removal of front yard landscaping existing at the time of the adoption of this ordinance for rehabilitation, or required repair/replacement, or for any other purpose, restoration of the originally landscaped area is required in accordance with percentage requirements of subsection A.2.a of this section.
3. Surface parking lots, principal or accessory. All surface parking lots must adhere to the requirements of Chapter 345-65. In outdoor parking lots with ten or more spaces not less than five percent of the parking area shall be suitably landscaped and maintained with trees. At least one shade tree is required to be planted for every ten parking spaces. Planting methods and materials for shade trees shall be according to current Jersey City Forestry Standards, published by the Division of Parks &

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Forestry. The landscaping shall be disbursed throughout the parking area bounded by the limits of curbing or from the outside perimeter of the paved parking area.

B. Design Standards for On-Site Landscaping.

1. Landscaping for all uses shall define entrances to buildings and parking lots, define the edges of various land uses, provide transition between neighboring properties and provide screening for loading and equipment areas to the maximum extent feasible.
2. All plant materials shall be suitable for the site, free of disease and insects, and shall conform to the American Standard for Nursery Stock (ASNS) of the American Nursery and Landscape Association for the quality and installation of that plant.
3. Plants listed on any Jersey City or state government list of invasive or prohibited species shall not be installed and shall not be counted towards meeting any landscaping requirement.
4. In all areas where landscaping is required, a minimum of 75 percent of the surface area shall be covered by living plants, rather than mulch, bark, gravel, or other non-living material.
5. The use of synthetic vegetation (plastic plants, etc.) shall not be used to meet any of the required landscaping or buffering standards.
6. In the Highway Commercial and Community Automotive zones, at least one-half of the required landscaping shall be located along the street right-of-way.
7. Landscaping shall be in scale with adjacent structures and be of appropriate size at maturity to accomplish its intended purpose.
8. Foundation plantings are recommended to soften the edge between the parking lot and the structure.
9. The use of non-invasive vines and climbing plants on buildings and the perimeter of garden walls is encouraged.
10. Plants in containers shall be used for enhancement of sidewalk shops, plazas and courtyards.
11. Landscaping shall not obstruct visibility for vehicular and pedestrian traffic at all 90-degree angle intersections of public rights-of-way and private driveways.
12. All plantings shall be with species with proven resistance in an urban environment.
13. Use of shade trees is encouraged to minimize the temperature and purify the City's air and water.
14. Rain gardens and/or other practices that mimic natural hydrology and increase effective perviousness are encouraged.
15. Green roofs and green walls are encouraged citywide. Such features shall be exempt from roof coverage and lot line setback requirements of subsections 345-60.D and H.

C. Design Standards for Street Trees.

1. Street trees shall be required for all development projects (including all new construction and all rehabilitation projects subject to site plan review. Project developers shall provide one street tree, either new or existing, for every 25 feet of street frontage.
2. Tree removals and plantings for development projects shall follow the requirements of Chapter 321.

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3. All new City trees shall be selected from the most current Recommended Street Tree List of the Jersey City Forestry Standards, as published and undated by the Division of Parks and Forestry and shall receive site and species approval from the Division of Parks & Forestry.
  4. Planting methods and materials and tree-pit specifications shall be according to current Jersey City Forestry Standards, as published by the Division of Parks & Forestry.
  5. With regard to maintenance, the provisions of Section 345-75 shall apply.

#### **§ 345-66.1. – Green area ratio (GAR) standards.**

##### **A. Purpose.**

1. Green area ratio (GAR) requirements are green infrastructure and resilient design requirements. These requirements are calculated as a green area ratio (GAR) as explained below.
2. The purpose of GAR is to integrate sustainable landscape elements into site design to address environmental concerns citywide.
3. Any zone or Redevelopment Plan which includes a GAR requirement in the bulk standards of the district is subject to the requirements below. Any non-compliance with the standards below necessitates a "c" variance or deviation.

##### **B. Applicability.**

1. GAR requirements apply to major and minor site plan applications in addition to projects requiring a variance.
2. Any lot which falls only partially within a zone/redevelopment area subject to GAR requirements shall fully comply with the GAR standards.
3. Any lot which falls within multiple zones, redevelopment areas, or subzones, such as a consequence of a split zoned site or an overlay, shall comply with the GAR standards set forth for the more restrictive zone/redevelopment area (that is, the zone or area with the higher required ratio), unless less than ten percent of the lot area is within the more restrictive zone/redevelopment area, in which case the secondary zone/redevelopment area requirements shall apply.
4. GAR elements proposed within municipally designated historic districts and landmarks shall be reviewed by the Historic Preservation Commission for appropriateness and compliance with the Secretary of Interior Standards for Historic Properties.
5. Zones: A required level of GAR compliance is established by zone. Zones in the following table require GAR as follows:

Zone/Redevelopment Area	Required ratio
F overlay, subdistrict F-VE	0.50
F overlay, subdistrict F-AE	0.25

##### **C. Exemptions.**



1. Applications for signage, wireless communication antennas, or wireless telecommunication towers are exempt from requirements in this subsection.
2. Non-compliance with the required GAR ratio shall result in a "c" variance.

D. Ratio reductions.

1. Jersey City locally-designated historic districts and landmarks and historic buildings included in State and National Registers of Historic Places, shall be eligible for reduced GAR ratio requirements. Upon submission of a certified letter from a licensed architect or engineer attesting to the fact that the building cannot structurally maintain the weight of either an intensive or extensive green roof, the required GAR shall be reduced by one-half of that which is otherwise required in the zone/redevelopment area in which the property is located.

E. Landscaping multipliers. Each of the following landscaping and stormwater management elements contribute to a development's overall GAR score. Increased square footage of any element results in a higher calculated score.

To maximize a GAR score, landscape elements may be "layered" in order to qualify for multiple elements in a single feature. For example, a landscaping bed may have 24-inch soils (0.6 multiplier), native ground covers (0.2 multiplier plus 0.1 multiplier bonus), plants two feet at maturity (0.3 multiplier), and new tree canopy 2.6-inch diameter (0.5 multiplier). Each of these elements are eligible for GAR points, to work cumulatively for higher points totals.

1. Multipliers table.

GAR Elements	Multiplier
Landscaped areas with a soil depth of less than 24" (b, c)	0.3
Landscaped areas with a soil depth of 24" or more (b, c)	0.6
Ground covers, or other plants less than 2' tall at maturity (a, b, c)	0.2
Plants, not including grasses, at least 2' tall at maturity (a, b, c)	0.3
Tree canopy for all trees, 2.5" to 6" in diameter (a, c)	0.5
Tree canopy for new trees 6.1" to 12" in diameter (a, c)	0.6
Tree canopy for new trees 12.1" in diameter and above (a, c)	0.7
Tree canopy for preservation of existing trees 18" to 24" in diameter (c)	0.7
Tree canopy for preservation of existing trees 24" diameter or larger (c)	0.8
Vegetated walls, plantings on a vertical element (b, c)	0.6
Extensive green roof over at least 2" but less than 8" of growth medium (b, c)	0.7
Intensive green roof over at least 8" of growth medium (b, c)	0.8
Permeable/porous/pervious paving or a deck atop at least 6" and less than 2' of soil or gravel	0.4
Permeable/Porous/Pervious paving or a deck atop at least 2' of soil or gravel	0.5
Enhanced tree growth systems (see definitions)	0.4
Bioretention facilities (see definitions)	0.4
Retention or detention tanks (in cubic feet)	0.3
WaterSense certified fixtures (check if all fixtures in kitchen and bath comply)	0.3
Water features (fountains, pools, etc.) using at least 50% recycled water, harvested water, and/or gray water*	0.2
Bonuses - the following ratio increases may be applied to above categories	
Native plant species (see § 345-66.1.E.1.a) below) - Items marked with "a"	0.1

GAR Elements	Multiplier
Landscaping in food cultivation (see § 345-66.1.E.1.c) below) - Items marked with "b"	0.1
Harvested stormwater irrigation (see definitions) or graywater irrigation system, using at least 50% recycled water, harvested water, and/or graywater* - Items marked with "c"	0.2
*Water features must be filled a minimum of 6 months/year	
**Permeable/porous/pervious paving credits may not exceed 1/3 of the total GAR score	

- a. Native plants are determined as listed by The Native Plant Society of New Jersey, specific to Hudson County (see [http://www.npsnj.org/pages/nativeplants\\_Plant\\_Lists.html](http://www.npsnj.org/pages/nativeplants_Plant_Lists.html)). Additional plants not listed but determined to be native shall be considered subject to the written certification of a Licensed Landscape Architect.
  - b. Additional guidance for appropriate plants (plants for wet locations, shady locations, etc.) can be found in the Rain Garden Manual of New Jersey (see <https://issuu.com/rutgerswater>).
  - c. Landscaping in food cultivation shall be subject to § 345-60.V.1, Agriculture.
  - d. Street trees within the public right-of-way adjacent to the subject site may be included in the calculations.
  - e. For trees, caliper measurement of the trunk shall be taken six inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at 12 inches above the ground.
  - f. Clump-form and multi-stem trees, above a specified height, may be measured by caliper according to the most recent American Standard for Nursery Stock. The appropriate standard for measurement is one-half the total calipers for the three largest trunks. Shrub-form trees are measured by height only.
  - g. Height measurement shall be taken from ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare.
2. Equivalency table. Certain elements such as trees and individual plantings cannot be calculated by area. As such, the following table provides an area equivalency for these elements.

GAR Landscape Elements	Equivalent Square Footage
Groundcovers, or other plants less than 2 feet tall at maturity	Square footage at maturity
Plants, not including grasses, at least 2 feet tall at maturity*	9
Tree canopy for trees 2.5-6 inches in diameter	50
Tree canopy for trees 6-12 inches in diameter	250
Tree canopy for trees 12-18 inches in diameter	600
Tree canopy for trees 18-24 inches in diameter	1,300
Tree canopy for trees larger than 24 inches in diameter	2,000
*"Plants" include perennials, shrubs, and trees less than 2.5" caliper; calculation is per plant	

F. Compliance.

1. If the proposed project contains ten or more residential units, 20 or more new parking spaces, or 12,000 or more gross square feet of commercial or industrial space, whichever comes first, landscape

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areas must be designed by a licensed Landscape Architect or engineer. Smaller projects not meeting any of the thresholds above must be designed by a qualified landscape professional (such as licensed landscape architects, certified professional horticulturalists, and certified landscape designers).

2. A certificate of occupancy shall not be issued until a calculated compliance chart, signed by a landscape architect (or qualified landscape professional as permitted in F.1 above) licensed in the State of New Jersey, is provided, or affirming conformance to the GAR regulations and approved plans.
3. Additionally, a maintenance plan shall be provided by plan preparers to both the City and the property owner. This maintenance plan serves as guidance for the property owner to ensure all GAR-related features are maintained by the owner, and informs all property owners in perpetuity that they are obliged to maintain the GAR score at or above the minimum level set in the regulations and/or approval.
4. Should the GAR score fall below the minimum required, a violation may be issued by the Zoning Officer.
5. Compliance formula (calculations worksheet is available).
  - a. Determine the total lot area.
  - b. Calculate the area of each proposed landscape element (may need to refer to the equivalency table.)
  - c. Multiply the area of each landscape element by its assigned multiplier to provide a weighted square footage.
  - d. Add the weighted square footages of all landscape elements.
  - e. Divide the sum by the total lot area of the site to provide the project's GAR score.

#### **§ 345-67. – Fences and walls.**

##### **A. Zoning Standards.**

1. Location and Height Standards.
  - a. Residential Districts Maximum Height.
    - i. Front Yard. Four (4) feet except for parking areas of six (6) spaces or more developed in accordance with the ordinance, then the maximum height shall be six (6) feet;
    - ii. Side Yard. Six (6) feet maximum height;
    - iii. Rear Yard. Eight (8) feet maximum height.
  - b. Commercial Districts Maximum Height.
    - i. Front Yard. Four (4) feet except for parking areas of six (6) spaces or more developed in accordance with the ordinance, then the maximum height shall be six (6) feet;
    - ii. Side Yard. Six (6) feet maximum height;
    - iii. Rear Yard. Eight (8) feet maximum height.
  - c. Industrial Districts Maximum Height.

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- i. All yards. Twelve (12) feet.
  - d. Corner Lots. Fences on corners shall maintain clear lines of sight for vehicular traffic and shall be subject to the requirements of sight triangles. On corner lots, the fencing shall have matching fence heights on both frontages.
- 2. Chain link fences shall not be permitted in the front yard.
  - 3. Vacant Lots shall be exempt from the standards listed above. Vacant lots shall be permitted to have six-foot high chain link fence along the front and side yard and eight (8) feet along the rear yard. All chain link fencing is to be removed upon development of the property.
  - 4. Barbed wire/razor wire fencing is prohibited.
- B. Design Standards.
- 1. Fences and walls shall complement the architectural character of the principal building.
  - 2. A finished side of all fences shall face "out" from the property. All structural supporting members of the fence must face the interior portion of the lot and no portion of any at-grade fence may extend beyond or across the property line.
  - 3. For fences on roof deck, a finished side of all fences shall face "out" from the area which it is enclosing.
  - 4. Fence height shall be measured from finished grade. Up to an additional ten (10) percent of height may be added to the maximum permitted fence height in order to accommodate lots with irregular grade.
  - 5. All fences shall be consistent in appearance. Posts are to be separated by equal distances and constructed of fencing material conforming to a definite pattern in size.
  - 6. All gates within any given type of fence shall be of the same material, design, type, height and color as the fence (e.g., a chain link gate may not be attached to a tubular metal fence).
  - 7. No fence shall permanently preclude access to abutting properties for maintenance of the abutting properties. Gates or openings shall be required to be placed in locations where adjoining property owners may require access to the rear of their properties.
  - 8. Gates shall not swing outward into the public right-of-way.
  - 9. Where chain link is permitted in industrial zones, one-inch non climbable vinyl clad fencing shall be used.
  - 10. Wooden board-on-board fencing is recommended for screening and privacy in the rear and side yards, but may not be located between the building line and street line.
  - 11. Solid or perforated, corrugated, or flat sheet metal is prohibited for use as fencing material.
  - 12. Single ply, vinyl slats which are inserted diagonally are prohibited as screening material for fences.
  - 13. Mechanical gates with overhead bars are prohibited.
  - 14. Decorative front yard fences defining a front yard private space shall be provided if the predominant character of the block contains such fencing. The front yard fence must line up with the predominant fence line on the street. No encroachment beyond the predominant fence line shall be permitted.

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15. Fences shall only be permitted within the public right-of-way provided such fences are consistent with the established fence line on the street. No fencing shall be permitted in the right-of-way solely for purposes of providing for off-street parking. Such fences must comply with the design standards outlined below.
  16. If the fence application is part of any application in front of either Board, the reviewing Board shall review and approve or deny. If the threshold for Board review is not met, the City Planning staff shall review the application and report its findings to the Office of the Construction Code Official, whereupon a construction permit may be issued.
    - a. All proposed fences in the public right-of-way must be either wrought iron, mild steel, tubular steel or aluminum, or a combination of brick columns and steel/iron fences. Fences shall be painted and maintained with a dark color to reduce visibility of rust.
    - b. Height Restrictions. The height of bars and columns of fences constructed in the public right-of-way shall not exceed forty-eight (48) inches, as measured from finished grade to the top of the bars or columns.
    - c. Size and Spacing Material.
      - i. Minimum width of vertical bars—one-half (½) inch.
      - ii. Maximum spacing of bars—four (4) inches.
    - d. Freestanding Gates. All freestanding gates must swing into the fenced area, not into the public right-of-way.
    - e. No fence in a right-of-way shall disturb any existing sidewalk.
    - f. The right-of-way inside the fence shall be landscaped.

#### **§ 345-68. – Signs.**

##### **A. Exempt Signs.**

1. Any public notice or warning required by a valid and applicable federal, state, county or local law, regulation or ordinance.
2. Any sign which is inside a building, not attached to a window or door, and is not readable from a distance of more than three (3) feet beyond the lot line of the lot or parcel nearest to where such sign is located.
3. Holiday lights and decorations with no commercial message.
4. Any sign describing the history of the building with tablets, cornerstones or similar, plaques embedded on the façade below four (4) feet.
5. Traffic control signs on private property, which meet Department of Transportation standards, and which contain no commercial message of any sort.
6. Flags of the United States, New Jersey, the City of Jersey City and flags of foreign nations.
7. Signs or banners advertising public or quasi-public events that are posted with the permission of the City Council or of any person to whom the City Council has delegated this authority according to guidelines set by City Council.

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8. Pump mounted fuel price information signs subject to the following:

- a. Only one (1) fuel price informational sign shall be permitted per fuel pump.
- b. Fuel price informational signs shall be limited in size to an area of two hundred sixteen (216) square inches in accordance with State and Federal regulations.
- c. Each fuel price informational sign shall be affixed directly and firmly to a fuel pump and shall be stationary.
- d. Nothing herein shall be construed to prohibit the advertisement of fuel prices on any other sign meeting the requirements of this section.

9. U.S. Postal Regulation Mailboxes.

10. Political Signs. Such signs may be displayed for a period of not more than thirty (30) days before the election and not more than three (3) days after the election.

B. Zoning Standards.

1. Individual Sign Area Measurement.

- a. The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, graphic, illustration, picture, symbol or other display, together with any material or color forming an integral part of the background of the sign. For purposes of calculating sign area, any illuminated border including those which may frame a window shall be included in the sign area calculation and used to differentiate the sign from the backdrop or structure against which it is placed. This does not include any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly incidental to the sign itself.
- b. No sign shall have more than two (2) display faces. The sign area for a sign with two (2) display faces shall be computed by adding together the area of all the sign's faces which are visible from any one (1) point. When a sign has two (2) display faces such that both faces cannot be viewed from any one (1) point at the same time, the sign's area shall be computed by the measurement of the larger of the two (2) faces.

2. In cases where sign standards are not established, standards from the most similar zone and use shall apply.

3. Glazed Area. Any glazing in doorways shall be considered part of the glazed area. For purposes of calculating window signs, a window shall be considered the glazed area. Signs which are required by county, state, or federal agencies are exempt from calculation of permanent signage.

4. Measurement of Height. The height of a freestanding sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be considered to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filing, berming, mounding or excavation solely.

5. The following signs are prohibited:

- a. No billboards or other off-site advertising signs shall be erected, used or maintained within the City of Jersey City except in the NC-3 Neighborhood Commercial District 3.

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- b. No signs shall be placed on fences, walls, utility poles, trees, railway or road bridges, bridge supports or abutments, retaining walls, parking meters or water towers unless approved by the City Council.
  - c. No roof signs, also known as "sky signs" shall be allowed except in the NC-3.
  - d. No signs above the second floor of any building other than hotels.
  - e. No sign shall be placed on an accessory building.
  - f. No sign shall be lighted by means of a varied illuminated light, nor shall any sign be in whole or in any part moving, mobile, revolving and/or electrically or mechanically activated except in the NC-3 Neighborhood Commercial District 3. Signs displaying the time and/or temperature shall be permitted in non residential districts.
  - g. No sign shall be allowed with the optical illusion of movement by means of a design which presents a pattern capable of reverse perspective, giving the illusion of motion or changing copy except in the NC-3.
  - h. No signs shall be allowed that are placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, service or activity or direct people to a business or activity. This is not intended, however, to prohibit signs placed on or affixed to vehicles, buses or trailers where the sign is incidental to the primary use of the vehicle or trailer.
  - i. No sign shall be allowed to obstruct any window or door opening used as a means of egress, interferes with an opening required for legal ventilation, or is attached to or obstructs any standpipe, fire escape or fire hydrant.
  - j. No sign shall be allowed which obstructs the view of vehicle operators or pedestrians entering a public roadway from any parking area, service drive, public driveway, alley or other thoroughfare.
  - k. No building sign shall be greater than four (4) feet from the building face.
6. The following signs and the standards and conditions that govern such signs are set forth in the sign matrix. All other signs are expressly prohibited.

C. Design Standards.

- 1. Signs shall be in harmony and consistent with the architecture of the building and relate to the features of the building in terms of location, scale, color, lettering, materials, texture and depth. Signs shall not be dominant but shall be proportionate and shall complement the building, existing signs and surroundings.
- 2. There shall be consistent sign design throughout a particular project. The design elements include style of lettering, construction materials, size and illumination.
- 3. Building signs shall not obscure, conflict with or cover any architectural element and must be aligned with major building elements such as windows, trim and structure lines.
- 4. No sign shall extend or project above the highest elevation of the wall to which it is attached or above the lowest part of the roofline of the building, whichever is less.
- 5. Illuminated signs.

- a. Internally illuminated signs shall only be permitted in the HC, and C/A zones.
  - b. Signs lit by external sources (i.e. gooseneck lights) shall be allowed but shall be located in such a manner so as to avoid any glare on adjacent property. Sources of sign illumination shall be completely shielded from the view of vehicular traffic using the road or roads abutting the lot on which the sign is located.
  - c. External lights used for the illumination of any sign on a mounted building, whether or not such light fixtures are attached to or separate from the building, shall not extend above the highest elevation of the front wall of the building or more than eighteen (18) feet above the street level of the premises, whichever is less.
6. 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.

**D. Nonconforming Signs.**

1. No nonconforming sign may be enlarged or altered in a way which would increase its nonconformity. Existing nonconforming permanent signs may continue to exist; however, when the sign is modified either in shape, size, illumination or structure, the sign shall be altered to conform to the provisions of this section.
2. Should any nonconforming sign be damaged by any means to an extent of more than fifty (50) percent of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this section.

**E. Sign Matrix, Sign Standards by Zone and/or Use.**

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
<b>R-1, RH-1, RH-2</b>						<b>Design standards in § 345-68 shall apply</b>
Residential						
	Nameplate only	1	1	N/A	N/A	Nameplate must be attached to the dwelling
Houses of Worship, Schools, Governmental uses, Civic						
	Freestanding (Monument only) or Building	24	1	4	½ of the required front yard setback	
Mortuaries						
	Freestanding (Monument only) or Building	20	1	4	½ of the required front yard setback	



Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
Assisted Living, Adult Day Care						
	Freestanding (Monument only) or Building	24	1	4	½ of the required front yard setback	
Senior Housing						
	Building only	20	1	N/A	N/A	
Nursing Homes						
	Freestanding (Monument only) or Building	24	1	4	½ of the required front yard setback	
For all other uses – RC-1 signage standards shall apply						
<b>R-2</b>	<b>Multi-Unit Attached Housing</b>					<b>Design standards in § 345-68 shall apply</b>
Townhouses						
	Nameplate only	1	1	N/A	N/A	Nameplate must be attached to the dwelling
Commercial						
	Primary façade (building only)	20 sq. ft. or 5% of the ground floor area of that portion of the primary façade applicable to the commercial use, whichever is smaller	1			Must be attached to the building
On corner lots						
	Secondary façade (building only)	½ the allowable rear for primary façade	1	N/A		On corner lots, the length of any building sign on the secondary facade shall

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
						not exceed ½ the width of the primary façade or 12 ½ feet, whichever is smaller
Houses of Worship, Schools, Governmental uses						
	Freestanding (Monument only) or Building	24	1	4	½ of the required front yard setback	
Mortuaries						
	Freestanding (Monument only) or Building	20	1	4	½ of the required front yard setback	
Assisted Living						
	Freestanding (Monument only) or Building	24	1	4		
Senior Housing						
	Building only	20	1	N/A	N/A	
Nursing Homes						
	Freestanding (Monument only) or Building	24	1	4	½ of the required front yard setback	
For all other uses – RC-1 signage standards shall apply						
<b>R-3</b>	<b>Multi-Unit Mid-Rise</b>					<b>Design standards in § 345-68 shall apply</b>
Residential and Townhouse						
	Building only	12	1	N/A	N/A	
Houses of Worship, Schools, Governmental uses						
	Freestanding (Monument only) or Building	24	1	4	½ of the required front yard setback	
Ground Floor Office uses						
	Building only	10	1	N/A		
Mortuaries						

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
	Freestanding (Monument only) or Building	20	1	4	½ of the required front yard setback	
Assisted Living						
	Freestanding (Monument only)	24	1	4	½ of the required front yard setback	
Senior Housing						
	Building only	20	1	N/A	N/A	
Nursing Homes						
	Freestanding (Monument only) or Building	24	1	4	½ of the required front yard setback	
For all other uses – RC-1 signage standards shall apply						
<b>R-4</b>	<b>Multi-Unit High-Rise</b>					<b>Design standards in § 345-68 shall apply</b>
Townhouses						
	Nameplate only	1	1	N/A	N/A	Nameplate must be attached to the dwelling
Mid-Rise Apartments						
	Building only	12	1	N/A	N/A	
High-Rise Apartments						
	Building only	12	1	N/A	N/A	
Houses of Worship, Schools, Governmental uses						
	Freestanding (Monument only) or Building	24	1	4	½ of the required front yard setback	
Mortuaries						
	Freestanding (Monument only) or Building	20	1	4	½ of the required front yard setback	
Assisted Living						
	Freestanding (Monument only) or Building	24	1	4	½ of the required front yard setback	
Senior Housing						

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
	Building only	20	1	N/A	N/A	
Nursing Homes						
	Freestanding (Monument only) or Building	24	1	4	½ of the required front yard setback	
Commercial						
	Primary façade (building only)	20 sq. ft. or 5% of the ground floor area of that portion of the primary façade applicable to the commercial use, whichever is smaller	1			
On corner lots						
	Secondary façade (building only)	½ the width for primary façade	1			On corner lots, the length of any building sign on the secondary facade shall not exceed ½ the width of the primary façade
<b>RC-1</b>	<b>Residential Commercial - 1</b>					<b>Design standards in § 345-68 shall apply</b>
Commercial and Office Uses						
	Ground floor	1 sf for each linear foot of frontage	1 per frontage for corner lots			<b>Must be attached to the building</b>
	Projecting/Blade Signs	8 sq ft	1 per frontage			May project a maximum of 4 ft. from

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
						the building. Minimum distance between the ground and bottom of the sign is 8 feet; must be hung by brackets at right angles to the façade
	Window	No more than 25% of total glazed area of a storefront or of any individual window signage shall be calculated into the maximum building signage area		N/A		
<b>RC-2</b>	<b>Residential Commercial - 2</b>					<b>Design standards in § 345-68 shall apply</b>
Commercial and Office Uses						
	Ground floor	1 sf for each linear foot of frontage	1 per frontage for corner lots			<b>Must be attached to the building</b>
	Projecting/Blade Signs	8 sq ft	1 per use			May project a maximum of 4 ft. from the building. Minimum distance between the

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
						ground and bottom of the sign is 8 feet; must be hung by brackets at right angles to the façade
	Window	No more than 25% of total glazed area of a storefront or of any individual window signage shall be calculated into the maximum building signage area		N/A		
<b>RC-3</b>	<b>Residential Commercial - 3</b>					<b>Design standards in § 345-68 shall apply</b>
Commercial and Offices Uses						
	Ground floor	1 sf for each linear foot of frontage	1 per frontage for corner lots			<b>Must be attached to the building</b>
	Projecting/Blade Signs	8 sq ft	1 per use			May project a maximum of 4 ft. from the building. Minimum distance between the ground and bottom of the sign is 8 feet; must be

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
						hung by brackets at right angles to the façade
	Window	No more than 25% of total glazed area of a storefront or of any individual window signage shall be calculated into the maximum building signage area		N/A		
<b>NC-1 NC-2</b>	<b>Neighborhood Commercial District 1 or 2</b>					<b>Design Standards in § 345-68 shall apply</b>
<b>Commercial and Office Uses</b>						
	Ground floor	20 sq. ft. or 5% of the ground floor area of that portion of the primary façade applicable to the commercial use, whichever is smaller	1 per frontage for corner lots			
	2nd to 5th floor where there are commercial or office tenants on that floor	10 sq. ft.	1 per floor; 1 per frontage for corner lots			Signage shall not be internally lit nor shall any signs be lit

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
						by external sources
	Projecting only	8 sq. ft.	1 per commercial tenant			May project a maximum of 4 ft. from the building. Minimum distance between the ground and bottom of the sign is 8 feet; must be hung by brackets at right angles to the façade
	Window	No more than 25% of total glazed area of a storefront or of any individual window signage shall be calculated into the maximum building signage area		N/A		
	Canopies, marquees, and awnings	Signage shall be calculated into the maximum building signage area	N/A	N/A		
Theatres, Museums, Governmental uses, Parking Garages and lots						
	Building only	24	1	N/A	N/A	
Colleges and Universities						



Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
	Building only	10	1	N/A	N/A	
<b>NC-3</b>	<b>Neighborhood Commercial District 3</b>					<b>Design standards in § 345-68 shall apply</b>
Nonresidential Uses						
	Primary façade (building only)	20 sq. ft. or 5% of the ground floor area of that portion of the primary façade applicable to the commercial use, whichever is smaller	1			
	Projecting only	30				Must be hung by brackets at right angles to the facade, maximum distance between floor and bottom of the sign shall be 8 feet
	Window	No more than 25% of total glazed area of a storefront or of any individual window signage shall be calculated	N/A	N/A	N/A	

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
		into the maximum building signage area				
	Canopies, marquees, and awnings	Signage shall be calculated into the maximum building signage area	N/A	N/A	N/A	
	Secondary façade or corner lots (building only)	½ the width of the primary façade	1			On corner lots, the length of any building sign on the secondary façade shall not exceed ½ the width of the primary façade
Residential Apartments						
	Building only	12	1	N/A	N/A	
Billboards						See § 345-46.
<b>HC</b>	<b>Highway Commercial</b>					<b>Design standards in § 345-68 shall apply</b>
Permitted Uses except service stations						
	Building (per tenant or store)	10% of the wall to which its attached Side or rear entrance - ½ the area of the primary sign area	1 per primary entrance; 1 per frontage; 1 per side or rear entrance	25% of the height of the wall		
	Freestanding (which only identifies name of center area and/or key tenants)	150	1 per multi-user center	25	½ of the required front yard setback	Letter height: 12 inches

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
	Window	10% of total glazed area of a storefront of any individual window	N/A	N/A	N/A	
Service Station						
	Freestanding	80	1 per frontage	18	10	
	Building	50	1	not to exceed height of roof line	N/A	
	Canopy (including logo)	5 per frontage	1 per frontage	N/A	N/A	
<b>C/A</b>	<b>Commercial/Automotive</b>					<b>Design standards in § 345-68 shall apply</b>
Service Station						
	Free standing	80	1 per frontage	18	10	
	Building	50	1	not to exceed height of roof line	N/A	
	Canopy (including logo)	5 per frontage	1 per frontage	N/A	N/A	
Permitted Uses except service stations						
	Freestanding	80	1	15	½ of the required front yard setback	
	Building (per tenant)	10% of the wall to which it is attached. Side or rear entrance - ½ the area of the primary sign area	1 per primary entrance; 1 per frontage; 1 per side or rear entrance	Maximum 25% of the height of the wall		

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
	Window	10% of total glazed area of a storefront or any individual window				
<b>I</b>	<b>Industrial</b>					<b>Design standards in § 345-68 shall apply</b>
Permitted uses						
	Building	10% of area of the 1st story of the wall to which it is attached or 200 sq. ft, whichever is less				
	Building on corner lot	300 sq. ft. with no more than 200 sq. ft. facing any one street	3 per frontage			
	Freestanding (Monument only)	80	1	6	½ of the required front yard setback	
<b>PI</b>	<b>Port Industrial</b>					<b>Design standards in § 345-68 shall apply</b>
Permitted uses						
	Building	10% of area of the 1st story of the wall to which it is attached or 200 sq. ft,	3 per frontage			

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
		whichever is less				
	Building on corner lot	300 sq. ft. with no more than 200 sq. ft. facing any one street	3 per frontage			
	Freestanding (Monument only)	80 sq. ft.	1	6	½ of the required front yard setback	
<b>U</b>	<b>University</b>					<b>Design standards in § 345-68 shall apply</b>
Permitted uses						
	Building	10% of area of the 1st story of the wall to which it is attached or 200 sq. ft, whichever is less	1 per building	N/A		
	Freestanding (if building has a minimum of 10 feet setback) Monument only	50 sq. ft.	1	5	½ of the required front yard setback	
<b>M</b>	<b>Medical</b>					<b>Design standards in § 345-68 shall apply</b>
Permitted uses						
	Building	10% of area of the 1st story of the wall to which it is attached or a maximum of 50 sq. ft.	1 per building	N/A		

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
	Freestanding (if building has a minimum of 10 feet setback) Monument only	50 sq. ft.	1	5	½ of the required front yard setback	
<b>G</b>	<b>Government</b>					<b>Design standards in § 345-68 shall apply</b>
Permitted uses						
	Freestanding (Monument only)	24	1	4	5	
<b>P/OS</b>	<b>Parks/Open Space</b>					<b>Design standards in § 345-68 shall apply</b>
Permitted uses						
	Freestanding	20	1 per entrance	5		
<b>WPD</b>	<b>Waterfront Planned Development</b>					<b>Design standards in § 345-68 shall apply</b>
Townhouses						
	Nameplate only	1	1	N/A	N/A	Nameplate must be attached to the building
Multi-Unit Mid-Rise Apartments						
	Building only	12	1	N/A	N/A	
Retail, Office, Marinas, and Theatres						
	Primary façade (building only)	300 sq. ft. or 8% of the first story of that portion of the façade applicable to the non-residential use, whichever is smaller	1 per use			
	Window	No more than 25% of				

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
		total glazed area of a storefront				
	Secondary façade (building only)	½ the area of the primary façade sign	1 per use			
<b>C</b>	<b>Cemetery</b>					<b>Design standards in § 345-68 shall apply</b>
Permitted uses						
	Freestanding	20	1 per entrance	6		
<b>H</b>	<b>Historic District</b>					<b>Design standards in § 345-68 shall apply</b>
Townhouses						
	Nameplate only	1	1	N/A	N/A	Nameplates must be attached to the building
Schools, Houses of Worship, Governmental Uses						
	Freestanding (Monument only) or	20	1	4	½ of required front yard setback	no backlit signage on freestanding or building signage
	Building	20, sum of all signage	2	N/A	N/A	
Bed and Breakfast Inns						
	Building	4	1	N/A	N/A	
Commercial						
	Building (primary façade)	1 sf for each linear foot of frontage	1	N/A	N/A	
	Building (secondary façade)	to match the size of historic sign as documented	N/A	N/A	N/A	

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
		by site or photograph evidence. If no historic sign, .5 sf for each linear foot of secondary storefront				
	Window		N/A	N/A	N/A	Must be metal paint, etched glass, or other treatment approved by HPO for CoNE or HPC for COA
	Projecting Sign	8	1 per façade	N/A	N/A	May project a maximum of 4 ft. from the building. Minimum distance between grade and the bottom of the sign shall be 8 feet; must be hung by brackets
<b>Destination Tourism</b>						<b>Design standards in § 345-68 shall apply</b>
Permitted Uses except service stations						
	Building (per tenant or store)	10% of the wall to which it is attached. Side or rear entrance - ½	1 per primary entrance; 1 per frontage; 1 per side or	maximum 25% of the height of the wall		



Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
		the area of the primary sign area	rear entrance			
	Freestanding (which only identifies name of center and/or key tenants)	150	1	25	½ of required front yard setback	Minimum letter height: 12 inches
	Window	10% of total glazed area of a storefront or of any individual window				
Service Station						
	Freestanding	80	1 per frontage	18	10	
	Building	50	1	not to exceed height of roof line		
	Canopy (including logo)	5	1 per frontage			
<b>Real Estate Signs</b>						<b>Design standards in § 345-68 shall apply</b>
Residential						
	Building only	6	1			The lowest portion of the sign shall be no higher than 10 feet above ground level
Non Residential						
	Freestanding	40 sq. ft. or 3% of the side of the building upon which it is located, whichever is less	1 per frontage			Shall not exceed maximum height of district

Use	Type of Signage by district	Max. Area (sq. feet)	Max. Number	Max. Height of Sign from Grade (feet)	Min. Setbacks of Freestanding Signs (feet)	Notes
	Building	40 sq. ft. or 3% of the side of the building upon which it is located, whichever is less	1 per frontage			Shall not exceed maximum height of district

#### **§ 345-69. – Lighting.**

- A. Zoning Standards. The maximum height of freestanding lights shall not exceed the height of the principal building or twenty-five (25) feet whichever is less.
- B. Design Standards.
  - 1. The style of the light and the light standard shall be consistent with the architectural style of the principal building.
  - 2. Lighting shall be adequate but not overly bright. All building entrances shall be well-illuminated.
  - 3. All lighting shall be shielded to confine the illumination spread within the site boundaries.
  - 4. Freestanding lights shall be so located and protected to avoid being damaged by vehicles.
  - 5. All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to seventy-five (75) degrees from vertical.
  - 6. The following intensity and foot candles shall be maintained:
    - a. A minimum average of one foot candle and shall not exceed a maximum average of two foot candles throughout a parking lot.
    - b. Maximum at property lines: One-half foot candles.
    - c. Sidewalks: A minimum of one foot candle entire length.
  - 7. All wiring shall be laid underground and the lighting fixtures shall be so arranged that the direct source of light is not visible from any adjacent residential area. Glare from light bulbs shall be eliminated through use of diffusers or the equivalent.

#### **§ 345-70. – Off-street parking and loading and bicycle parking.**

- A. Automobile Zoning Standards.
  - 1. Off-street parking shall not be located between the building and the street.

2. Parking lots are subject to landscaping regulations in § 345-66.
3. Where parking structures front on a public right-of-way, the structure shall be "faced" with commercial or mixed uses on the ground floor.
4. Stilted buildings are prohibited.
5. All off-street parking lots, except those of one and two-family residences, shall be provided with curbing of poured-in-place concrete, so that vehicles cannot be driven onto required landscaped areas, buffer zones, interior roadways, internal walkways 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 shall be located to prevent any part of the vehicle from overhanging the street right-of-way, property line, interior roadways or internal walkways. Vehicular access to street from the parking lot shall be limited to driveways.
6. All parking spaces except those permitted for one and two family housing shall be located with access to each space from an aisle.
7. Parking for Houses of Worship shall meet the standards of their zone. For all Houses of Worship, one seat shall equal 24 inches of pew/bench space. Houses of Worship that do not have seats shall be calculated at a rate of 10 square feet of prayer space equaling one seat.
8. 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.
9. No parking space shall be less than eighteen (18) feet long and eight and one-half feet wide, with the following exceptions:
  - a. valet parking lots, where approved by the Planning Board or the Zoning Board of Adjustment, may have reduced stall and aisle sizes. The project applicant is responsible for demonstrating to the Board that the lot can function and accommodate vehicles as proposed.
  - b. compact car spaces, where approved by the Planning Board or the Zoning Board of Adjustment, shall not be less than sixteen (16) feet long and eight feet wide. 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.

Angle of Parking Space (degrees)	For Parking Spaces 8—8.5 Wide 1-Way Aisle (feet)	For Parking Spaces 8—8.5 Wide 2-Way Aisle (feet)	For Parking Spaces 9—9.5 Wide 1-Way Aisle (feet)	For Parking Spaces 9—9.5 Wide 2-Way Aisle (feet)
Aisle				
90	24	24	22	22
60	20	22	18	20
45	18	20	15	18
30	15	18	12	18
Parallel	12	18	12	18

10. The number and design of off-street parking and loading spaces shall adhere to the following:

- a. Where more than one use is on a lot, the total number of spaces shall be the sum of the component requirements.
- b. All loading spaces shall have fifteen (15) feet of vertical clearance.

11. Minimum Standards for Number of Off-Street Loading Spaces.

Land Use	At which First Berth is Required (square feet)	At Which Second Berth is Required (square feet) 3 more spaces be calculated at multiples
Manufacturing, processing, assembly, marinas	5,000	40,000
Warehouse, auto/truck sales	5,000	40,000
Storage, shipping	10,000	25,000
Schools	10,000	100,000
Hospitals	10,000	100,000
Terminals and transportation centers	5,000	40,000
Auditoriums	10,000	40,000
Funeral homes/mortuaries	10,000	100,000
Retail	10,000	20,000
Service establishments	10,000	40,000
Indoor recreation	10,000	100,000
Restaurants/ nightclubs	10,000	25,000
Office building, financial institution and research	10,000	100,000
Hotel/Motel	10,000	100,000

12. Minimum Dimensional Standards for Off-Street Loading.

A. Overall Length of Berth (feet)	B. Berth Width (feet)	C. Apron Length (feet)	D. Deck 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

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B. Automobile Parking Design Standards.

1. Curb cuts shall be limited to the minimum number necessary.
2. Parking shall not be the dominant visual element of the site.
3. Parking which is visible from the street or other areas exposed to public view shall be screened and softened by landscaping, low screen walls or a combination of elements.
4. Broad expanses of paving shall be broken up with landscaping.
5. The use of common or shared driveways which provide access to more than one site is encouraged.
6. Parking structures shall be designed to be compatible with the architectural style, building scale, mass, building materials and colors of the principal building and adjacent area. The scale and mass of the parking structure shall be mitigated through wall offsets, arched openings and other distinctive design elements.
7. Cars parked within parking structures and on open top levels shall be screened as much as possible with architectural elements and landscaping.
8. Surface and Curbing. 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.
9. The provisions of non-residential parking and loading spaces shall include adequate driveway and necessary turning areas for handling the vehicle 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.

C. Bicycle Parking Zoning Standards.

1. The standards below shall apply to all zones, including all redevelopment plans, citywide, and standards shall supersede any standards listed in redevelopment plans.
2. Bicycle parking facilities shall be required, in accordance with the use schedule below, for any new principal structure, addition or enlargement of an existing principal structure in excess of ten percent (10%) of the gross floor area (gfa), or for any change in use of an existing structure.
3. Bicycle Parking Spaces are required as follows:

Use Category	Required	
	Outdoor Spaces	Indoor Spaces
All residential uses in buildings with 5 or more units		0.5 space per unit
Retail, service, and restaurants 6,000 sf to 20,000 sf	4 spaces per 6,000 sf gfa	
Retail, service, and restaurants greater than 20,000 sf	4 spaces per 15,000 sf gfa	
	80%	20%
Municipal/Cultural Facilities/Community Facilities	1 space per 2,000 sf gfa	
	80%	20%
Houses of worship, theaters, and assembly spaces	1 per 20 seats or equivalent	
Office (all types)	1 per 25,000 sf gfa	1 per 10,000 sf gfa
Daycare and elementary school	1.5 spaces per classroom	

Use Category	Required	
	Outdoor Spaces	Indoor Spaces
Middle and high school	4 per classroom	
College and university	1 space per 10 students or employees, combined	
Hospitals/medical centers	1 per 20,000 sf gfa	1 per 50,000 sf gfa
Manufacturing/production, warehouse	1 per 50,000 sf gfa	
Parking garage or lot	5% of auto parking	
Parks	1 per 5,000 sf	

4. Location and Design of Facilities.

- a. Non-residential bike parking for certain uses must be provided both indoors and outdoors, as indicated in the use schedule above. Indoor parking may include bike lockers or sheds.
- b. Requirements for indoor bicycle parking.
  - 1.) Any required indoor bicycle parking/storage room must be located in a convenient and accessible location to a public sidewalk with no more than four vertical steps between the bicycle room and the sidewalk. Ramps and elevators may be utilized to provide access to bike storage not located at the first floor level.
- c. Requirements for outdoor bicycle parking
  - 1.) All required outdoor bicycle parking must be convenient and accessible to a main building entrance and street access without climbing stairs.
  - 2.) Bicycle parking shall be sited in a highly visible location, such as within view of passers-by, retail activity, office windows, an attendant or other personnel to discourage theft and vandalism.
  - 3.) Bicycle parking shall be located so as not to block the pedestrian path on a sidewalk or within a site. A minimum of six feet of unobstructed passage is required on public sidewalks.
  - 4.) Parked bicycles are to be oriented parallel to the street and on the curb-side of the sidewalk. In plaza areas, bike parking location(s) and orientation shall be determined by the planning board.
  - 5.) Where a minimum of six feet of unobstructed passage cannot be provided on the sidewalk, then the property shall be exempt from outdoor bicycle parking requirements.
  - 6.) Bicycle parking facilities within an automobile parking area shall be separated by a physical barrier (i.e., bollards, reflective wands, curbs, wheel stops, poles, etc.) to protect bicycles from damage by cars.
  - 7.) Bike racks must be securely attached to concrete footings and made to withstand severe weather and permanent exposure to the elements. Bike racks must permit the bicycle frame and one wheel to be locked to the rack with a high security, U-shaped lock.
  - 8.) All bike racks shall be located at least twenty-four (24) inches in all directions from a wall, door, landscaping, or other obstruction that would render use of the racks difficult or impractical.
- d. Requirements for all bicycle parking.
  - 1.) An aisle or space that is at least five feet wide shall be provided for bicycles and riders to enter and leave the facility.

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- 2.) Site plans shall show the proposed location of bike parking/storage facilities on the site and on the building floor plan design. A construction detail of the bike rack or facilities shall be provided.

#### **§ 345-71. – Historic Design Standards.**

- A. General standards below are considered inclusive and shall be considered in conjunction with the applicable provisions of any subsection of this section.
  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 shall match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features shall 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.
  9. When the replacements are made, exterior architectural elements, such as but not limited to windows, doors, and siding, shall be replaced with a style and finish of the period of significance of the building. Use of original materials is preferred.
- B. Standards for Protection.
  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.

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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.
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.
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.
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.
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 archeological resources must be disturbed by restoration work, recovery of archeological material shall be undertaken in conformance with current professional practices.
- G. Standards for Reconstruction.



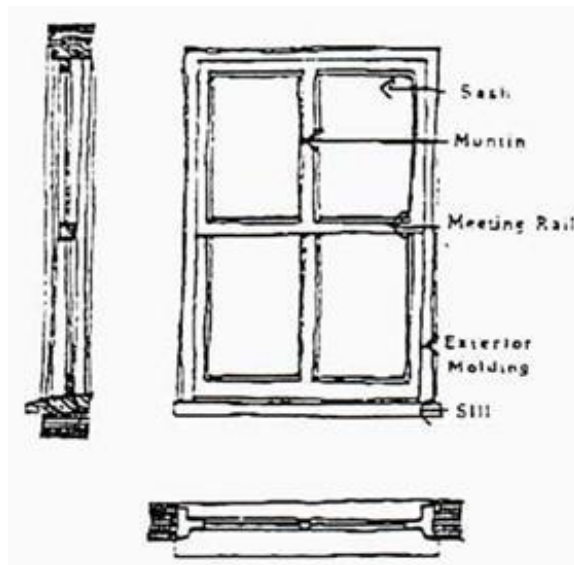
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1. Reconstruction of a part or all of a property shall be undertaken only when such work is essential to reproduce a significant missing feature in a historic district or site, and when a contemporary design solution is not acceptable.
  2. Reconstruction of all or 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.

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 a 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. Design elements shall have compatible rhythm and repetition with an emphasis on historically compatible materials and colors.
  - b. Building Height. Height shall be visually compatible with adjacent buildings. The apparent physical size, scale and height shall 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 façade of a building or structure shall 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 adjacent building or structure shall not violate the existing

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- 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 shall 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 façade of a building or on a structure shall 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 shall not be used. Excessive size and inappropriate placement on buildings results in visual clutter and shall be designed to relate harmoniously to exterior building materials and colors. A good sign shall 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.
  - m. Accessory Garage Design. All garage facades shall be in character with the immediate surrounding historic properties and must be compatible with the significant historic features and characteristics of the facades and streetscape of the immediate block front on which the proposed structure is located as well as the block front directly across the street.
  - n. Off-Street Parking. All required off-street parking shall be enclosed, and the enclosure shall be in character with the design of the immediate surrounding historic structures as outlined in this chapter. Such parking shall be designed so as to be at least fifty percent (50%) below grade and covered and shall be located entirely under the building where feasible, but, if located within the rear yard area, at least fifty percent (50%) of the entire yard area, including the garage rooftop area, shall consist of landscaping which may be a combination of grass, groundcover and shrubs, and the remaining area shall be covered with decorative brick or concrete pavers, or comparable, durable materials.

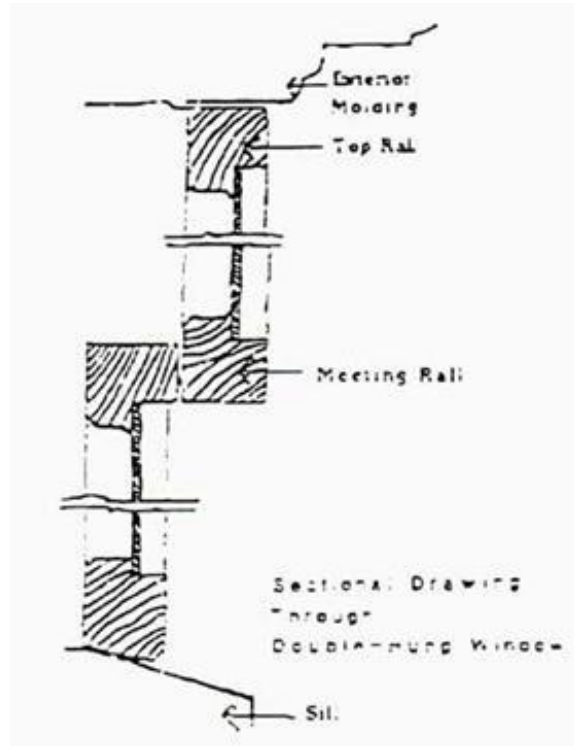
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- I. Relocation of a Landmark or Building, Object or Structure Located in a Historic District. In considering whether to recommend, approve or disapprove an application for a permit to relocate a building, object or structure designated a historic 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 any building, structure, site or object 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 the 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 Interior's Standards.
- L. Additional Regulations for Alterations and Additions to Buildings and New Construction.



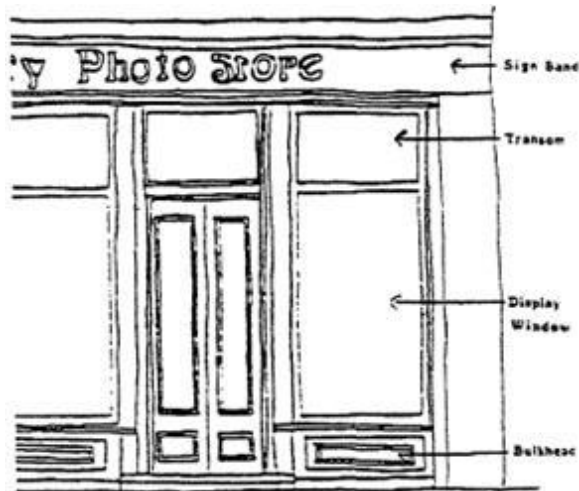
## 1. Windows.

- a. Repair. Deteriorated windows can often be repaired and made sound and fully operational. A Certificate of No Effect is required to undertake ordinary repairs including:
  - i. Replacing or rebuilding any parts of a window such as the sill and portions of the sash and frames using the same material and with the same configuration, shape and dimension.
  - ii. Scraping, priming and repainting of window sash and/or frame.
  - iii. Consolidating wood members with cellulose wood fillers or chemical materials. Change in shape, size or configuration require a Certificate of Appropriateness.
- b. Replacement.
  - i. If historic windows have deteriorated to a point precluding repair, rehabilitation or restoration, based on documentation submitted by the applicant, or a field inspection by the Historic Preservation Officer, replacement windows may be approved under a Certificate of No Effect if they match the historic windows in terms of configuration, operation, details, material and finish. Variations in details will be permitted if such variations do not significantly affect the visual characteristics of the historic window, including the shadow effect of muntins and sash on the glazing. In evaluating "significant" effect, other factors to be considered shall be the age of the building and its architectural quality, as well as the extent of reduction in the total glazed area of the proposed sash compared to the existing sash. For narrow wood windows (less than fifteen (15) inches wide), the reduction shall be limited to ten percent (10%); for wood windows, fifteen (15) inches or wider, the reduction shall be limited to six percent; for metal double-hung windows (of any size), the reduction shall be limited to ten percent (10%).
  - ii. In buildings less than thirty (30) years old, the replacement windows need not match the historic window in terms of materials. The finish, however, must match the finish of the original windows. On secondary facades, windows which are visible from a public thoroughfare need only match the historic windows in terms of configuration and finish.
  - iii. Proposals for replacement windows which do not meet these conditions will require a Certificate of Appropriateness.

- c. Storm Windows. The installation of exterior storm windows will be granted a Certificate of No Effect providing they meet the following conditions:



- i. Exterior storm windows shall fit tightly within window openings without the need for a subframe or panning around the perimeter.
  - ii. The color of the frames of the storm windows shall match the color of the primary window frame.
  - iii. Glazing shall be clear.
  - iv. The storm sash shall be set as far back from the plane of the exterior wall surface as is practicable.
  - v. Muntins shall not be permitted.
  - vi. Meeting rails may be used only in conjunction with double-hung windows and shall be placed in the same relative location as in the primary sash.
- d. Supporting Documentation. Applications for replacement windows must include photographs and dimensioned drawings of the existing condition of the windows. In addition, manufacturer's catalogue cuts or full or half-scale drawings of the proposed windows with comparative dimensions, details of construction and configuration and color and finish samples are required. Proposals for a change in material shall include a material sample.
2. Storefronts.



- a. Repair.
  - i. Every effort should be made to retain and repair historic storefronts as well as significant surviving fragments of historic storefronts. While a non-original historic storefront may differ in style from the original building, it reflects the shifts in popular taste and documents the changes over time within an historic district and should be treated with sensitivity.
  - ii. A Certificate of No Effect is required for ordinary repairs to existing storefronts, both historic and non-historic. This would include replacing deteriorated, damaged or missing features with matching components and painting or refinishing.
  - iii. Changes in design or configuration of an historic storefront requires a Certificate of Appropriateness.
- b. Replacement.
  - i. If replacement of a storefront is necessary, the design of the new storefront should reproduce the historic storefront in terms of its configuration, materials, placement, proportions and extent of glazed area. The design of the replacement store front may be based on surviving historic storefronts elsewhere on the building or another identical building, or on documentary evidence such as original architectural drawings or old photographs.
  - ii. In cases where the historic storefront has been replaced and there is no extant historic storefront elsewhere on the building, nor on another identical building, and no documentary evidence can be found, a contemporary design is permissible and should meet the following criteria:
    - (A) It fits entirely within the existing storefront opening(s);
    - (B) It incorporates any architecturally and/or historically significant surviving fragments of an historic storefront;
    - (C) It is compatible with the original materials and colors of the upper floors; and
    - (D) It includes traditional storefront elements (i.e. transoms, glass display windows, low bulkheads, recessed entrance, signband) which are appropriate to the age and style of the building.
  - iii. All applications for new storefronts require a Certificate of Appropriateness.

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- c. Signage. In accordance with other provisions in this chapter (See 345-68 and 345-71.M).
  - d. Awnings. Awnings are permitted on storefronts and should meet the following conditions: The awning is a retractable type with a sloped profile (exception may be made for buildings less than thirty (30) years old and non-historic storefronts);
    - i. The metal frame is covered with canvas fabric in an historically appropriate color and pattern to the building and the historic district;
    - ii. Lettering on the awning is limited to the skirt; however, logos may be printed on the sloped portion of the awning;
    - iii. The awning frame is attached to the building in such a way that it does not destroy or cause irreversible damage to significant architectural features;
    - iv. The awning fits within the storefront opening and has the same shape as the opening.
  - e. Security Gates.
    - i. Security gates should be installed in the interior of all storefronts and should be of the open-link variety. If new storefronts are to be installed, or in cases where the historic storefront had external security gates, the gate tracks should be recessed into the glazing reveal and the gate housing should be flush with the plane of the storefront, and should be contained within a plenum space above the storefront or behind a transom panel or signage panel. The gate housing, tracks or mechanical boxes should not protrude from the plane of the storefront or be apparent. Exterior scissor-type gates are also acceptable.
    - ii. Applications for open link interior security gates require a Certificate of No Effect. Applications for all other security gates require a Certificate of Appropriateness.
  - f. Supporting Documentation. Applications for replacement storefronts must include photographs of the existing storefront, to scale drawings of the proposed storefront, signage, awning and/or security gates (elevation, sections and full or half-scale details), and materials and color samples.
3. Additions.
- a. Rear Yard Additions.
    - i. A Certificate of No Effect will be granted for applications for rear yard additions which meet the following criteria:
      - (A) The proposed addition is not visible from a public thoroughfare or right-of-way.
      - (B) The addition will not extend to the rear lot line, nor substantially eliminate the presence of a rear yard.
      - (C) Other rear yard incursions exist within the block.
      - (D) The proposed work complies with the Historic Zoning District regulations and will not require a variance.
      - (E) The rear addition does not rise to the full height of the building.
      - (F) The existing rear façade will not be removed from the entire width of the building. Instead, existing openings will be modified to provide access into the addition. (This approach retains original building fabric and reduces structural intervention.)
    - ii. Applications for rear yard additions which do not meet the criteria will most likely require a Certificate of Appropriateness. For proposed additions which will be visible from a public

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thoroughfare or right-of-way, the Commission will consider the effect of the addition on any significant architectural features on the building's rear façade, and the scale and architectural character of the addition's façade in relation to the building's front façade.

- b. Rooftop Additions. A Certificate of No Effect will be granted for applications for rooftop additions which meet the following criteria:

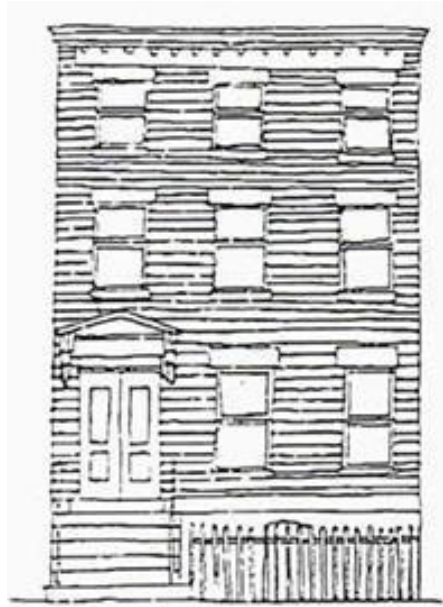


- i. The addition consists of mechanical equipment, egress or mechanical bulkheads or utilitarian skylights only; or the addition consists of living space and complies with the Historic Zoning regulations.
  - ii. The roof of the subject building is not a significant feature of its design.
  - iii. The addition is not visible from a public thoroughfare or right-of-way.
  - iv. If the building possesses a significant roof silhouette, the addition does not interrupt the roof or skyline.
  - v. The materials of the addition are in the nature of utilitarian rooftop accretions and are in keeping with the existing roofscape.
  - vi. The addition does not adversely affect the significant ensemble of buildings by creating a distracting element in an otherwise uniform roofscape.
  - vi. The addition does not adversely affect the significant ensemble of buildings by creating a distracting element in an otherwise uniform roofscape.
  - vii. Applications for rooftop additions which do not meet the above criteria will most likely require a Certificate of Appropriateness.
- c. Supporting Documentation. Applications for rear yard or rooftop additions must include photographs of the existing buildings (including rear facade for rear additions), individually and in the context of the neighborhood, to-scale floor plans, elevations and sections of the building and addition, to-scale sight line drawings for rooftop additions, a site plan of the entire block for rear yard additions, full or half scale details of windows, doors and decorative trim, materials and color samples.



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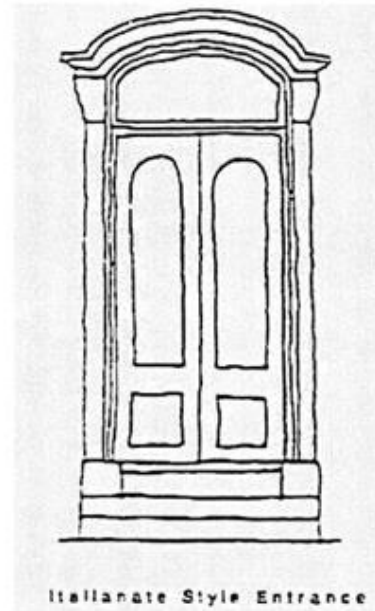
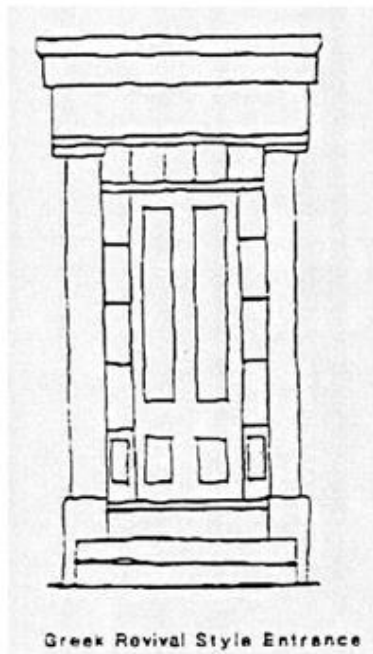
#### 4. Restoration.



- a. A Certificate of No Effect will be granted for applications for the restoration of a building or building façade features (such as stoops, cornices, window and door openings and enframements) to their historic appearance when the following criteria are met:
  - i. The restoration would not cause the removal of non-original historic building fabric (i.e., Victorian Period features on an early 19th Century structure).
  - ii. The restoration is based on documentation such as:
    - (A) Physical evidence on the building;
    - (B) Original drawings;
    - (C) Old photographs;
    - (D) An identical building.
  - iii. The restored features match the texture, color, profiles, details and dimensions of the original feature.
  - iv. Restoration work which does not conform to the above criteria will require a Certificate of Appropriateness.
  - v. Supporting documentation for restoration work shall include photographs of the existing conditions, documentation upon which the restoration is based, and the materials and methods proposed by the contractor in the form of specifications, a contract, or a letter.

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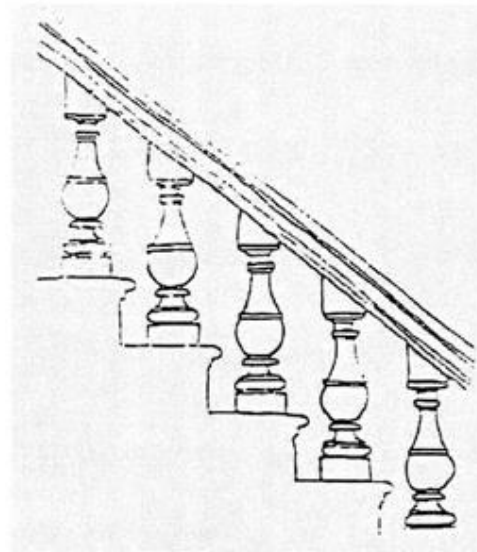
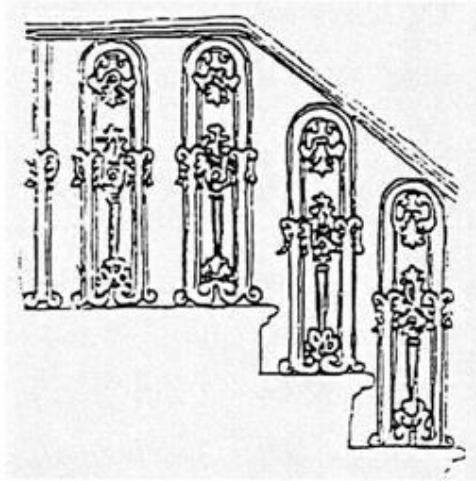
5. Exterior Doors (Primary Facades).



- a. Repair. Repair of historic doors including stripping, refinishing, replacing deteriorated parts-in-kind, replacing hardware matching the original, and replacing glazing in-kind, requires a Certificate of No Effect.
- b. Replacement. Historic doors may not be removed, unless beyond repair. A Certificate of No Effect will be granted for replacing deteriorated historic doors or non-historic doors with new doors which match the historic doors. A Certificate of Appropriateness will be required for the following:
  - i. New doors which do not match the historic doors;
  - ii. Enlarging or reducing the existing door opening;
  - iii. Replacement doors of a different configuration than the historic doors;
  - iv. Alterations to historic doors which significantly affect their appearance.
- c. Supporting Documentation. Applications for replacement doors must include photographs of the building and the existing door showing deterioration, documentation of the historic doors if available, to scale drawings of the proposed doors within the opening (elevations and sections), and a finish sample.

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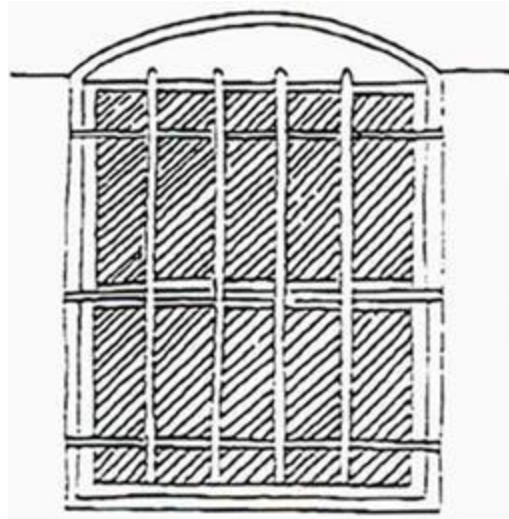
## 6. Ironwork.



- a. Fences and Railings. A Certificate of No Effect will be granted for the following:
  - i. Ordinary repairs to existing fence and railings.
  - ii. Replacement of missing, non-historic or severely deteriorated historic fences and railings providing that the new ironwork matches the historic ironwork based on documentation such as historic photographs, extant examples on identical buildings, or remnants of the historic ironwork.
  - iii. A Certificate of Appropriateness is required for the following:
    - (A) Replacement ironwork which does not match the historic fence and/or railing.
    - (B) The installation of a fence or railing in a location which historically had no ironwork.
    - (C) Alterations to or removal of historic fences and railings.
    - (D) In instances where historic fences and/or railings have been removed or replaced and no documentation of the historic ironwork is available, the Commission recommends either a design which is stylistically compatible with the building or a simple contemporary design which is not intrusive to the special architectural and historic character of the building and the streetscape. Both alternatives require a Certificate of Appropriateness.

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b. Window and Door Security Gates.



- i. A Certificate of No Effect will be granted for the installation of exterior window and/or door security gates providing they are existing features of the building and the proposed gates do not detract from the historic and architectural character of the building.
  - ii. A Certificate of Appropriateness will be required for the installation of window and/or door security gates if none exist. The proposed gates should meet the following criteria:
    - (A) A simple design.
    - (B) Conform to the shape of the opening.
    - (C) Be mounted within the opening.
    - (D) Have no frame (window gate).
  - iii. Exterior window gates are not permitted above the first floor on the front façade, which shall not be construed to mean the parlor floor (see definition of parlor floor). Window gates which accommodate air conditioner units should have simple boxes or holes rather than more elaborate curved protrusions, unless the latter is appropriate to the building's architectural character.
- c. Supporting Documentation. Applications for new ironwork must include photographs of the building, both present and historic, dimensioned drawings of the proposed ironwork (elevation and full or half-scale section), a site plan showing extent of ironwork (only for installations proposed in locations where no ironwork presently exists).

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## 7. Residential Awnings.



- a. Awning installation on residential buildings require a Certificate of Appropriateness and should meet the following criteria:
    - i. The awnings are retractable;
    - ii. The metal frame is covered with canvas fabric in an historically appropriate color and pattern for the building and the historic district;
    - iii. The awnings fit within the window and/or door openings and have the same shape as the openings;
    - iv. The awning frames are attached to the building in such a way that they do not destroy or cause irreversible damage to significant architectural features.
  - b. Supporting documentation for applications for residential awnings must include present and historic photographs of the building, to scale drawings (elevation and section) of the installation, and a material and color sample.
- ## 8. Commercial Awnings.

- a. The installation of a commercial awning requires a Certificate of Appropriateness and should meet the following criteria:
  - i. The metal frame is covered with canvas fabric in an historically appropriate color and pattern for the building and the historic district.
  - ii. The awning frames are attached to the building in such a way that they do not destroy, conceal from view, or cause irreversible damage to significant architectural features.
  - iii. The awning is an appropriate size for storefront.
  - iv. The awning lettering should be limited to the name of the business and address. A brief description of the business may be acceptable.
- b. Supporting documentation for applications for commercial awnings must include present and historic photographs of the building, to scale drawings of the installation including lettering and a material and color sample.

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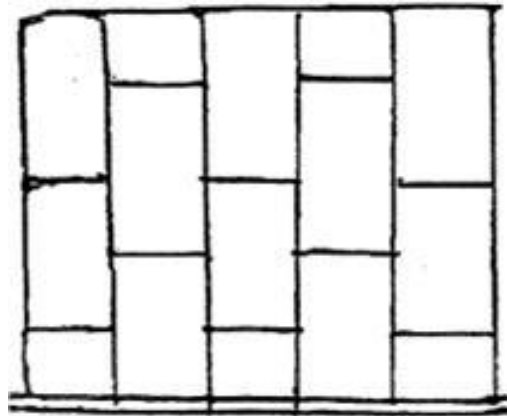
## 9. Imitation Cladding.



- a. Vinyl and Aluminum Siding. The Commission discourages the use of vinyl or aluminum siding on historic buildings. These materials are not permitted on masonry buildings. On buildings which have existing vinyl or aluminum siding, individual units may be replaced with matching materials if necessary following the issuance of a Certificate of No Effect. On buildings with wood clapboard siding and/or shingles, the Commission encourages retention of the historic material or replacement with matching materials.
  - b. If an applicant chooses to apply for aluminum or vinyl siding, a Certificate of Appropriateness is required.
  - c. Imitation Facing. The Commission discourages the application of imitation stone or brick facings. On buildings which have existing imitation stone and brick facings, ordinary repairs and repainting may be performed following the issuance of a Certificate of No Effect. One exception is a refacing of a severely deteriorated brownstone façade with a cementitious mix tinted to match the color of brownstone. Such work will be granted a Certificate of No Effect providing it meets the following criteria:
    - i. The existing brownstone surface is exfoliating, damaged or otherwise unsound (as documented in photographs).
    - ii. The proposal calls for the replication of the original texture, color profiles and details.
    - iii. The proposed calls for damaged stone to be cut back to sound stone and the new surface to be keyed into the sound stone and built up in successive layers using a cementitious mix with the top layer tinted and finished to match the original brownstone texture and color. In some cases, a sample patch may be requested for inspection and approval by the Historic Preservation Officer.
    - iv. The use of wire lath is prohibited.
- ## 10. New Window Openings.
- a. A Certificate of No Effect will be granted for new window openings when the following criteria are met.
    - i. The proposed window openings are located on a secondary façade.

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- ii. The new window openings and sash retain the same shape, dimensions and configuration as the building's existing windows.
  - iii. The new lintels and sills match the design, color, and texture of other window openings on the façade.
  - iv. The location of the new openings are consistent with the existing pattern of bays.
  - v. The new openings do not detract from any significant historic architectural features on the building.
  - vi. Proposed new window openings which do not meet all of the above criteria will require a Certificate of Appropriateness.
- b. Supporting documentation for applications for new window openings must include photographs of primary and secondary facades and a to scale elevation of the façade(s) indicating the proposed new openings.

11. Sidewalk Repair and Replacement.



**CURB**

- a. Repairs of less than fifty percent (50%) of existing sidewalk.
  - i. For repairs, the replacement units should be of like material and color to match the existing sidewalk. Intact blue stone paving must not be removed and discarded. Intact blue stone which has moved due to the thrust of tree roots or the freeze and thaw cycle and that presents a safety hazard to pedestrians, should be carefully removed and reset in sand, quarry, dust or dirt.
- b. Replacement of More than Fifty Percent (50%). In the case of stone paving such as blue stone, the replacement units should be of the same material, shape, and size as the existing stone paving.
  - i. When the previous material is concrete, then blue stone or colored concrete must be used. Colored concrete after curing should be Scofield Charcoal Gray or equivalent. The texture of the concrete should be made smooth with a wood float in order to create a texture more like blue stone. The sidewalk should cure without fine finishing and lines should be scored without edging. Corners (intersections) need to meet ADA standards and sloped areas (re: driveways or ramps) should have a light broom finish for traction.



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- c. Not Acceptable. New sidewalks of white or natural concrete of more than fifty percent (50%), irregular "patio" styles and varying colors with great contrast are not acceptable. Patio styles that are historically appropriate or create the appearance of blue stone are acceptable, but subject to approval by the historic preservation officer.
  - d. Curbs. Existing stone curbing should not be removed in sidewalk repair, with the exception of new handicapped curb cuts at street corners. If new curbing is required, replacing concrete curbs or at handicapped cuts, they should be poured concrete and meeting city standards for dimensions. The color should be French gray. Matching the color mixture of the sidewalks.
  - e. Supporting documentation for applications for sidewalk repair and/or replacement must include photographic documentation of existing conditions and a dimensioned sketch of the proposed paving pattern.

M. Signs.

- 1. All signs 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.
- 2. No signs shall be back-lighted.
- 3. Projecting signs shall be permitted in accordance with § 345-68.
- 4. All signs within the historic district require a Certificate of Appropriateness, except that applications for unlit interior window signage only shall require a Certificate of No Effect.

**§ 345-72. – Design Standards: recommended and not recommended.**

A. One and Two Family/Multi-Family Attached.

- 1. Residential Recommended.
  - a. Attractive mature streetscape;
  - b. Scale, orientation, and style consistent with adjacent development;
  - c. On-street parking;
  - d. Street trees small but detailed front yard.
- 2. Residential Not Recommended.
  - a. Fenced front yard resembles an "auto compound" and creates a commercial atmosphere;
  - b. Excessive curb cut width and expansive concrete areas;
  - c. No clear sense of unit entries;
  - d. No street trees or landscaping.
- 3. Residential Not Recommended.
  - a. Building mass dominates because of lack of offsets and poor relationship between window size and facade area;



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- b. Continuous drop curb limits on street parking;
    - c. Proximity of overhead doors to road limits visibility and requires maneuvering in the right-of-way;
    - d. Lack of street trees and landscaping;
    - e. Garage doors dominate façade.
  - 4. Residential Not Recommended.
    - a. Lack of architectural detail;
    - b. Lack of interest at street level;
    - c. Incompatible siding materials;
    - d. Poor integration between architecture and streetscape;
    - e. No landscaping or street trees.
- B. Multi-Family Residential—Mid-Rise/High-Rise.
- 1. Residential Recommended.
    - a. Maintain consistent heights/setbacks;
    - b. Consistent architectural theme;
    - c. Subtle variation of color and detail;
    - d. Pattern of windows/doors is consistent;
    - e. No visible off street parking;
    - f. Street trees and foundation plantings.
  - 2. High-Rise Residential Recommended.
    - a. Building oriented to streetscape;
    - b. No excessive setbacks;
    - c. Parking is not a dominant visual element;
    - d. Architecturally interesting structure with "human" scale lower level;
    - e. Enhanced streetscape with materials compatible with structure;
    - f. Appropriate landscape treatment;
    - g. Good transition between public and private uses.
  - 3. Residential Not Recommended.
    - a. "Tower in the park" is discouraged;
    - b. Massive structures in a sea of surface parking;
    - c. No mans land creates excessive distances between buildings;
    - d. Slab buildings devoid of architectural interest;
    - e. Lack of landscaping further compounds bleak character.
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C. Fencing.

1. Fencing Lot Recommended.
  - a. High quality materials;
  - b. Architectural details;
  - c. Color, materials and landscaping softens impact;
  - d. Area inside fencing is partially screened by plantings, green buffer in front of fence.
2. Fencing Not Recommended.
  - a. No landscaping or buffer;
  - b. Harsh, unsoftened elements, stark white wall, high chainlink fencing topped with knife wire.

D. Streetscape.

1. Streetscape Recommended.
  - a. Unified design theme;
  - b. Attention to details;
  - c. Consistent setbacks of retail display windows and recessed entries;
  - d. Cornice signage;
  - e. Fabric awnings of consistent design.
2. Streetscape Not Recommended.
  - a. Lack of pedestrian amenities such as landscaping and street furniture;
  - b. Solid metal security gates over retail windows;
  - c. Disjointed signage-various styles, sizes, and sign heights oriented to vehicles;
  - d. Nondescript street lighting.

E. Public Space.

1. Public Spaces Recommended.
  - a. Comprehensive amenity plan;
  - b. Ample seating;
  - c. Seasonal shading with full canopy provides weather protection for seating area;
  - d. Intimate, socially intensive space.
2. Public Spaces Not Recommended.
  - a. Expansive, paved unusable area;
  - b. Lack of visual interest (public art, fountain, or planting beds, etc.);
  - c. No seating;
  - d. Little or no landscaping;
  - e. Discourages use of space for social interaction.

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F. Commercial.

1. Corner Commercial Recommended.
  - a. Building wraps corner and reflects building design;
  - b. Storefront visible from two facades;
  - c. Scale is pedestrian;
  - d. Signage is pedestrian oriented;
  - e. Architectural details provide interest.
2. Corner Commercial Recommended.
  - a. Architectural features are enhanced by design treatment;
  - b. Windows on two facades wrapping corner;
  - c. Fabric awnings;
  - d. Pedestrian scale and signage.
3. Corner Commercial Not Recommended.
  - a. Visual clutter;
  - b. Excessive window coverage;
  - c. Nonconforming advertising banner;
  - d. Obscures original architectural details of building.
4. Commercial Recommended.
  - a. First floor use integrated with streetscape;
  - b. Room for first floor retail to provide vitality to pedestrian realm.
5. Commercial Not Recommended.
  - a. Setback from street destroys pedestrian realm — parking should be in back of building or on street;
  - b. Lack of roof treatment makes building "float";
  - c. Lack of connection to surrounding buildings;
  - d. Parking area not landscaped;
  - e. Exposed trash area.

G. Drive Thru Commercial.

1. Drive Thru Recommended.
  - a. Drive thru area screened from street;
  - b. Foundation plantings part of comprehensive landscape and screening plan.
2. Drive Thru Recommended.
  - a. Service area extension of building architecture;

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- b. Fencing and landscaping coordinated to provide transition from parking area to pedestrian area;
    - c. Signage integrated into architecture.
  - 3. Drive Thru Not Recommended.
    - a. Drive thru area not integrated into architectural design;
    - b. No landscaping of parking area; no screening or decorative fencing;
    - c. Building "floats" in a sea of parking;
    - d. Pedestrian access not integrated into streetscape.
  - 4. Drive Thru Not Recommended.
    - a. No landscaping to complement architecture;
    - b. Lack of architectural detail, large blank walls;
    - c. No street trees or parking lot screening;
    - d. No provisions for internal pedestrian circulation.
- H. Parking.
- 1. Parking Recommended.
    - a. Seamless integration of parking use and streetscape;
    - b. Street trees soften impact of lighting on surrounding buildings.
  - 2. Parking Recommended.
    - a. Street trees provide second buffer so pedestrian environment is greened on both sides.
  - 3. Parking Not Recommended.
    - a. Parking in front of building creates a pedestrian hostile environment with no visible pedestrian access;
    - b. Lack of landscaping creates harsh, barren appearance and no buffer between parking area and pedestrian environment;
    - c. Signage on fence and freestanding area geared to vehicular traffic and not oriented to pedestrian neighborhood/commercial district where it is located.
  - 4. Parking Garages Recommended.
    - a. Design masks use — garages outwardly resemble an office building;
    - b. Minimal curb cuts encourage pedestrian flow;
    - c. Garages should make provisions for first floor retail shops when built to sidewalk;
    - d. Landscaping and trees buffer use from pedestrian and residential environment.
  - 5. Parking Garages Not Recommended.
    - a. Large blank wall destroys vitality of pedestrian realm;
    - b. First floor retail or office uses above should surround and mask garage when built to front lot line on commercially zoned streets.
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I. Industrial.

1. Industrial Recommended.

- a. Internal use screened through high end materials like decorative fencing and landscaping;
- b. High decorative, spiked fence provides security without being visually detracting;
- c. Use of uniform, decorative lighting fixtures create attractive streetscape along narrow sidewalk.

2. Industrial Recommended.

- a. Comprehensive design of parking, signage, security and landscaping creates an inviting entrance;
- b. Use of landscape island at vehicular entrance to separate traffic flow provides attractive traffic calming element;
- c. Deciduous landscaping partially screens industrial building from building view.

J. Neighborhood Commercial.

1. Neighborhood Commercial Recommended.

- a. On street parking, no curb cuts to interrupt pedestrian flow;
- b. Mixed-use;
- c. Large display windows on first floor;
- d. Limited window signage, uniform signband in scale with storefront;
- e. Uniform standardized signage coordinated with architecture;
- f. Vestibule provides transition from public to private space.

2. Neighborhood Commercial Recommended.

- a. No curb cuts, on street parking provides a wall to shield pedestrians from traffic;
- b. Awnings unify separate buildings to create a smooth transition between buildings;
- c. Uniform colors and signband also create unity of appearance;
- d. Limited window signage allows pedestrian to see in;
- e. Scale of signage conforms to scale of storefront architecture.

3. Neighborhood Commercial Recommended.

- a. Coordination of streetscape elements furniture, bike racks, paper boxes;
- b. On street parking, no curb cuts interrupting pedestrian flow.

4. Neighborhood Commercial Recommended.

- a. "Open door" achieved through big window allows interior activity to mix with sidewalk to create a vibrant streetscape;
- b. Outdoor dining provision adds to dynamic sidewalk.

5. Neighborhood Commercial Not Recommended.

- a. Excessive signage gives "low-rent" appearance;

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- b. Lack of connection to streetscape through use of opaque materials;
  - c. Uninviting for pedestrians—cannot see activity in window openings;
  - d. Colors and materials incompatible with above architecture.

K. Utilities.

1. Utilities Recommended.

- a. Machinery set back from public view;
- b. Architectural fencing provides screening and works in conjunction with landscaping to form buffer;
- c. Use of brick enclosure creates uniform and harmonious architectural/color/material scheme.

2. Utilities Not Recommended.

- a. Interior workings on public display;
- b. Machinery too close to public space;
- c. No space for landscape buffering and screening;
- d. Chain link fence does not provide screening and adds to industrial appearance;
- e. No street trees.

L. Highway Commercial.

1. Highway Commercial Not Recommended.

- a. Commercial appearance needs to be softened through architectural details like fencing, walls and landscaping.

2. Highway Commercial Not Recommended.

- a. Multiple signs and banners create visual confusion and degrade the area;
- b. Lack of landscaping to soften lights and noise.

3. Highway Commercial Not Recommended.

- a. Overuse of site allows business to borrow public realm for display and storage;
- b. No definition between end of business and sidewalk through low walls or landscaping.

4. Highway Commercial Not Recommended.

- a. Large open parking areas destroy neighborhood vitality;
- b. Frequent curb cuts make for a dangerous pedestrian experience.

M. Conversions.

1. Conversion Recommended.

- a. Respect for architectural context;
- b. Mixed use with first floor retail and office/ housing on upper floors.

2. Conversion Not Recommended.

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- a. Blank walls;
  - b. No architectural detail;
  - c. No screening of mechanical equipment and meters;
  - d. No fenestration.
3. Conversion Not Recommended.
- a. Removal of original windows destroys first floor vitality and historic features;
  - b. Material mismatch removes architectural context.
4. Conversion Not Recommended.
- a. Functional mismatch of building materials;
  - b. Breaks continuous building wall by not respecting established window and door pattern.

**§ 345-73. – Alcoholic beverages and tobacco product advertisements.**

No person may place any form of advertising that advertises alcoholic beverages or tobacco products on any billboard, on any front, rear, side or rooftop of any building, or on any free standing billboard or signboard within one thousand (1,000) feet of an elementary or secondary school, or where otherwise prohibited by law.

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# **CHAPTER 345 ARTICLE VI**

## **STORMWATER CONTROL**



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## § 345-74. Stormwater control.

[Amended 8-8-2007 by Ord. No. 07-133; 5-20-2009 by Ord. No. 09-052; 2-10-2021 by Ord. No. 21-005 ]

### § 1. Scope and purpose:

- A. Policy statement. As Jersey City is developed, additional Impervious Surfaces are added throughout the Municipality. These Impervious Surfaces disrupt the natural flow of the watershed, resulting in increased amounts of Stormwater Runoff during precipitation events. Stormwater Runoff collects Pollutants as it flows over parking lots, roadways, rooftops, and other paved or hardened surfaces, through Stormwater conveyances, and into our rivers. In addition to conveying Pollutants into our waterbodies, increased Stormwater Runoff also leads to Erosion and flooding downstream.

Further, Jersey City's Stormwater infrastructure is mainly comprised of Combined Sewer Systems ("CSS"). CSS carry Stormwater and wastewater in the same pipes to treatment facilities. The volume of runoff produced during storm events routinely overwhelms the capacity of these systems, resulting in combined sewer overflow ("CSO") events, which discharge untreated sewage and polluted Stormwater directly to nearby waterbodies.

Low Impact Development or "LID" (also referred to as "Green Infrastructure") practices restore or mimic natural conditions, allowing rainwater to infiltrate the Soil, evapotranspire into the air, or be captured for re-use. These practices deal with the Stormwater at its source rather than after it has been channeled downstream. LID techniques can be implemented at Site, neighborhood, or regional scales and include both nonstructural practices such as Site planning and design, and structural Best Management Practices ("BMPs"). Nonstructural BMPs include the implementation of Green Infrastructure such as Porous Pavement, green roofs, parks, roadside plantings, and rain barrels (GI BMPs).

GI BMPs and Low Impact Development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce Stormwater Runoff volume, reduce Erosion, encourage Infiltration and groundwater Recharge where feasible, and reduce pollution. GI BMPs and LID should be developed based upon physical Site conditions and the origin, nature and the anticipated quantity, or amount, of potential Pollutants. Multiple Stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater Recharge. By capturing rainwater and runoff, GI BMPs can lessen the impact on Jersey City's CSS, and reduce or eliminate the number of CSO events. LID practices also result in additional benefits for Jersey City, including providing open space and beautifying neighborhoods, cooling and cleansing the air, reducing asthma and heat-related illnesses, raising property values, and saving on heating and cooling energy costs.

- B. Purpose. It is the purpose of this section to establish minimum Stormwater management requirements and controls for "Major Development" and "Minor Development" as defined in Section 2 of this section. The environmental objectives of these requirements are to reduce pollution from municipal Separate Sewer Systems, direct discharges to surface waters, and CSO events; to reduce flooding and streambank Erosion; and promote rainwater harvesting for re-use on-site. Under this framework, structural BMPs will be integrated with nonstructural Stormwater management strategies and proper inspection and maintenance plans. Low Impact Development-based strategies will include consideration of both environmentally sensitive Site design and source controls that prevent Pollutants from being placed on-site or from being exposed to Stormwater. Source control plans will be developed based upon physical Site conditions and the origin, nature, and the anticipated quantity of potential Pollutants. It is the intent of the City of Jersey City to fully integrate these Stormwater management objectives into its zoning codes and land use plans.
- C. Applicability.

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1. This section shall apply to all Major and Minor Developments as defined in Section 2.
    - a. Where Development that adds, replaces, or disturbs, alone or in combination, 1,000 or more square feet of Impervious Surface results in an alteration to more than 50 percent of regulated Impervious Surface and/or Regulated Motor Vehicle Surface of a previously existing Development, the entire existing Development shall meet the requirements of this article.
  2. No Major or Minor Development shall be deemed in compliance with this section unless a legally authorized body or official of the City of Jersey City has issued written findings, based on a technical review by a legally authorized and qualified employee, agent, or official of the City of Jersey City, that such Development complies with the requirements of this section. Such technical review shall include written findings regarding each requirement of this section and shall not rely upon the findings of any other government entity as to the Development's compliance with any other legal requirements.
  3. This section shall also be applicable to all Major or Minor Developments undertaken by the City of Jersey City or any other governmental body.
- D. Compatibility with other permit and ordinance requirements. Development approvals issued pursuant to this section are to be considered an integral part of Development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this section shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This section is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

## **§ 2. Definitions:**

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

BEST MANAGEMENT PRACTICE or BMP means structural or nonstructural Stormwater management strategies prescribed by the New Jersey Department of Environmental Protection in the New Jersey Stormwater Best Management Practices Manual.

BIORETENTION means a BMP that consists of a bed filled with Soil, gravel, or other material and planted with suitable non-invasive (preferably native) vegetation. Stormwater Runoff entering a Bioretention system is filtered through the planting bed before being either conveyed downstream by an underdrain system or infiltrated into the existing subsoil below the planting bed.

CAFRA means the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.

CAFRA CENTERS, CORES OR NODES means those areas within boundaries accepted by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:8E-5B.

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CAFRA PLANNING MAP means the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:27E-5B.3. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

COMBINED SEWER SYSTEM means a system that consists of a single conduit that collects and transports domestic sewage and industrial wastewater, along with Stormwater Runoff.

COMMUNITY BASIN means an Infiltration basin, sand filter designed to infiltrate, standard constructed Wetland, or wet pond, established in accordance with N.J.A.C. 7:27-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:27-5.2(g), for an Infiltration basin, sand filter designed to infiltrate, standard constructed Wetland, or wet pond and that complies with the requirements of this chapter.

COMPACTION means the increase in Soil bulk density due to construction, Development, or other causes.

CONTRIBUTORY DRAINAGE AREA means the area from which Stormwater Runoff drains to a Stormwater Management Measure, not including the area of the Stormwater Management Measure itself.

CORE means a pedestrian-oriented area of commercial and civic uses serving the surrounding Municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY means an agency designated by the County Board of Chosen Freeholders to review municipal Stormwater management plans and implementing ordinance(s). The county Review Agency may either be:

1. A county planning agency; or
2. A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal Stormwater management plans and implementing ordinances.

DEPARTMENT means the New Jersey Department of Environmental Protection.

DESIGNATED CENTER means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

DESIGN ENGINEER means a Person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, Development of project requirements, creation and Development of project design and preparation of drawings and specifications.

DEVELOPMENT means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, any clearing, grading, or excavation or any other activity that results in land Disturbance, and/or any use or change in the use of any building or other structure, or land or extension of use of land, by any Person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

DISTURBANCE means the placement or replacement of Impervious Surfaces or Motor Vehicle surface, or exposure and/or movement of Soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered Disturbance for the purposes of this definition.

DRAINAGE AREA means a geographic area within which Stormwater, Sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

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**ENVIRONMENTALLY CONSTRAINED AREAS** means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: Wetlands, floodplains, threatened and endangered species Sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

**ENVIRONMENTALLY CRITICAL AREA** means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority Sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater Recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

**EMPOWERMENT NEIGHBORHOOD** means a neighborhood designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

**EROSION** means the detachment and movement of Soil or rock fragments by water, wind, ice or gravity.

**GREEN INFRASTRUCTURE** means a Stormwater management method that manages Stormwater close to its source by: (1) treating Stormwater Runoff through Infiltration into subsoil; (2) treating Stormwater Runoff through filtration by vegetation or Soil; or (3) storing Stormwater Runoff for reuse.

**GREEN STREET** means a street or right-of-way that includes a variety of elements such as street trees, Permeable Pavements, Bioretention, and swales designed to reduce the amount of Stormwater Runoff and Pollutants transported to a separate storm sewer system or a Combined Sewer System.

**HUC 14 or HYDROLOGIC UNIT CODE 14** means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic boundary designation, delineated within New Jersey by the United States Geological Survey.

**IMPERVIOUS SURFACE** means a surface that has been covered with a layer of material so that it is highly resistant to Infiltration by water.

**INFILTRATION** is the process by which water seeps into the Soil from precipitation.

**LOW IMPACT DEVELOPMENT (LID)** means the implementation of Stormwater management and Site design methods primarily vegetation and Soil to manage Stormwater and reduce Stormwater Runoff.

**MAJOR DEVELOPMENT** means an individual "Development" as well as multiple Developments that individually or collectively result in:

1. The Disturbance of 10,000 or more square feet of land;
2. The creation or replacement of 5,000 or more square feet of "regulated Impervious Surface;"
3. The creation or replacement of 5,000 or more square feet of "Regulated Motor Vehicle Surface; or
4. A combination of 2 and 3 above that totals an area of 5,000 or more square feet. The same surface shall not be counted twice when determining if the combination area equals 5,000 or more square feet.

**MINOR DEVELOPMENT** means an individual "Development" as well as multiple Developments that individually or collectively result in:

1. The Disturbance of 5,000 or more square feet, but less than 10,000 square feet of land;

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2. The creation of 1,000 or more square feet, but less than 5,000 square feet of "regulated Impervious Surface;"
  3. The creation of 1,000 or more square feet, but less than 5,000 square feet of "Regulated Motor Vehicle Surface;" or
  4. A combination of 2 and 3 above that totals an area of at least 1,000 square feet, but less than 5,000 square feet or more square feet. The same surface shall not be counted twice when determining if the combination area equals 5,000 or more square feet.

"Minor Development" includes all Developments that are part of a common plan of Development or sale (for example, phased residential Development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "Major Development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "Major Development." Projects that do not require Land Use Board approval are exempt from Minor Development requirements.

MOTOR VEHICLE means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, Motor Vehicles do not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

MOTOR VEHICLE SURFACE means any pervious or Impervious Surface that is intended to be used by Motor Vehicles and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

MUNICIPALITY means the City of Jersey City.

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL or BMP MANUAL means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and Soil testing procedures approved by the Department as being capable of contributing to the achievement of the Stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional Best Management Practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that Best Management Practice to contribute to compliance with the standards contained in this chapter. Alternative Stormwater Management Measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the Design Engineer demonstrates to the Municipality, in accordance with Section 4.E of this section and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

NODE means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERVIOUS PAVEMENT mean a pavement system that allows water to infiltrate through the pavement into an underground stone reservoir to provide temporary storage before infiltrating the Soil. "Pervious Pavement" includes pervious asphalt, pervious concrete, and interlocking pavers.

PERMEABLE PAVEMENT means a pavement system with surface voids constructed over a bed of crush stone or sand that allows water to infiltrate the Soil.

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**POROUS PAVEMENT** means porous asphalt or concrete surface placed over a runoff storage bed of broken stone and un-compacted subgrade Soils.

**PERSON** means any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. "Person" shall also include the City of Jersey City.

**POLLUTANT** means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface Waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous Pollutants.

**RECHARGE** means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

**REGULATED IMPERVIOUS SURFACE** means any of the following, alone or in combination: (1) a net increase of Impervious Surface; (2) the total area of Impervious Surface collected by a new Stormwater conveyance system/Combined Sewer System (for the purpose of this definition, a "new Stormwater conveyance system" is a Stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created); (3) the total area of Impervious Surface proposed to be newly collected by an existing Stormwater conveyance system/Combined Sewer System; and/or (4) the total area of Impervious Surface collected by an existing Stormwater conveyance system/Combined Sewer System where the capacity of that system is increased.

**REGULATED MOTOR VEHICLE SURFACE** means any of the following, alone or in combination: (1) the total area of Motor Vehicle surface that is currently receiving water; (2) a net increase in Motor Vehicle surface; and/or the total area of Motor Vehicle surface that is currently receiving water quality treatment either by vegetation or Soil, by an existing Stormwater Management Measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

**REVIEW AGENCY** means the Jersey City Municipal Utilities Authority (JCMUA).

**SEDIMENT** means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its Site of origin by air, water or gravity as a product of Erosion.

**SEPARATE SEWER SYSTEM** means a system in which the sanitary and storm sewer systems are not interconnected. In this system, the sanitary sewer system is tributary to a wastewater treatment facility, and the storm sewer system discharges directly to the receiving waters.

**SITE** means the lot or lots upon which a Major Development is to occur or has occurred.

**SOIL** means all unconsolidated mineral and organic material of any origin.

**SOURCE CONTROL MEASURE** means any Stormwater management practice designed to reduce and/or slow the flow of Stormwater into a Combined Sewer System or Separate Sewer System, including, and not limited to, LID or BMP.

**SOURCE MATERIAL** means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of Pollutants in any industrial Stormwater discharge to groundwater. Source Materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels,



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and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to Stormwater.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PAI) means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

STORMWATER means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

STORMWATER MANAGEMENT BASIN means an excavation or embankment and related areas designed to retain Stormwater Runoff. A Stormwater Management Basin may either be normally dry (that is, a detention basin or Infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with Wetland vegetation (most constructed Stormwater Wetlands).

STORMWATER MANAGEMENT BMP means an excavation or embankment and related areas designed to retain Stormwater Runoff. A Stormwater management BMP may either be normally dry (that is, a detention basin or Infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with Wetland vegetation (most constructed Stormwater Wetlands).

STORMWATER MANAGEMENT MEASURE means any practice, technology, process, program, or other method intended to control or reduce Stormwater Runoff and associated Pollutants, or to induce or control the Infiltration or groundwater Recharge of Stormwater or to eliminate illicit or illegal non-Stormwater discharges into Stormwater conveyances.

STORMWATER MANAGEMENT PLANNING AGENCY means a public body authorized by legislation to prepare Stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA means the geographic area for which a Stormwater Management Planning Agency is authorized to prepare Stormwater management plans, or a specific portion of that area identified in a Stormwater management plan prepared by that agency.

STORMWATER RUNOFF means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

TIDAL FLOOD HAZARD AREA means a flood hazard area in which the flood elevation resulting from the two-, ten-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal Flood Hazard Area may be contributed to, or influenced by, Stormwater Runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD means a neighborhood given priority access to state resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONE means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq.

URBAN REDEVELOPMENT AREA is defined as previously developed portions of areas:

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1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PAI), Designated Centers, Cores or Nodes;
  2. Designated as CAFRA Centers, Cores or Nodes;
  3. Designated as Urban Enterprise Zones; and
  4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

VEGETATIVE SOURCE CONTROL MEASURE means a Source Control Measure that relies on living vegetative systems to reduce and/or slow the flow of Stormwater into a Combined Sewer System or Separate Sewer System.

WATER CONTROL STRUCTURE means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, ten-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a Water Control Structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

WATERS OF THE STATE means the ocean and its estuaries, all springs, streams, Wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated Soil conditions, commonly known as hydrophytic vegetation.

### **§ 3. Design and performance standards for Stormwater Management Measures:**

- A. Stormwater Management Measures for Major and Minor Development shall be designed to provide Erosion control, groundwater Recharge, Stormwater Runoff quantity control, and Stormwater Runoff quality treatment as follows:
  1. The minimum standards for Erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
  2. The minimum standards for groundwater Recharge, Stormwater quality, and Stormwater Runoff quantity shall be met by incorporating Green Infrastructure.
- B. Unless otherwise indicated, the standards in this section apply only to new Major and Minor Development as defined herein and are intended to minimize the impact of Stormwater Runoff on water quality and water quantity in receiving water bodies and achieve additional environmental benefits, including maintaining groundwater Recharge. The standards do not apply to new Major Development to the extent that alternative design and performance standards are applicable under a regional Stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

### **§ 4. Stormwater management requirements for Major Development:**

- A. As stated above, Stormwater Management Measures for Major Development shall be designed to provide Erosion control, groundwater Recharge, Stormwater Runoff quantity control, and Stormwater Runoff quality treatment as follows:
  1. The minimum design and performance standards for Erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90 and 16:25A.



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2. The minimum design and performance standards for groundwater Recharge, Stormwater Runoff quality, and Stormwater Runoff quantity at N.J.A.C. 7:8-5.4, 5.5, and 5.6 shall be met by incorporating Green Infrastructure in accordance with N.J.A.C. 7:8-5.3.
- B. Each Development to this section shall incorporate a maintenance plan for the Stormwater Management Measures incorporated into the design of a Major Development in accordance with Section 15 of this section.
  - C. Stormwater Management Measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:16-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
  - D. The following linear Development projects are exempt from the Stormwater retention, groundwater Recharge, Stormwater Runoff quantity, and Stormwater Runoff quality requirements of Sections 7, 8, 9, and 10 of this article:
    1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion with priority given for use of native plant species;
    2. The construction of an aboveground utility line provided that the existing conditions are improved or are maintained to the maximum extent practicable; and
    3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable, porous, or perviable material.
  - E. A waiver from strict compliance from the groundwater Recharge, Stormwater Runoff quantity, and Stormwater Runoff quality requirements of Sections 7, 8, and 9 herein may be granted for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
    1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
    2. The applicant demonstrates through an alternatives analysis, in writing, that through the use of Stormwater Management Measures, the option selected complies with the requirements of Sections 7, 8, and 9 of this article to the maximum extent practicable. For road or highway projects, the applicant shall, at minimum, follow USEPA guidance regarding managing Wet Weather with Green Infrastructure; Green Streets (December 2008 EPA-833-F-08-009);
    3. The applicant demonstrates that, in order to meet the requirements of Sections 7, 8, and 9, existing structures currently in use, such as homes and buildings, would need to be condemned; and
    4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Section 3.D.3 above within the upstream Drainage Area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 7, 8, and 9 herein that were not achievable on-site.
  - F. The tables below summarize the ability of Stormwater Best Management Practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the Green Infrastructure, groundwater Recharge, Stormwater Runoff quality, and Stormwater Runoff quantity standards specified in this article. When designed in accordance with the New Jersey Stormwater Best Management Practices Manual and this chapter, the Stormwater Management Measures listed in Tables 4-1, 4-2, and 4-3 shall be presumed to be capable of providing Stormwater controls for the design and performance standards as

outlined in the tables below. Upon amendment of the New Jersey Stormwater Best Management Practices Manual to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Register a notice of administrative change revising the applicable table.

- G. The most current version of the BMP Manual can be found on the Department's website at: [https://njStormwater.org/bmp\\_\\_\\_manual2.htm](https://njStormwater.org/bmp___manual2.htm).
- H. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this section the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 4-1

Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	—
Dry well(a)	0	No	Yes	2
Grass swale	50 or less	No	No	2(e) 1(f)
Green roof	0	Yes	No	—
Manufactured treatment device(a)(g)	50 or 80	No	No	Dependent upon the device
Pervious paving system(a)	80	Yes	Yes(b) No(c)	2(b) 1(c)
Small-scale bioretention system(a)	80 or 90	Yes	Yes(b) No(c)	2(b) 1(c)
Small-scale infiltration basin(a)	80	Yes	Yes	2
Small-scale sand filter(a)(b)	80	Yes	Yes	2
Vegetative filter strip	60—80	No	No	—
Notes corresponding to annotations (a) through (g) are found after Table 4-3				

Table 4-2

Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver of Variance from N.J.A.C. 7:8-5.3

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention system	80 or 90	Yes	Yes(b) No(c)	2(b) 1(c)
Infiltration basin	80	Yes	Yes	2
Sand filter(b)	80	Yes	Yes	2
Standard constructed wetland	90	Yes	No	N/A
Wet pond(d)	50—90	Yes	No	N/A
Notes corresponding to annotations (a) through (g) are found after Table 4-3				

Table 4-3

BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C 7:8-5.3

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue roof	0	Yes	No	N/A
Extended detention basin	40—60	Yes	No	1
Manufactured treatment device(h)	50 or 80	No	No	Dependent upon the device
Sand filter(c)	80	Yes	No	1
Subsurface gravel wetland	90	No	No	1
Wet pond	50—90	Yes	No	N/A

;adv=6;Notes to Tables 4-1, 4-2, and 4-3:

- (a) Subject to the applicable Contributory Drainage Area limitation specified at Subsection 5.B;
- (b) Designed to infiltrate into the subsoil;
- (c) Designed with underdrains;
- (d) Designed to maintain at least a ten-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a Stormwater Runoff retention component designed to capture Stormwater Runoff for beneficial reuse, such as irrigation;

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- (e) Designed with a slope of less than two percent;
  - (f) Designed with a slope of equal to or greater than two percent;
  - (g) Manufactured treatment devices that meet the definition of Green Infrastructure as defined in Section 2 herein;
  - (h) Manufactured treatment devices that do not meet the definition of Green Infrastructure as defined in Section 2 herein.
- I. An alternative Stormwater Management Measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the Design Engineer demonstrates the capability of the proposed alternative Stormwater Management Measure and/or the validity of the alternative rate or method to the Review Agency. A copy of any approved alternative Stormwater Management Measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department at: Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420. Alternative Stormwater Management Measures may be used to satisfy the requirements at Section 5 of this article only if the measures meet the definition of Green Infrastructure as defined in Section 2 herein. Alternative Stormwater Management Measures that function in a similar manner to a BMP listed at Section 5.B are subject to the Contributory Drainage Area limitation specified at Section 5.B for that similarly functioning BMP. Alternative Stormwater Management Measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section 5.B shall have a Contributory Drainage Area less than or equal to 2.5 acres, except for alternative Stormwater Management Measures that function similarly to cisterns, grass swales, green roofs, standard constructed Wetlands, vegetative filter strips, and wet ponds, which are not subject to a Contributory Drainage Area limitation. Alternative measures that function similarly to standard constructed Wetlands or wet ponds shall not be used for compliance with the Stormwater Runoff quality standard unless a variance in accordance with N.J.A.C. 7:8 or a waiver from strict compliance in accordance with Section 4.D above is granted.
- J. Whenever the Stormwater management design includes one or more BMPs that will infiltrate Stormwater into subsoil, the Design Engineer shall assess the hydraulic impact on the groundwater table and design the Site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the Stormwater Management Measure itself.
- K. Design standards for Stormwater Management Measures are as follows:
- 1. Stormwater Management Measures shall be designed to take into account the existing Site conditions, including, but not limited to, Environmentally Critical Areas; Wetlands; flood-prone areas; slopes; depth to seasonal high water table; Soil type, permeability, and texture; Drainage Area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
  - 2. Stormwater Management Measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing

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between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Subsection 13.B;

3. Stormwater Management Measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
  4. Stormwater Management Basins shall be designed to meet the minimum safety standards for Stormwater Management Basins at Section 13; and
  5. The size of the orifice at the intake to the outlet from the Stormwater Management Basin shall be a minimum of 2½ inches in diameter.
- L. Manufactured treatment devices may be used to meet the requirements of this subchapter under the circumstances described in Section 5.D, provided the Pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.
- M. Any application for a new agricultural Development that meets the definition of Major Development as defined in Section 2 herein shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 7 and 9 and any applicable Soil Conservation District guidelines for Stormwater Runoff quantity and Erosion control. For purposes of this section, "agricultural Development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the Development of land for the processing or sale of food and the manufacture of agriculturally related products.
- N. If there is more than one Drainage Area, the groundwater Recharge, Stormwater Runoff quality, and Stormwater Runoff quantity standards at Sections 7, 8, and 9 shall be met in each Drainage Area, unless the runoff from the Drainage Areas converge on-site and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected Drainage Areas.
- O. Any Stormwater Management Measure authorized pursuant to this article shall be reflected in a deed notice recorded in the Office of the County Clerk or the registrar of deeds and mortgages of the county in which the Development, project, project Site, or mitigation area containing the Stormwater Management Measure is located. A form of deed notice shall be submitted to the reviewing agency for approval prior to filing. The deed notice shall contain a description of the Stormwater Management Measure(s) used to meet the Green Infrastructure, Stormwater retention, groundwater Recharge, Stormwater Runoff quality, and Stormwater Runoff quantity standards at Sections 5, 6, 7, 8, 9, and 10 and shall identify the location of the Stormwater Management Measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 15.B.5 Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Review Agency. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the Review Agency is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the Review Agency within 180 calendar days of the authorization granted by the Review Agency.
- P. A Stormwater Management Measure approved under article may be altered or replaced with the approval of the applicable Review Agency, if the Review Agency determines that the proposed alteration or

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replacement meets the design and performance standards pursuant to this article and provides the same level of Stormwater management as the previously approved Stormwater Management Measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the reviewing agency for approval and subsequently recorded with the appropriate Office of the County Clerk or the registrar of deeds and mortgages and shall contain a description and location of the Stormwater Management Measure, as well as reference to the maintenance plan, in accordance with 4.M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Review Agency in accordance with 4.M above.

**§ 5. Green Infrastructure:**

- A. This section specifies the types of Green Infrastructure BMPs that may be used to satisfy the groundwater Recharge, Stormwater Runoff quality, and Stormwater Runoff quantity standards.
- B. To satisfy the groundwater Recharge and Stormwater Runoff quality standards at Sections 7 and 8, the Design Engineer shall utilize Green Infrastructure BMPs identified in Table 4-1 and/or an alternative Stormwater Management Measure approved in accordance with Subsection 4.H. The following Green Infrastructure BMPs are subject to the following maximum Contributory Drainage Area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry well	1 acre
Manufactured treatment device	2.5 acres
Pervious Pavement systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention systems	2.5 acres
Small-scale Infiltration basin	2.5 acres
Small-scale sand filter	2.5 acres

- C. To satisfy the Stormwater Runoff quantity standards at Section 9, the Design Engineer shall utilize BMPs from Table 4-1 or from Table 4-2 and/or an alternative Stormwater Management Measure approved in accordance with Subsection 4.H.
- D. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Subsection 4.D is granted from the requirements of this section, then BMPs from Table 4-1, 4-2, or 4-3, and/or an alternative Stormwater Management Measure approved in accordance with Subsection 4.H may be used to meet the groundwater Recharge, Stormwater Runoff quality, and Stormwater Runoff quantity standards at Sections 7, 8, and 9.
- E. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or sewerage authority, the requirements of this section shall only apply to areas owned in fee simple by the government agency or sewerage authority, and areas within a right-of-way or easement held or controlled by the government agency or sewerage authority; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this section. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the Green Infrastructure requirements of this section, each project shall fully comply with the applicable groundwater Recharge, Stormwater Runoff quality control, and Stormwater Runoff quantity standards at Sections 7, 8, and 9 unless the project is granted a waiver from strict compliance in accordance with Subsection 4.D.

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**§ 6. Stormwater retention standard for Minor Development:**

- A. This section contains minimum design and performance standards for Stormwater retention for Minor Development:

For each square foot of Impervious Surface, 0.6 gallons of Stormwater shall be retained on-site using Green Infrastructure practices listed in Section 5 or other methods as identified by references included in Section 11 of this section.

**§ 7. Groundwater Recharge standards for Major Development:**

- A. This subsection contains minimum design and performance standards for groundwater Recharge for Major Development.
- B. The minimum design and performance standards for groundwater Recharge are as follows:
1. The Design Engineer shall, using the assumptions and factors for Stormwater Runoff and groundwater Recharge calculations at Section 10 of this article, use whichever of the following demonstration approaches that yields a larger Infiltration volume:
    - a. Demonstrate through hydrologic and hydraulic analysis that the Site and its Stormwater Management Measures maintain 100 percent of the average annual pre-construction groundwater Recharge volume for the Site; or
    - b. Demonstrate through hydrologic and hydraulic analysis that the increase of Stormwater Runoff volume from pre-construction to post-construction for the two-year storm is infiltrated.
- C. This groundwater Recharge requirement does not apply to projects within the "Urban Redevelopment Area," or to projects subject to (D) below.
- D. The following types of Stormwater shall not be Recharged:
1. Stormwater from areas of high Pollutant loading. High Pollutant loading areas are areas in industrial and commercial Developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where Recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
  2. Industrial Stormwater exposed to Source Material. "Source Material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of Pollutants in any industrial Stormwater discharge to groundwater. Source Materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to Stormwater.

**§ 8. Stormwater Runoff quality standards for Major Development:**

- A. This subsection contains minimum design and performance standards for Stormwater Runoff quality for Major Development. Stormwater Runoff quality standards are applicable when the Major Development results in the Disturbance of one acre or more of land.



- B. Stormwater quality management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in Stormwater Runoff by generated from the water quality design storm as follows:
1. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the Stormwater Runoff from the net increase of Motor Vehicle surface.
  2. If the surface is considered Regulated Motor Vehicle Surface because the water quality treatment for an area of Motor Vehicle surface that is currently receiving water quality treatment either by vegetation or Soil, by an existing Stormwater Management Measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
- C. The requirement to reduce TSS does not apply to any Stormwater Runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every Major Development, including that discharged into a Combined Sewer System, shall comply with (b) above, unless the Major Development is itself subject to a NJDPES permit with a numeric effluent limitation for TSS or the NJDPES permit to which the Major Development is subject exempts the development from a numeric effluent limitation for TSS.
- D. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 8-1. The calculation of the volume of runoff may take into account the implementation of Stormwater Management Measures.

Table 8-1  
Water Quality Design Storm Distribution

Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900



Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

- E. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a Site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B)/100$$

Where

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

- F. Stormwater Management Measures shall also be designed to reduce, to the maximum extent feasible, the post-construction Nutrient load (nitrogen and phosphorous) of the anticipated load from the developed Site in Stormwater Runoff generated from the water quality design storm. In achieving reduction of Nutrients to the maximum extent feasible, the design of the Site shall include Green Infrastructure BMPs that optimize Nutrient removal while still achieving the performance standards in Section 4.
- G. In accordance with the definition of FWI at N.J.A.C. 7:9B-1.4, Stormwater Management Measures shall be designed to prevent any increase in Stormwater Runoff to waters classified as FWI.

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- H. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A Person shall not undertake a Major Development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
  - I. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)4, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this section to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed Site, expressed as an annual average.
  - J. This section does not apply to the construction of one individual single-family dwelling, provided that is not part of a larger Development or subdivision that has received preliminary or final Site plan approval prior to December 3, 2018, and that the Motor Vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

**§ 9. Stormwater Runoff quantity standards for Major Development:**

- A. This section contains the minimum design and performance standards to control Stormwater Runoff quantity impacts of Major Development.
- B. In order to control Stormwater Runoff quantity impacts, the Design Engineer shall, using the assumptions and factors for Stormwater Runoff calculations at Section 10, complete one of the following:
  - 1. Demonstrate through hydrologic and hydraulic analysis that for Stormwater leaving the Site, post-construction runoff hydrographs for the two-, ten-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - 2. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of Stormwater leaving the Site for the two-, ten-, and 100-year storm events and that the increased volume or change in timing of Stormwater Runoff will not increase flood damage at or downstream of the Site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full Development under existing zoning and land use ordinances in the Drainage Area;
  - 3. Design Stormwater Management Measures so that the post-construction peak runoff rates for the two-, ten-, and 100-year storm events are 50, 75, and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction Stormwater Runoff that is attributable to the portion of the Site on which the proposed Development or project is to be constructed; or
  - 4. In tidal Flood Hazard Areas, Stormwater Runoff quantity analysis, in accordance with (b)1, 2, and 3 above, is required unless the Design Engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the Stormwater Runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the Major Development. No analysis is required if the Stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first Water Control Structure.
- C. The Stormwater Runoff quantity standards shall be applied at the Site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

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## **§ 10. Calculation of Stormwater Runoff, Stormwater retention, and groundwater Recharge for Major Development:**

### **A. Stormwater Runoff shall be calculated in accordance with the following:**

1. The Design Engineer shall calculate runoff using one of the following methods:
  - a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described Chapters 7, 9, 10, 15, and 16, Part 630, of the Hydrology National Engineering Handbook, incorporated herein by reference, as amended and supplemented. This methodology is additionally described in Technical Release 55 — Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference, as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:  
[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf) or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or
  - b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, July 1999, as amended and supplemented. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, NJ 08625. The document is also available at <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.
2. For the purpose of calculating runoff coefficients and groundwater Recharge, there is a presumption that the pre-construction condition of a Site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at Subsection 10.A.1.a and the Rational and Modified Rational Methods at Section 10.A.1.b. A runoff coefficient or a groundwater Recharge land cover for an existing undeveloped land condition may be used on all or a portion of the Site if the Design Engineer verifies that the hydrologic condition has existed on the Site or portion of the Site for at least five years without interruption prior to the time of application. If more than one undeveloped land cover type has existed on the Site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the Site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction Stormwater Runoff, the Design Engineer shall account for all significant land features and structures, such as ponds, Wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction Stormwater Runoff rates and volumes.
4. In computing Stormwater Runoff from all design storms, the Design Engineer shall consider the relative Stormwater Runoff rates and/or volumes of pervious and Impervious Surfaces separately to accurately compute the rates and volume of Stormwater Runoff from the Site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55—Urban Hydrology for Small Watersheds and other methods may be employed.

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5. If the invert of the outlet structure of a Stormwater Management Measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the Design Engineer shall take into account the effects of tailwater in the design of structural Stormwater Management Measures.
- B. Groundwater Recharge may be calculated in accordance with the following:
    1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological and Water Survey website at <http://www.nj.gov/dep/njgs>; or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, NJ 08625-0420

**§ 11. Sources for technical guidance:**

- A. Technical guidance for Stormwater Management Measures can be found in the documents listed below, which are available to download from the Department's website at:  
[http://www.nj.gov/dep/Stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/Stormwater/bmp_manual2.htm).
- B. Guidelines for Stormwater Management Measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on Stormwater Management Measures such as, but not limited to, those listed in Table 4-1, Table 4-2, and Table 4-3.
- C. Additional technical guidance for Stormwater Management Measures can be obtained from the Department's website at [http://www.nj.gov/dep/Stormwater/maintenance\\_guidance.htm](http://www.nj.gov/dep/Stormwater/maintenance_guidance.htm) and the U.S. Environmental protection Agency's Green Infrastructure resource page at <http://water.epa.gov/infrastructure/greeninfrastructure/index.cfm>.
- D. Submissions required for review by the Department should be mailed to: The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

**§ 12. Solids and floatable materials controls standards:**

- A. Site design features identified under Subsection 4.F above, or alternative designs in accordance with Section 4 above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means Sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Subsection 12.A.2 below.
  1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect Stormwater from that surface into a storm drain or surface water body under that grate:
    - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
    - b. A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than 0.5 inches across the smallest dimension.

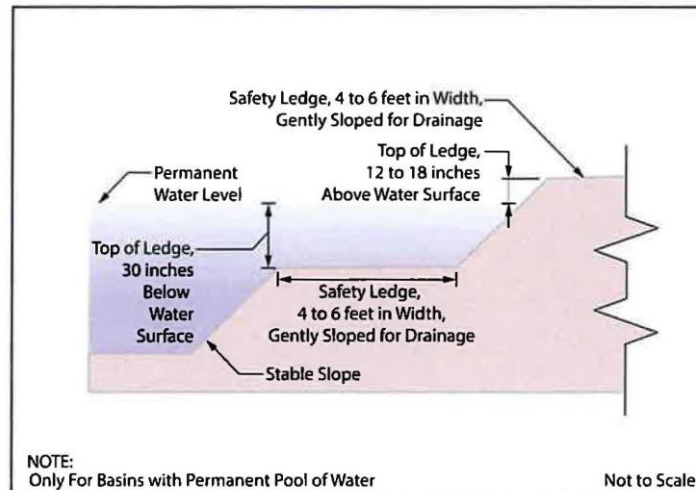
Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include

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- surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and Stormwater system floors used to collect Stormwater from the surface into a storm drain or surface water body.
- c. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven square inches, or be no greater than two inches across the smallest dimension.
- 2. The standard in A.1 above does not apply:
    - a. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine square inches;
    - b. Where the Municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
    - c. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
      - i. A rectangular space 4.625 inches long and 1.5 inches wide (this option does not apply for outfall netting facilities); or
      - ii. A bar screen having a bar spacing of 0.5 inches.
  - 3. Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential Development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).
  - 4. Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
  - 5. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

### **§ 13. Safety standards for Stormwater Management Basins:**

- A. This section sets forth requirements to protect public safety through the proper design and operation of Stormwater Management Basins. This section applies to any new Stormwater Management Basin. In the event of any conflict between this section and the Jersey City Stormwater Management Plan, the stricter provision shall apply.
- B. Requirements for Trash Racks, Overflow Grates and Escape Provisions. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater Management Basin to ensure proper functioning of the basin outlets in accordance with the following:
  - 1. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.

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2. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
  3. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
  4. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- C. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
1. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
  2. The overflow grate spacing shall be no less than two inches across the smallest dimension.
  3. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- D. Stormwater Management Basins shall include escape provisions as follows:
1. If a Stormwater Management Basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Subsection 13.C below, a free-standing outlet structure may be exempted from this requirement.
  2. Safety ledges shall be constructed on the slopes of all new Stormwater Management Basins having a permanent pool of water deeper than 2.5 feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately 2.5 feet below the permanent water surface, and the second step shall be located one to 1.5 feet above the permanent water surface. See Subsection 13.D for an illustration of safety ledges in a Stormwater Management Basin.
  3. In new Stormwater Management Basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.
- E. Variance or exemption from safety standards.
1. A variance or exemption from the safety standards for Stormwater Management Basins may be granted only upon a written finding by the appropriate reviewing agency that the variance or exemption will not constitute a threat to public safety.
- F. Illustration of safety ledges in a new Stormwater Management Basin.



#### § 14. Requirements for a Site Development Stormwater plan:

- A. Submission of Site Development Stormwater plan.
  1. Whenever an applicant seeks municipal approval of a Development subject to this section, the applicant shall submit all of the required components of the submittal for the Site Development Stormwater plan at Subsection 14.C below and any additional components as specified in the City's Stormwater management plan latest revisions as part of the submission of the applicant's application for subdivision or Site plan approval.
  2. The applicant shall demonstrate that the project meets the standards set forth in this section.
  3. The applicant shall submit five copies of the materials listed in the submittal for Site Development Stormwater plans in accordance with Section 14.C of this article.
- B. Site Development Stormwater plan approval. The applicant's Site Development plan shall be reviewed as a part of the subdivision or Site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult with the engineers of the JCMUA and be guided by them to determine if all the submittal requirements have been satisfied and to determine if the project meets the standards set forth in this section. Municipal approval may not be issued unless the requirements of this section are met. Approval of other local, state, and/or other permits (also known as "prior approvals") is not a substitute for local approval of a project's Site Development Stormwater plan.
- C. Submittal requirements for Major Development. The following information shall be required:
  1. Topographic base map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the Site be submitted which extends a minimum of 200 feet beyond the limits of the proposed Development, at a scale of one inch equals 200 feet or greater, showing two foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, Soils, erodible Soils, perennial or intermittent streams that drain into or upstream of the Category One waters, Wetlands and flood plains along with their appropriate buffer strips, marshlands and other Wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.
  2. Environmental Site analysis. A written and graphic description of the natural and manmade features of the Site and its environs. This description should include a discussion of Soil conditions, slopes,



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Wetlands, waterways and vegetation on the Site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for Development.

3. Project description and Site plan(s). A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for Stormwater management and Sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the Site plan and justification of proposed changes in natural conditions may also be provided.
4. Land use planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of Sections 4 through 10 are being met. The focus of this plan shall be to describe how the Site is being developed to meet the objective of controlling groundwater Recharge, Stormwater quality and Stormwater quantity problems at the source by land management and source controls whenever possible.
5. Stormwater management facilities map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
  - a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the Stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of Stormwater.
  - b. Details of all Stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
6. Calculations.
  - a. Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in Section 4 of this section.
  - b. When the proposed Stormwater management control measures (e.g., Infiltration basins) depends on the hydrologic properties of Soils, then a Soils report shall be submitted. The Soils report shall be based on on-site boring logs or Soil pit profiles. The number and location of required Soil borings or Soil pits shall be determined based on what is needed to determine the suitability and distribution of Soils present at the location of the control measure.
7. Maintenance and repair plan. The design and planning of the Stormwater management facility shall meet the maintenance requirements of Section 15.
8. Waiver from submission requirements. The conditions for a waiver from submission requirements are defined in the Municipal Land Use Law, N.J.S.A. 40:55D-10.3. The municipal official or board reviewing an application under this section may, in consultation with the Municipality's review engineer, waive submission of any of the requirements in Subsection 14.C.1 through 14.C.6 of this section when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

D. Submittal requirements for Minor Development.

1. Applicants seeking municipal approval of Minor Developments shall submit the information described in Subsections 14.C.3, 14.C.4, 14.C.5, and 14.C.7. Applicants shall also submit calculations demonstrating compliance with the retention standard in Section 6.



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2. The conditions for a waiver from submission requirements are defined in the municipal Land Use Law, N.J.S.A. 40:55D-10.3.

**§ 15. Maintenance and repair:**

A. Applicability.

1. Projects subject to review as in Sections 3 and 4 of this section shall also comply with the requirements of this section.

B. General maintenance.

1. The Design Engineer shall prepare a maintenance plan for the Stormwater Management Measures incorporated into the design of a Major Development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of Sediment, debris, or trash removal; and the name, address, and telephone number of the Person or Persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for Stormwater Management Measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a Person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such Person's agreement to assume this responsibility, or of the developer's obligation to dedicate a Stormwater management facility to such Person under an applicable ordinance or regulation.
3. The maintenance plan shall specifically provide a municipal right of access, which may include Stormwater easements or covenants. The maintenance access shall be provided by the property owner(s) for access regarding facility inspections and maintenance, as required. Easements and covenants shall be recorded prior to issuance of any permit or approval.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential Development or project, unless such owner or tenant owns or leases the entire residential Development or project.
5. If the Person responsible for maintenance identified under Subsection 15.B.2 above is not a public agency, the maintenance plan and any future revisions shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the function of the Stormwater Management Measure, including repairs to or replacement of the structure; removal of Sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

C. The Person responsible for maintenance identified under Subsection 15.B.2 above shall perform all the following requirements:

1. Maintain a detailed log of all preventative and corrective maintenance for the structural Stormwater Management Measures incorporated into the design of the Development, including a record of all inspections and copies of all maintenance-related work orders;
2. Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and

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3. Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the Site, the maintenance plan and the required documentation.
  - D. On or before February 1 of each year, the Person responsible for maintenance identified under Subsection 15.B above shall submit to the City of Jersey City and the Review Agency a certification of compliance during the prior year with the requirements of Subsection 15.B, which shall include a summary of inspection and maintenance activities and any proposed changes to the maintenance plan.
  - E. The requirements of Subsections 15.B.4 and 15.B.5 do not apply to Stormwater management facilities that are dedicated to and accepted by the Municipality or another governmental agency subject to all applicable municipal Stormwater general permit conditions, as issued by the Department.
  - F. In the event that the Stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the Municipality shall so notify the responsible Person in writing. Upon receipt of that notice, the responsible Person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the Chief Engineer of the JCMUA or his designee. The Municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible Person falls or refuses to perform such maintenance and repair, the Municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible Person. Nonpayment of such bill may result in a lien on the property.
  - G. The Review Agency (JCMUA) has the authority to institute a permit system to enforce the maintenance and repair requirements in this section.
  - H. Nothing in this section shall preclude the Municipality in which the Major Development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

#### **§ 16. Penalties:**

- A. Any Person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this section shall be subject to the following penalties:
- B. 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 Jersey City Municipal Utilities Authority or the City of Jersey City and who refuses to abate said violation within 14 days after written notice has been served upon them shall, for each and every violation, be punishable as provided in Chapter 1, General Provisions. Each day that such violation continues after such notice shall be considered a separate and specific violation of this chapter without the service of an additional notice. The Jersey City Municipal Utilities Authority may also withhold water meters to ensure compliance with this section.

#### **§ 17. Severability:**

If the provisions of any section, subsection, paragraph, subdivision, or clause of this section shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this section.

#### **§ 18. Effective date:**

This section shall take effect immediately upon the approval by the County Review Agency, or 60 days from the receipt of the ordinance by the County Review Agency if the County Review Agency should fail to act.

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# **CHAPTER 345 ARTICLE VII**

## **PERFORMANCE AND MAINTENANCE**

### **GUARANTEES**

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**§ 345-75. Installation of improvements or guarantees.****A. Performance Guarantees Required.**

1. Prior to the granting of final approval of a subdivision or site plan, the applicant shall have installed or shall have furnished performance guarantees for the ultimate installation of the improvements that were shown on the approved preliminary plan, required as a condition of preliminary approval, or, in the case of subdivisions only, required by the provisions of the "Map Filing Law."
2. Improvements for which performance guarantees may be required include without limitation: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space, and, in the case of site plans only, landscaping and other on-site improvements.
3. The applicant shall file with the City Clerk a performance guarantee in favor of the City of Jersey City insuring the installation of all uncompleted improvements on or before an agreed upon date. The cost of installation of the required improvements shall be estimated by the City Engineer pursuant to N.J.S.A. 40:55D-53, and the amount of the performance guarantee shall be of an amount equal to one hundred twenty percent (120%) of this estimated cost. Ten percent (10%) of the performance guarantee must be in the form of cash.
4. The form and sufficiency of the guarantee shall be subject to approval of the City Attorney. Performance guarantees shall be expressly conditioned upon the developer's full compliance with all City ordinances and regulations governing the installation of improvements and utilities and faithful performance of the terms of any developer's agreement with the City.
5. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the City Council by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount equal to one hundred twenty percent (120%) of the cost of the installation as determined by the City Engineer pursuant to N.J.S.A. 40:55D-53 as of the time of the passage of the resolution.
6. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the City for the reasonable cost of the improvements not completed or corrected, and the City may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law."
7. Upon substantial completion of all required street improvements (except the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may notify the City Council in writing, by certified mail addressed in care of the City Clerk, that the City Engineer prepare, in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the City Engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the City engineer shall inspect all improvements covered by obligor's request and shall file a detailed list and report, in writing, with the City Council, and shall simultaneously send a copy thereof to the obligor not later than forty-five (45) days after receipt of the obligor's request.

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8. The list prepared by the City Engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the City Engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount or reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee.
  9. The City Council, by resolution, shall either approve the improvements determined to be complete and satisfactory by the City Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee. This resolution shall be adopted not later than forty-five (45) days after receipt of the list and report prepared by the City Engineer. Upon adoption of the resolution by the City Council, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that thirty percent (30%) of the amount of the total performance guarantee posted may be retained to ensure completion and acceptability of all improvements.
  10. For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved improvement shall be reduced by the total amount of each such improvement, in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee, including any contingency factor applied to the cost of installation. If the sum of the approved improvements would exceed seventy percent (70%) of the total amount of the performance guarantee, then the City may retain thirty percent (30%) of the amount of the total performance guarantee to ensure completion and acceptability of all improvements, as provided above.
  11. If the City Engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection (G) of this section within forty-five (45) days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the City Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
  12. If the City Council fails to approve or reject the improvements determined by the City Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within forty-five (45) days from the receipt of the City Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee; and the cost of applying to the court, including reasonable attorneys fees, may be awarded to the prevailing party.
  13. In the event that the obligor has made a cash deposit with the City as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this

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subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

14. If any portion of the required improvements are rejected, the City Council may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.
15. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the City Council or the City Engineer.
16. In the event that final approval is by stages or sections of development, the provisions of this section shall be applied by stage or section.
17. To the extent that any of the improvements have been dedicated to the City on the subdivision plat or site plan, the City Council shall be deemed upon the release of any performance guarantee required, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivisions plats approved by the Board, provided that such improvements have been inspected and have received final approval by the City Engineer.

**B. Maintenance Guarantees Required.**

1. Upon completion and acceptance by the City Council of the required improvements or a portion of such improvements, the developer may be required to post a maintenance guarantee with the City Council for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed fifteen percent (15%) of the cost of the improvement, as determined by the City Engineer pursuant to N.J.S.A. 40:55D-53.
2. The form and sufficiency of the maintenance guarantee shall be approved by the City Attorney. The maintenance guarantee for an improvement shall be posted upon final release by the City Council of the performance guarantee for that improvement and shall be expressly conditioned upon the maintenance by the developer of such improvement for a period of two years, and particularly shall guarantee the remedy of any defects in such improvement which occur during that period.
3. Maintenance of Landscaped Areas. All landscaped areas must be properly maintained. In the event that an applicant shall at any time after the issuance of a certificate of occupancy fail to maintain any landscaped areas, the Zoning 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 be cured within four 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 weeks or any extension thereof the Zoning 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 zoning permit issued to said premises until such time as the deficiencies are cured.
4. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the City for such utilities or improvements.
5. Appeal Procedure for Disputed Guarantee Amounts. The cost of the installation of improvements shall be estimated by the City Engineer based on documented construction costs for public

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improvements prevailing in the general area of the City. The developer may appeal the City Engineer's estimate to the county construction board of appeals.

- C. Acceptance of Guarantee. The City Council shall accept a performance guarantee or maintenance guarantee which is an irrevocable letter of credit if it:
1. Constitutes an unconditional payment obligation of the issuer running solely to the City for an express initial period of time in the amount determined pursuant to subsection (A) of this section;
  2. Is issued by a banking or savings institution authorized to do and doing business in this State;
  3. Is for a period of time at least one year; and
  4. Permits the City to draw upon the letter of credit if the obligor fails to furnish another letter of credit which complies with the provisions of this section thirty (30) days or more in advance of the expiration date of the letter of credit or such longer period in advance thereof as is stated in the letter of credit.

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# **CHAPTER 345 ARTICLE VIII**

## **ENFORCEMENT, VIOLATIONS AND PENALTIES**



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**§ 345-76. Enforcement.**

- A. Zoning Officer. 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.
- B. Building Permits. 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.
- C. Certificate of Occupancy.
  - 1. 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 proposed use thereof conform to the requirements of this chapter and all approvals granted pursuant thereto, the Uniform Construction Code, all other applicable City ordinances, regulations and directives and all applicable county, state and federal laws and regulations. It shall be the duty of the Construction Code Official to fully 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.
  - 2. 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 copies of this application and one copy returned to the applicant.
  - 3. 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 below, 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.
- D. Historic Preservation. 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 permit issuance.
- E. Certificates of Non-Conformity. The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming. The applicant shall have the burden of proof.

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Application pursuant hereto may be made to the administrative officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the board of adjustment.

- F. Plan Review and Determination. The real or prospective owner and/or developer of any land may apply in writing for the issuance of a plan review and determination certifying that submitted plans comply with the provisions of this chapter, redevelopment plan or deviation/variance therefrom duly authorized.

[Added 11-10-2015 by Ord. No. 15-147 ]

- G. Zoning Determination. The real or prospective owner and/or developer of any land may apply in writing for the issuance of a zoning determination letter signed by the zoning officer, which acknowledges that such use, structure or building complies with the provisions of this chapter, redevelopment plan or deviation/variance therefrom duly authorized.

[Added 11-10-2015 by Ord. No. 15-147 ]

- H. Pre-existing Curbcut Determination. The real owner, prospective purchaser, prospective mortgagee, or any other person interested in any land may apply in writing for the issuance of a pre-existing curbcut determination certifying that a curbcut exists legally before the adoption of the ordinance which rendered the curbcut nonconforming or a deviation/variance therefrom was duly authorized. The applicant shall have the burden of proof.

[Added 11-10-2015 by Ord. No. 15-147 ]

- I. Fees. The Zoning Officer and Division of Zoning Enforcement may establish fees to cover administrative costs for the issuance of permits, determinations, certificates and authorizations.

[Added 11-10-2015 by Ord. No. 15-147 ]

- J. The Department of Public Safety may supplement enforcement of only those sections of this chapter that are concurrently within the jurisdiction of the Municipal Court.

[Added 9-23-2020 by Ord. No. 20-074 ]

#### **§ 345-77. Violations and penalties.**

- A. 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 fourteen (14) twenty-one (21) 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. Each and every day that such violation continues after such notice shall be considered a separate and specific violation of this chapter without the service of an additional notice. If any person shall undertake any activity vis-à-vis an individual landmark or landmark building, structure, object, site, or landmark feature within a historic district, without first having obtained a certificate of appropriateness or a certificate of no effect, such person shall be deemed in violation of this Article. 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.

[Amended 4-25-2007 by Ord. No. 07-063]

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- B. 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.
  - C. 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.