



CITY OF TRENTON

LAND DEVELOPMENT ORDINANCE



Adopted December 21, 2023

Trenton Land Development Ordinance (LDO): Table of Contents

Section	Page #
Article 1. Title, Purpose, & Applicability	
1.1 TITLE	1-1
1.2 SCOPE.....	1-1
1.3 PURPOSE.....	1-1
1.4 APPLICABILITY AND CONFORMITY	1-2
1.5 TRANSITION RULES.....	1-2
1.6 SEVERABILITY	1-4
Article 2. Definitions and Measurement Methodologies	
2.1 RULES OF INTERPRETATION	2-1
2.2 GENERAL ABBREVIATIONS	2-1
2.3 DEFINITION OF TERMS	2-2
2.4 RULES OF MEASUREMENT	2-27
Article 3. Zoning Districts & Zoning Map	
3.1 ZONING DISTRICTS	3-1
3.2 REDEVELOPMENT AREAS	3-1
3.3 DISTRICT ZONING MAP	3-1
Article 4. Residential Districts	
4.1 PURPOSE STATEMENTS	4-1
4.2 USES.....	4-2
4.3 DIMENSIONAL STANDARDS	4-2
4.4 DESIGN STANDARDS	4-4
4.5 SINGLE-FAMILY DWELLING CONVERSIONS IN RESIDENTIAL DISTRICTS	4-5
4.6 GENERAL STANDARDS OF APPLICABILITY.....	4-6
Article 5. Commercial & Mixed-Use Districts	
5.1 PURPOSE STATEMENTS.....	5-1
5.2 USES.....	5-1
5.3 DIMENSIONAL STANDARDS	5-1
5.4 DESIGN STANDARDS	5-4
5.5 GENERAL STANDARDS OF APPLICABILITY.....	5-6
Article 6. Industrial Districts	
6.1 PURPOSE STATEMENTS	6-1
6.2 USES.....	6-1
6.3 DIMENSIONAL STANDARDS	6-1
6.4 IMU DISTRICT DESIGN STANDARDS	6-2
6.5 GENERAL STANDARDS OF APPLICABILITY.....	6-3
Article 7. Special Purpose Districts	
7.1 TOD TRANSIT-ORIENTED DEVELOPMENT DISTRICT	7-1
7.2 I INSTITUTIONAL DISTRICT	7-2
7.3 OS-R OPEN SPACE AND RECREATION DISTRICT	7-3
7.4 GENERAL STANDARDS OF APPLICABILITY - ALL SPECIAL PURPOSE DISTRICTS	7-3

Article 8. Uses

8.1 GENERAL USE REGULATIONS	8-1
8.2 USE MATRIX	8-2
8.3 USE RESTRICTIONS	8-2
8.4 PRINCIPAL USE STANDARDS	8-7
8.5 TEMPORARY USE STANDARDS	8-20

Article 9. On-Site Development Standards

9.1 GENERAL ON-SITE DEVELOPMENT STANDARDS	9-1
9.2 ON-SITE GREEN SPACE AND CIVIC SPACE REQUIREMENTS	9-2
9.3 EXTERIOR LIGHTING	9-4
9.4 ACCESSORY STRUCTURES AND USES	9-6
9.5 PERMITTED ENCROACHMENTS	9-19
9.6 PERFORMANCE STANDARDS	9-20

Article 10. Off-Street Parking & Loading

10.1 GENERAL REQUIREMENTS	10-1
10.2 LOCATION OF OFF-STREET PARKING SPACES	10-2
10.3 STANDARDS FOR OFF-STREET PARKING FACILITIES	10-2
10.4 OFF-STREET VEHICLE AND BICYCLE PARKING SPACES	10-7
10.5 TRANSPORTATION DEMAND MANAGEMENT	10-12
10.6 REQUIRED ELECTRIC VEHICLE SPACES	10-15
10.7 DRIVEWAY DESIGN	10-19
10.8 BICYCLE PARKING STANDARDS	10-20
10.9 REQUIRED OFF-STREET LOADING SPACES	10-22
10.10 COMMERCIAL AND RECREATIONAL VEHICLE STORAGE	10-23

Article 11. Landscape

11.1 LANDSCAPE PLAN	11-1
11.2 ENFORCEMENT OF LANDSCAPE PLAN	11-1
11.3 SELECTION, INSTALLATION AND MAINTENANCE	11-2
11.4 LANDSCAPE DESIGN STANDARDS	11-3
11.5 REQUIRED SITE LANDSCAPE	11-3
11.6 REQUIRED PARKING LOT LANDSCAPE ABUTTING A STREET	11-4
11.7 REQUIRED PARKING LOT INTERIOR LANDSCAPE	11-5
11.8 BUFFER YARD REQUIREMENTS	11-6
11.9 CURB LAWN AND ON-SITE TREES	11-8
11.10 TREE CONSERVATION	11-9

Article 12. Signs

12.1 PURPOSE	12-1
12.2 GENERAL STANDARDS	12-1
12.3 HISTORIC DISTRICT STANDARDS	12-3
12.4 ILLUMINATION	12-3
12.5 PROHIBITED SIGNS	12-4
12.6 EXEMPT SIGNS	12-4
12.7 ZONING PERMIT REQUIRED	12-10
12.8 SUMMARY OF SIGN PERMISSIONS	12-23
12.9 BILLBOARDS	12-24
12.10 CLASSIC SIGNS	12-25

Article 13. Land Development Applications

13.1 SUMMARY OF APPLICATIONS	13-1
13.2 GENERAL APPLICATION PROCEDURES	13-2
13.3 APPROVAL PROCESS GENERAL PROCEDURES	13-3
13.4 REQUIRED NOTICE FOR PUBLIC HEARINGS	13-4
13.5 OFF-TRACT IMPROVEMENTS	13-6
13.6 CONDITIONAL USE	13-9
13.7 C VARIANCE	13-11
13.8 D VARIANCE	13-12
13.9 SITE PLAN REVIEW	13-13
13.10 SUBDIVISION	13-16
13.11 ZONING APPEALS OF ZONING OFFICER DECISIONS	13-19
13.12 ZONING PERMIT	13-20
13.13 CONSTRUCTION PERMIT	13-21
13.14 CERTIFICATE OF OCCUPANCY	13-21

Article 14. Ordinance Text and Zoning Map Amendments

14.1 PURPOSE	14-1
14.2 INITIATION AND AUTHORITY	14-1
14.3 PROCEDURE	14-1
14.4 APPEALS	14-2

Article 15. Historic District Regulations

15.1 RESTORATION PERMIT	15-1
15.2 COMMISSION ADVICE ON ANY DEVELOPMENT APPLICATION	15-2
15.3 RESTORATION PERMIT GENERAL STANDARDS	15-2
15.4 NEW CONSTRUCTION, ADDITIONS, AND MOVING OF STRUCTURES	15-2
15.5 EXISTING STRUCTURES - EXCLUDING DEMOLITION OR REMOVAL	15-3
15.6 DEMOLITION OR REMOVAL OF STRUCTURES	15-4
15.7 COMPLETION OF ACTIVITIES UNDER RESTORATION PERMIT	15-5
15.8 DESIGNATED LANDMARKS AND HISTORIC SITES	15-5

Article 16. Nonconformities

16.1 GENERAL APPLICABILITY	16-1
16.2 NONCONFORMING USE	16-1
16.3 NONCONFORMING STRUCTURE	16-2
16.4 NONCONFORMING LOT	16-2
16.5 NONCONFORMING SITE ELEMENTS	16-3
16.6 NONCONFORMING SIGNS	16-3

Article 17. Enforcement

17.1 COMPLIANCE REQUIRED	17-1
17.2 DUTIES OF ZONING OFFICER	17-1
17.3 NOTIFICATION OF VIOLATION	17-1
17.4 HAZARDOUS CONDITIONS RESPONSE	17-1
17.5 CERTIFICATE OF OCCUPANCY REVOCATION	17-1
17.6 REPORT TO CITY ATTORNEY; FILING OF SUMMONS	17-1
17.7 PENALTIES	17-2

Article 18. Land Use Boards

18.1 PLANNING BOARD	18-1
18.2 ZONING BOARD OF ADJUSTMENT	18-3
18.3 CONFLICTS OF INTEREST	18-6
18.4 MEETINGS	18-6
18.5 HEARINGS	18-6
18.6 RECORDS	18-7
18.7 TRAINING IN LAND USE LAW AND PLANNING	18-7

Article 19. Fee Schedule

19.1 REQUIRED FEE	19-1
19.2 APPLICATION FEE	19-1
19.3 PROFESSIONAL DEVELOPMENT FEE	19-1
19.4 FEE SCHEDULE	19-1
19.5 ESCROW FEES FOR PROFESSIONAL REVIEW SERVICES	19-2
19.6 ATTORNEY, SECRETARY, AND PLANNING STAFF ADMINISTRATIVE FEES	19-2
19.7 OTHER FEES	19-3

Article 20. Development Checklist

20.1 DEVELOPMENT CHECKLIST APPLICABILITY	20-1
20.2 DEVELOPMENT CHECKLIST REQUIREMENTS	20-1

Article 1. Title, Purpose, & Applicability

- 1.1 TITLE**
- 1.2 SCOPE**
- 1.3 PURPOSE**
- 1.4 APPLICABILITY AND CONFORMITY**
- 1.5 TRANSITION RULES**
- 1.6 SEVERABILITY**

1.1 TITLE

This Ordinance is known, cited, and referred to as the “Land Development Ordinance of the City of Trenton,” “Land Development Ordinance,” or “Ordinance,” and incorporates the City of Trenton Official Zoning Map.

1.2 SCOPE

The scope of this Ordinance:

- A.** Regulates and limits the uses of land and the uses and locations of buildings and structures.
- B.** Regulates and restricts the height and bulk of buildings and structures and determines the area of yards and other open spaces.
- C.** Regulates and restricts the density of population and divides the City of Trenton into districts for such purposes.
- D.** Adopts a map of the City showing boundaries and the classification of such districts.
- E.** Establishes rules, regulations, and standards governing the subdivision and development of land within the City.
- F.** Provides for a Planning Board and a Zoning Board of Adjustment.
- G.** Prescribes penalties for the violation of its provisions.

1.3 PURPOSE

This Ordinance is adopted pursuant to N.J.S.A. 40A:55D-1 et seq. in order to promote and protect the public health, safety, and welfare, and in the furtherance of the following related and more specific objectives:

- A.** Promote the orderly development of the City in accordance with the Master Plan and its guiding principles including, but not limited to, environmental justice, social equity, public safety, public health, resilience, sustainability, creativity, and educational opportunities.
- B.** Encourage action to guide the appropriate use or development of all lands in the City, in a manner which will promote the public health, safety, and welfare.
- C.** Secure safety from fire, flood, and other natural and man-made disasters.
- D.** Provide adequate light, air, and open space.
- E.** Ensure that the development of Trenton does not conflict with the development and general welfare of neighboring municipalities.
- F.** Promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, and the entire City as well as the preservation of the environment.
- G.** Encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- H.** 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.
- I.** Encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.

- J.** Promote a desirable visual environment through creative development techniques and good civic design and arrangements.
- K.** Promote the conservation of historic sites and districts, open space, energy resources and to prevent the degradation of the environment, including but not limited to the air, water, and visual environment, through improper use of land.
- L.** Encourage diverse types of housing construction.
- M.** Promote the development of affordable housing and ensure that socially vulnerable populations, including low-income populations and those with disabilities or special needs, will be able to reside in the City
- N.** Establish orderly and uniform procedures relating to land use and development regulation.
- O.** Promote utilization of renewable energy sources.
- P.** Promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste.

1.4 APPLICABILITY AND CONFORMITY

A. Territorial Application

This Ordinance applies to all land, uses, and structures within the corporate limits of the City of Trenton.

B. General Application

In their interpretation and application, the provisions of this Ordinance are held to be the general requirements for the promotion and protection of the public health, safety, and welfare.

C. Required Conformance

Any part or whole of a structure must be erected, constructed, reconstructed, moved, and enlarged in conformance with the requirements of this Ordinance. Any structure or land must be used and occupied in conformance with the requirements of this Ordinance.

D. Relation to Private Agreements

This Ordinance does not nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance controls. The City will not enforce any private agreement or covenant.

E. Relation to Other Laws and Regulations

Unless otherwise specifically provided, this Ordinance controls over less restrictive City statutes, ordinances, or regulations, and more restrictive City statutes, ordinances, or regulations control over the provisions of this Ordinance.

F. Rules of Ordinance Construction

This Ordinance contains graphics in order to assist the user in understanding and applying the Ordinance. However, where there is any inconsistency between the text of this Ordinance and any such graphics, the text controls unless otherwise specifically stated.

G. Scrivener's Errors

The Zoning Officer may approve scrivener's errors to this Ordinance. Such corrections do not require a text amendment. A scrivener's error is a legal principle that permits a typographical error to be corrected administratively. If such correction is substantial and effects the application of this Ordinance and any property affected by it, then a text amendment is required. Scrivener's error must be an error due to a minor mistake or inadvertence and not one that occurs from any zoning interpretation.

1.5 TRANSITION RULES

A. Existing Uses

The following transition rules apply to uses operating as of the effective date of this Ordinance, or any subsequent amendment.

- 1.** If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance or any subsequent amendment, and now that use is classified as a permitted use as of the effective date of this Ordinance or any subsequent amendment, that use is classified as a permitted use.

2. If a structure or land is used in a manner that was classified as a conditional use prior to the effective date of this Ordinance or any subsequent amendment, and now that use is classified as a conditional use as of the effective date of this Ordinance or any subsequent amendment, that use is classified as a conditional use and subject to all approval conditions under which it was originally approved.

3. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance or any subsequent amendment, and now that use is classified as a conditional use as of the effective date of this Ordinance or any subsequent amendment to this Ordinance, that use is classified as a conditional use provided it meets the conditions imposed. Any subsequent alteration of that use must conform to the procedural and substantive requirements of this Ordinance for conditional uses.

4. If a structure or land is used in a manner that was classified as a conditional use prior to the effective date of this Ordinance or any subsequent amendment, and that use is now classified as a permitted use as of the effective date of this Ordinance or any subsequent amendment, that use is classified a permitted use. Any subsequent alteration of that use must conform to any Ordinance requirements for such permitted use. Previous conditions attached to the conditional use do not apply.

5. If a structure or land is used in a manner that was classified as permitted or conditional use prior to the effective date of this Ordinance or any subsequent amendment, but this Ordinance no longer classifies that use as either a permitted or conditional use in the zoning district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Article 16.

B. Structures Rendered Nonconforming

If a structure existing on the effective date of this Ordinance was a conforming structure before the effective date of this Ordinance, but such structure does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Article 16.

C. Lots Rendered Nonconforming

If a lot of record existing on the effective date of this Ordinance was a conforming lot before the effective date of this Ordinance, but such lot does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that lot is deemed a nonconforming lot of record and is controlled by the provisions of Article 16.

D. Site Elements Rendered Nonconforming

If a previously approved site element existing on the effective date of this Ordinance was conforming before the effective date of this Ordinance or any subsequent amendment to this Ordinance, but such site element does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that site element is deemed a nonconforming site element and is controlled by the provisions of Article 16.

E. Previously Issued Building Permits

If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance, and remains active and in good standing, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under a certificate of occupancy for the use originally intended.

F. Previously Granted C and D Variances

All variance approvals granted prior to the effective date of this Ordinance remain in full force and effect, unless such variance is no longer needed after the effective date. The recipient of the variance may proceed to develop or use the property in accordance with the approved plans and any applicable conditions. However, if the recipient has failed to act on the variance before the approval expires, including any approved periods of extension, then the variance becomes null and void.

G. Previously Granted Conditional Uses

All conditional uses granted prior to the effective date of this Ordinance, but where the use has not yet commenced, remain in full force and effect. The recipient of the conditional use may proceed to use the property in accordance with the approved permit and any applicable conditions. If the recipient has failed to act on the conditional use before the approval expires, including any approved periods of extension, then the conditional use is null and void.

H. Previously Approved Subdivisions

Previously approved subdivisions remain in effect and continue to control the development of land that is subject to the approval.

I. Pending Applications

1. A zoning application that has been deemed complete and has been scheduled for a public hearing or meeting, as applicable, is subject to the Ordinance requirements in effect on the date the application was deemed complete.
2. A building permit that has been submitted and deemed complete is subject to the Ordinance requirements in effect on the date the application was deemed complete.

J. Existing Unlawful Uses

Any use that was unlawful at the time of the adoption of this Ordinance and is in conflict with the requirements of this Ordinance remains unlawful.

1.6 SEVERABILITY

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Ordinance. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

Article 2. Definitions and Measurement Methodologies

- 2.1 RULES OF INTERPRETATION**
- 2.2 GENERAL ABBREVIATIONS**
- 2.3 DEFINITION OF TERMS**
- 2.4 RULES OF MEASUREMENT**

2.1 RULES OF INTERPRETATION

The terms in the text of this Ordinance are interpreted in accordance with the following rules of construction:

- A.** The singular number includes the plural, and the plural the singular.
- B.** The present tense includes the past and future tenses, and the future tense includes the present.
- C.** The terms “must,” “shall,” and “will” are mandatory.
- D.** The terms “may” and “can” are permissive.
- E.** The terms “must not,” “will not,” “cannot,” “may not,” and “shall not” are prohibiting.
- F.** Any gender includes all genders.
- G.** Whenever a defined word or term appears in the text of this Ordinance, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.

2.2 GENERAL ABBREVIATIONS

The following abbreviations may be used within this Ordinance:

- BTL** is an abbreviation for “build-to line.”
- BTZ** is an abbreviation for “build-to zone.”
- GFA** is an abbreviation for “gross floor area.”
- ft** is an abbreviation for “feet.”
- N/A** is an abbreviation for “not applicable.”
- NR** is an abbreviation for “nonresidential.”
- sqft** is an abbreviation for “square feet.”
- SF** is an abbreviation for “single-family.”
- SF-A** is an abbreviation for “single-family - attached.”
- 2F** is an abbreviation for “two-family.”
- RH** is an abbreviation for “rowhouse.”
- MF** is an abbreviation for “multi-family.”

2.3 DEFINITION OF TERMS

Abandonment. The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abut. To physically touch or border on, or to share a common property line but not overlap.

Access. A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessibility Ramp. A ramp or similar structure that provides wheelchair or similar access to a structure.

Accessory Dwelling Unit (ADU). An additional dwelling unit located on the same lot with and incidental to, a principal single-family dwelling. An accessory dwelling unit may be attached to the principal building or detached and must include separate cooking and sanitary facilities, with its own means of ingress and egress.

Accessory Structure. A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory Use. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Adaptive Reuse. The establishment of a new use within an existing building typically originally designed for a specific type of use.

Addition. A structure added to the original structure at some time after the completion of the original or an extension or increase in floor area or height of a building or structure. For the purposes of this section, "at some time after" is usually defined as after the certificate of occupancy has been issued for the original structure.

Adjoining. A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Adult Use. A business that sells or disseminates explicit sexual material, and at which access to the public display of explicit sexual material is restricted to persons 18 years of age or older. An adult bookstore, adult cabaret, or adult motion picture theater are considered adult uses and are defined as follows:

1. **Adult Retail.** A business which offers for sale or rent 15% or more of materials any of the following: publications, books, magazines, periodicals, photographs, films, motion pictures, video cassettes, DVD, or other video reproductions, or other visual representations that depict or describe specified sexual activities or specified anatomical areas, or instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
2. **Adult Arcade.** A business where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines are used to show films, motion pictures, video cassettes, DVD, slides, computer generated graphics, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
3. **Adult Cabaret.** A business that features dancers, go-go dancers, exotic dancers or similar entertainers, or live entertainment, in which persons regularly appear in a state of nudity, or where live performances are characterized by the exposure of specified anatomical areas or by specified sexual activities. Adult cabaret establishments specifically exclude minors, or minors are specifically prohibited by statute or ordinance, regardless of whether any such business is licensed to sell alcoholic beverages.
4. **Adult Motion Picture Theater.** A business used for presenting motion pictures that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.
5. **Adult Hotel/Motel.** A hotel or motel or similar business establishment that rents, leases or lets any room for less than a six-hour period, or rents, leases or lets any single room more than twice in a 24-hour period.

6. The following definitions describe the sexually oriented activities contained within the general definitions for the above adult uses:

a. Sexually Oriented Devices. Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed in whole or part for specified sexual activities.

b. Specified Anatomical Area. Less than completely and opaquely covered genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state, even if completely and opaquely covered.

c. Specified Sexual Activities. Any activity that includes human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; or fondling or erotic touching of human genitals, pubic regions, buttocks, or female breasts, even if completely and opaquely covered.

Aisle. The traveled way by which cars enter and depart parking spaces. Also called a travel aisle.

Alley. A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

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

Alternative Correctional Facility. A monitored housing facility for adults or minors that is required by the courts or otherwise available as an alternative to incarceration.

Amateur (ham) Radio Equipment. An amateur (ham) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

Amusement Facility - Indoor. A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, indoor sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, escape room/physical adventure game facilities, ax throwing, and pool halls. Indoor amusement facilities do not include live performance venues. An indoor amusement facility may include uses such as, but not limited to, concession stands, eating and drinking establishments, and retail sales as ancillary uses.

Amusement Facility – Outdoor. A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as outdoor sports stadiums, batting cages, and miniature golf courses. An outdoor amusement facility may include uses such as, but not limited to, concession stands, eating and drinking establishments, and retail sales as ancillary uses.

Ancillary. In regard to principal uses, a structure or use that provides support and is typically integral to a principal structure or use.

Animal Care Facility. An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming establishments, animal training centers and clubs, and pet boarding facilities, where animals are boarded during the day and/or for short-term stays.

Animal Shelter. A facility used to house or contain stray, homeless, abandoned, and/or unwanted animals.

Apiary. A structure for the keeping of honeybees.

Appurtenance. The visible, functional, or ornamental objects accessory to, and part of, buildings or structures.

Architectural Feature. A part or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

Art Gallery. An establishment that sells, loans and/or displays paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

Arts and Fitness Studio. An establishment where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga. An arts studio also includes private exercise studios for private sessions with trainers and/or private classes; health clubs are not an arts and fitness studio, but a personal service establishment.

Articulation. For structures, a change in the depth of the building plane, roofline, or height.

Awning. A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Balcony. A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

Banner. A temporary sign printed upon flexible material mounted with or without rigid frames on a building.

Bay Window. A window that projects outward from the structure, which does not rest on the building foundation or on the ground.

Bed and Breakfast. A single-family dwelling where a resident/owner provides lodging for a daily fee and prepares meals for guests. A bed and breakfast may include dining facilities for the guests.

Berm. An earthen mound designed to provide visual interest on a site, fully or partially screen undesirable views, reduce noise, or fulfill similar purposes.

Bike Facility. Improvements to accommodate bicyclists, including bike parking facilities, bike lanes, and facilities for bicyclists such as repair stations and shower facilities.

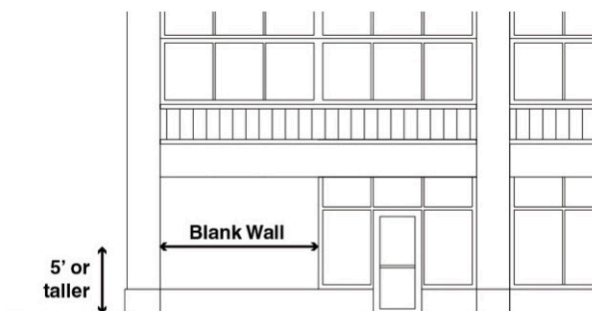
Bike Lane. A designated right-of-way for bicycles, separated from pedestrians and motor vehicles.

Bike Share. A service that provides bike rental to members, typically billable by time increments.

Bioswale. Constructed channels or depressions planted with native vegetation and designed to slow down and filter stormwater.

Blank Wall. The horizontal linear dimension of contiguous building wall that does not contain fenestration, doors, or decorative elements such as banding, medallions, artwork such as murals and mosaics, change in wall plane of at least three inches, or other architectural or material embellishment. Any wall less than five feet in height is not considered to be a blank wall.

BLANK WALL



Block. Defined in Section 2.4.

Blockface. Defined in Section 2.4.

Blue Roof. A roof designed to temporarily store water and slowly discharge rainfall.

Body Modification Establishment. An establishment that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

Broadcasting Facility – TV/Radio. A facility engaged in broadcasting and information relay services for radio and television signals, including studio facilities. A broadcasting facility may or may not include antennas to broadcast the signal.

Buffer. An area of dimensional separation between land uses, buildings, or structures, which is undeveloped, with installed screening and/or undisturbed and left in a natural condition.

Buffer Yard. An area of land within a property or site, generally adjacent to and parallel with a property line, to allow adequate screening of view and assist in minimizing noise and other potential impacts of the activity taking place within the property or site from an adjoining property, site, or the public right-of-way.

Build-To Line (BTL). Defined in Section 2.4.

Build-To Zone (BTZ). Defined in Section 2.4.

Build-To Percentage. Defined in Section 2.4.

Buildable Area. The portion of a lot, excluding required setbacks, where a structure or building improvements may be erected.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind and intended for use in one place.

Building Coverage. Defined in Section 2.4.

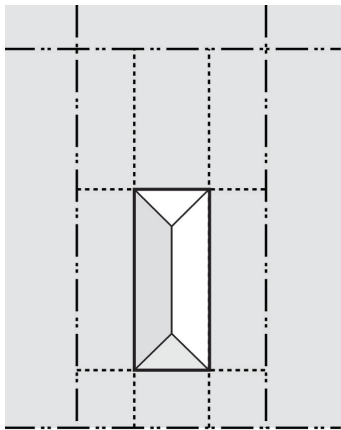
Building Envelope. The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk, by other regulations, and/or by any combination thereof.

Building Footprint. The area encompassed by a building's outer wall at ground level.

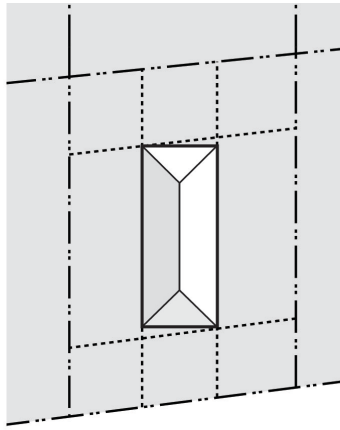
Building Height. Defined in Section 2.4.

Building Line. A line measured at the building wall of a structure between parallel lot lines. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops.

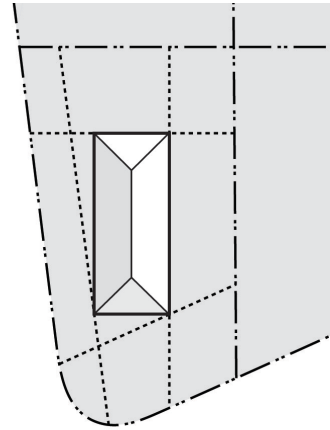
BUILDING LINE (PLAN VIEW)



----- Building Line

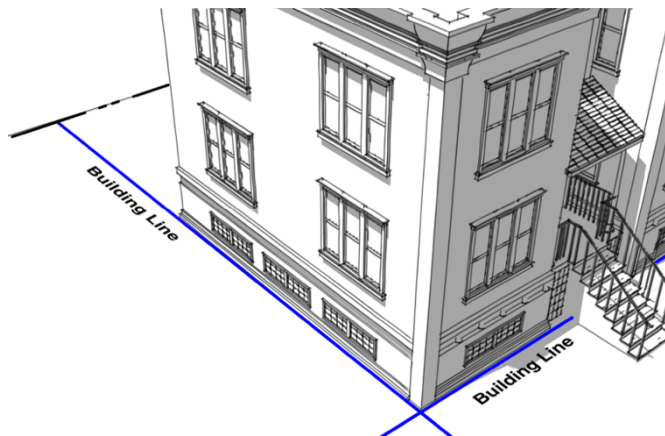
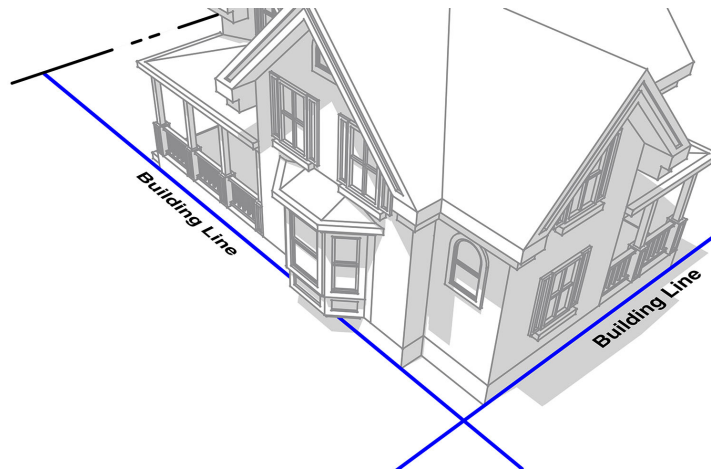


----- Building Line



----- Building Line

BUILDING LINE (3-D VIEW)



Building Permit. A permit issued by the duly designated building official authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of a building, structure, or portion thereof.

Cannabis: Class 1 through 6. The following terms are defined in terms of cannabis licensing per Chapter 146, Licensing, Article IX, Cannabis Businesses, of the City Code. In the case of conflict with the definitions in Chapter 146, Article IX, Chapter 146 will control. Additional terms within these definitions are defined in Chapter 146, Article IX.

- 1. Class 1 - Cannabis Cultivators.** A building, structure, or premises used for the cultivation or storage of cannabis. Includes the planting, propagating, cultivation, growing, harvesting, labeling or manufacturing, compounding and storing of cannabis for the limited purpose of this chapter. A cultivation center may be physically separate and off-site from the associated licensee's cannabis dispensary. When connected to, or part of, the same property by which an ATC (Alternative Treatment Center) dispenses from, it is considered part of the ATC or Dispensary.
- 2. Class 2 - Cannabis Manufacturers.** Facility involved with compounding, making, and processing of medical cannabis in all forms including those that involve food handling.
- 3. Class 3 - Cannabis Wholesalers.** Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.
- 4. Class 4 - Cannabis Distributors.** Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.
- 5. Class 5 - Cannabis Dispensaries.** A retail facility that acquires, possesses, sells, distributes, transmits, gives, dispenses, or otherwise provides cannabis to person 21 years and older. This category includes both medical and adult use establishments.
- 6. Class 6 - Cannabis Delivery.** Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

Cannabis: Academic Medical Center. An entity located in New Jersey that, on the effective date of P.L.2019, c. 153 (C.24:61-5.1 et al.), has an addiction medicine faculty practice or is in the same health care system as another facility located in New Jersey that offers outpatient medical detoxification services or inpatient treatment services for substance use disorder; has a pain management faculty practice or a facility-based pain management service located in New Jersey; has graduate medical training programs accredited, or pending accreditation, by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association in primary care and medical specialties; is the principal teaching affiliate of a medical school based in the State; and has the ability to conduct research related to medical cannabis. If the entity is part of a system of health care facilities, the entity shall not qualify as an academic medical center unless the health care system is principally located within the State. In the case of conflict with the definition in Chapter 146, Licensing, Article IX, Cannabis Businesses, of the City Code, Chapter 146 will control.

Cannabis: Vertically Integrated Cannabis Facility. The co-location or combination of the following activities related to the production of usable cannabis for qualifying patients within a single corporate entity: cultivation, manufacturing, and dispensing. New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (NJCREAMMA) does not permit vertically integrated cannabis facilities with regard to adult use cannabis. In the case of conflict with the definition in Chapter 146, Licensing, Article IX, Cannabis Businesses, of the City Code, Chapter 146 will control.

Canopy. A canopy is a roof-like cover designed for protection from the weather or as a decorative embellishment affixed to a building or freestanding, with supports that extend to the ground.

Car Wash. An establishment for the washing and cleaning of vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or similar configurations.

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

Cemetery. Land and structures reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the interment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment. Cemeteries may also include crematoriums and embalming facilities.

Changeable Message Board. A sign designed where a portion of the sign area allows for a message to be changed manually. A changeable message board sign does not include electronic message signs or portable reader-board sign.

Charging Level. The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a 15 to 20 amp breaker on a 120 volt AC circuit or other comparable industry standard.
2. Level 2 operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit or other comparable industry standard.
3. Direct-current fast charger (DCFC) operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment or other comparable industry standard. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Children's Home. An institutional residential facility that provides housing for and care to minors who are wards of the state, whose parents or guardians are deceased or otherwise unable or unwilling to care for them. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

Chimney. A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

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

Co-Location. Placement of equipment from more than one service or service provider on a single tower or site.

Commercial Kitchen (Standalone). A certified shared commercial kitchen in which individuals or businesses prepare value-added food products and meals, usually paying an hourly or daily rate to lease a space shared by others.

Commercial Use. Activity involving the sale of goods or services carried out for profit.

Community Center. A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities. A community center may serve as a local "food hub" where regionally grown food, including value added food, can be grown and/or brought for distribution and sale.

Community Garden. Fruits, flowers, vegetables, or ornamental plants cultivated by a group of people rather than a single individual or single household.

Community Residence. Community residence for persons with developmental disabilities means any community residential facility licensed pursuant to P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter, and personal guidance, under such supervision as required, to not more than 15 persons with developmental disabilities or with mental illnesses, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.). In the case of such a community residence housing persons with mental illness, the residence shall have been approved for a purchase of service contract or an

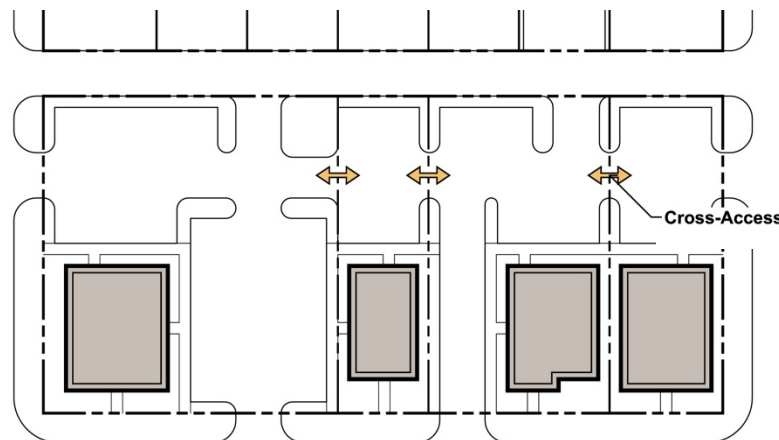
affiliation agreement pursuant to procedures as shall be established by regulation of the Division of Mental Health and Addiction Services in the Department of Human Services. As used in P.L.1978, c.159 (C.40:55D-66.1 et seq.), “person with a developmental disability” means a person with a developmental disability as defined in section 2 of P.L.1977, c.448 (C.30:11B-2), and “person with a mental illness” means a person with a mental illness as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

Complete Streets. A transportation network aims to improve the safety, connectivity, and accessibility for pedestrians, bicyclists, motorists, and transit users in our neighborhoods. Complete Streets incorporate the needs of all modes of transportation and, as a result, improves the safety, health, economy, and environment of a community.

Conservation Area. Designated open space that preserves and protects natural features, wildlife, and critical environmental features, as well as undeveloped sites of historical or cultural significance. A conservation area may include opportunities for passive recreation, such as hiking trails and lookout structures, and environmental education.

Cross-Access. A vehicular and/or pedestrian connection between abutting properties that connects the two sites and allows vehicles and/or pedestrians to travel between sites without the having to exit to the street.

CROSS-ACCESS



Cultural Facility. A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include uses such as, but not limited to, retail sales of related items, performance spaces and auditoriums, and eating and drinking establishments as ancillary uses.

Day Care Center. A facility where, for a portion of a 24-hour day, care and supervision is provided for minors, the elderly, and/or functionally-impaired adults in a protective setting.

Day Care Home. A residential dwelling where a permanent occupant of the dwelling provides care for minors, the elderly, and/or functionally-impaired adults from outside households in a protective setting for less than 24 hours per day. A day care home does not include facilities that only receive children from a single household.

Deck. A roofless outdoor platform built as an above ground platform that projects from the wall of a structure or is freestanding, and connected by structural supports at grade or by the structure.

Deck, Roof. A roofless outdoor platform located on or above the finished roof material of a building, accessed from below the roof, and designed to function as an outdoor patio.

Density. The number of dwelling units per acre.

Donation Box. An unmanned receptacle designed with a door, slot, or similar opening intended to accept and store donated clothes and household items.

Drive-Through Facility. That portion of a business where business is transacted directly with customers via a service window that allows customers to remain in their vehicle.

Driveway. A private roadway providing access to a street or highway.

Dry Cleaner. An establishment that cleans clothes and other textiles using a solvent other than water.

Drug Treatment Clinic. A licensed facility authorized by the state to administer drugs, such as methadone or suboxone, in the treatment, maintenance, or detoxification of persons.

Dwelling. A structure, or portion thereof, designed exclusively for human habitation.

Dwelling – Above the Ground Floor. Dwelling units located above ground-floor nonresidential uses or located behind ground-floor nonresidential uses. In the case of dwelling units located behind ground-floor nonresidential uses, the residential uses cannot be located along the primary street frontage.

Dwelling - Multi-Family. A structure containing three or more dwelling units within a single building where the units are accessed by one or more common entryways. However, ground floor units may be accessed by individual entry ways.

Dwelling - Rowhouse. Three or more attached dwellings where each rowhouse building in the larger structure is attached to another rowhouse building by a vertical party wall and designed so that each rowhouse building in the development has a separate exterior entrance. A rowhouse dwelling may consist of a series of attached dwellings with one dwelling unit in each rowhouse building, or where one or more of the rowhouse buildings in the overall rowhouse development contains two or more dwelling units within an individual rowhouse building when permitted by the district.

Dwelling - Single-Family. A structure containing one dwelling unit located on a single lot. Also called single-family - detached.

Dwelling - Single-Family Attached. A structure containing one single-family dwelling attached at an interior side lot line by a vertical party wall to another single-family dwelling. Each single-family dwelling is located on a separate lot. A single-family attached dwelling does not include a rowhouse or two-family dwelling.

Dwelling - Two-Family. A structure containing two dwelling units on one lot.

Dwelling Unit. One or more habitable rooms which are occupied, or which are intended or designed to be occupied as a residence by one household, with facilities for living, sleeping, sanitation, and cooking.

Easement. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Eating and Drinking Establishment. An establishment where food and/or drinks are prepared and provided to the public for on-premises consumption by seated patrons, carry-out, and/or delivery service. Restaurants and bars are considered eating and drinking establishments.

Eave. The projecting lower edges of a roof overhanging the wall of a structure.

Educational Facility - College/University. A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities – university or college include ancillary uses such as dormitories, cafeterias, eating and drinking establishments, retail sales, indoor or outdoor recreational facilities, and similar uses.

Educational Facility - Primary or Secondary. A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels. A pre-school may also be included as part of a primary school.

Educational Facility - Vocational. A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility - vocational also applies to privately operated schools that do not offer a complete educational curriculum. This does not include primary or secondary educational facilities.

Egress. A place or means of exiting a property.

Electronic Message Sign. A sign designed where a portion of the sign area uses changing light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the electronic display panel(s) to form a message or messages in text and/or image from where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs are not considered electronic message signs. Flashing signs, animated signs, and video display signs are not considered electronic message signs.

Electric Vehicle. Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE). The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. EVSE may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. EVSE is synonymous with “electric vehicle charging station.”

Encroachment. The extension or placement of any structure, or a component of such, into a required setback or right-of-way.

Enlargement. An increase in the size of an existing structure or use, including the physical size of the property, building, parking, and other improvements.

Endwall. The wall of the end unit of a townhouse development that is not attached to another dwelling unit or party wall.

Erect. To build, construct, attach, hang, place, suspend, or affix.

Existing Use. The use of a property at the time that an application for development or redevelopment is made.

Extension (Structure). An increase in the amount of existing floor area beyond the exterior wall, or an increase in the dimension of a structure.

Extension (Application). Extending the length of time an approving authority can act on an application for development, or the period of time for which a permit remains valid.

External Illumination. Illumination by an artificial source of light not internal to the sign face.

Exterior Lighting. The illumination of an outside area or object by any man-made device that produces light by any means.

Exterior Wall. Any wall that defines the exterior boundaries of a building or structure.

Exterior Stairwell. One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another in a structure located on the exterior of a principal building.

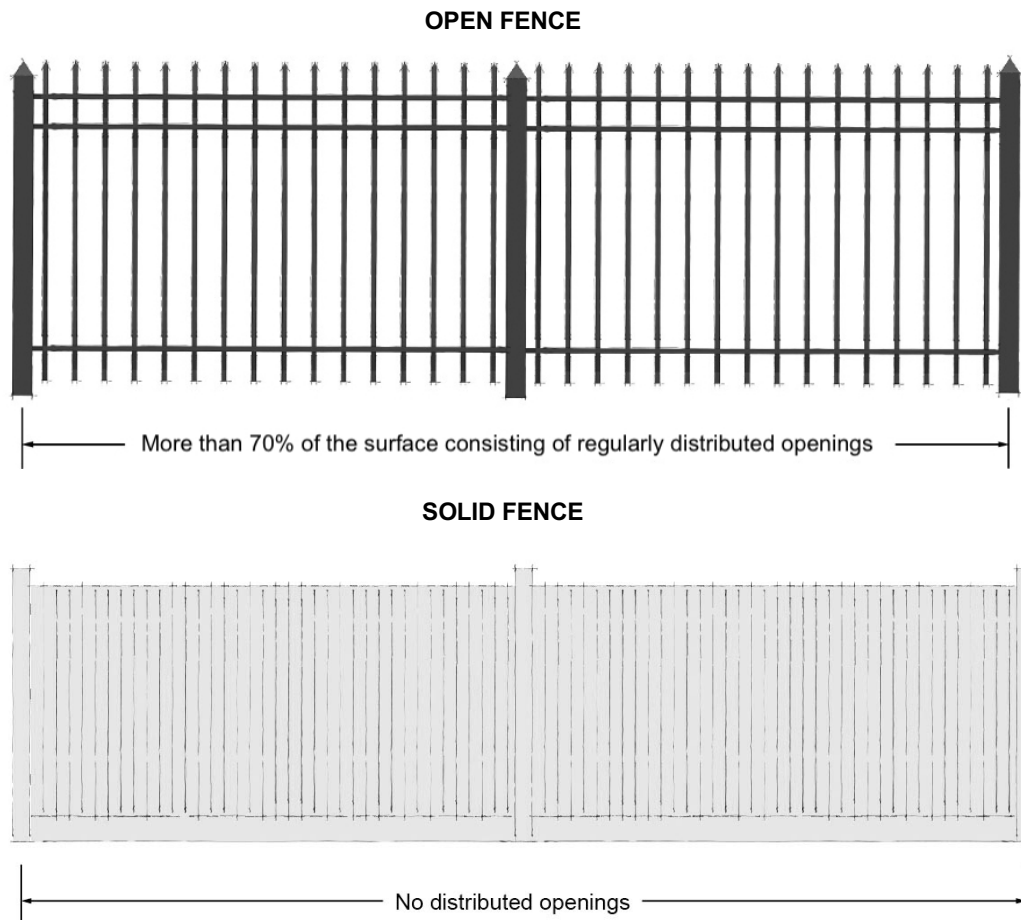
Façade. An exterior building wall, from grade to the top of the parapet or eaves. A façade incorporates the full width of a building elevation, including any projections or recesses occurring across an elevation. The primary building façade or front façade is the principal elevation of a building and contains the building's main entrance, the rear facade is the building's rear exterior wall, and the side facades are a building's side exterior walls.

Farmers Market. Temporary use of structures and/or land for the sale of a variety of fresh fruits, flowers, vegetables, or ornamental plants, and other locally produced farm and food products, including value-added products, directly to consumers from farmers or vendors that have taken such items on consignment for retail sale.

Feather Flag/Sail. A freestanding attention-getting device, vertical in orientation, typically constructed of cloth held taut by a single post.

Fence. An artificially constructed barrier of any permitted material or combination of materials erected to enclose, screen, or separate areas.

1. **Fence - Open.** A fence that has, over its entirety, more than 70% of the superficial surface consisting of regularly distributed openings.
2. **Fence - Solid.** A fence that has, over its entirety, no distributed openings. A shadowbox design fence is considered a solid fence. A chain link fence with slats is not considered a solid fence.



Fenestration. Windows and other openings on building facade.

Financial Institution. A bank, savings and loan, credit union, or mortgage office. Financial institution also includes check cashing establishments and currency exchanges.

Financial Institution, Alternative (AFS). A financial service provided outside a traditional banking institution. An alternative financial institution includes pawn shops, payday loans, tax refund anticipation loans, car title loans, and cash for gold establishments.

Finished Elevation. The proposed elevation of the land surface of a site after completion of all site preparation work.

Flag. Flags of any nation, state, municipality, or political subdivision, flags officially designated as a national, state, or local symbol, or flags of fraternal, religious, and civic organizations. Pennants and sails are not considered flags

Floodlight. A powerful light, typically in a grouping of several lights, used to illuminate the exterior of a building, site, or sign.

Food Bank. A non-profit or governmental organization that collects and distributes food to hunger relief organizations. Food is not distributed to the public or individuals from a food bank.

Food Pantry. A non-profit or governmental organization that provides food directly to those in need. Food pantries receive, buy, store, and distribute food. Food pantries may also prepare meals to be served at no cost to those who receive them. A food pantry may be an ancillary use of a place of worship, social service center, and/or homeless shelter.

Food Truck/Trailer. A motor vehicle, or a trailer towed by another vehicle, designed and equipped to prepare and sell food and/or beverages directly to consumers. It does not include wholesale food distributors. The vendor physically reports to and operates from an off-site commercial kitchen for servicing, restocking, and maintenance each operating day.

Food Truck Park. The use of land designed to accommodate food truck vendors offering food and/or beverages for sale to the public as the primary use of the property, which may include seating areas for customers.

Foot-Candle. A unit of measure of illuminance equal to one lumen of light spread over an area of one square foot.

Freight Terminal. A processing node for freight, such as a trucking terminal.

Frontage. The boundary line of a lot between a building and the right-of-way or the pavement of a sidewalk.

Funeral Home. An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

Garage. An accessory building or portion of a principal building used for the storage of motor vehicles of the occupants of the premises.

Gas Station. An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include ancillary retail uses, and solar and/or electric charging stations.

Gazebo. A freestanding outdoor accessory structure designed for recreational use and not for habitation.

Generic Legal Item Exchange Box. An outdoor accessory structure maintained by a property owner on private property where legal items such as books, recorded performing arts and media, puzzles, games, and the like, are kept for public and/or exchanges with no fees, sales, or other compensation and are publicly accessible.

Glare. The effect produced by light from a luminaire with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Golf Course/Driving Range. A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, snack-bar, and pro-shop as ancillary uses. A driving range may be designed as a standalone facility or included as part of a golf course, which is defined as a tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls.

Grading. Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Green Roof. A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

Green Space. An area of open space consisting of grass, trees, or other vegetation, which may include areas of designed hardscape, set apart for recreational or aesthetic purposes in an urban environment.

Greenhouse (Accessory). A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants.

Gross Floor Area (GFA). Defined in Section 2.4.

Halfway House. A residential facility for persons who have been institutionalized for criminal conduct and who either require a group setting to facilitate the transition to society, or have been ordered to such facilities by the court as a condition of parole or probation.

Hardscape. Nonliving components of a landscape design, such as walls, sculpture, paved walkways, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

Heavy Retail, Rental, and Service. Retail, rental, and/or service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service or storage areas and/or partially enclosed structures. Examples of heavy retail, rental, and service establishments include large-scale home improvement centers with outdoor storage, display, and rental components, lumberyards, recreational vehicle dealerships, boat sales, rental, and service, truck rental establishments, and sales, rental, and repair of heavy equipment. Wholesale establishments that sell to the general public, including those establishments where membership is required, are considered heavy retail, rental, and service establishments.

Hedge. A row of shrubs or small trees planted close together, especially when demarcating a boundary or forming a barrier.

Heliport. Land, water, and/or structures used for the landing and take-off of helicopters, and having service facilities for such aircraft or providing for permanent basing of such aircraft. For the purposes of this definition, heliport includes helipads and helipads, which are landing areas or platforms for helicopters without auxiliary facilities.

Home Occupation. Any commercial activity carried out for economic gain by a resident, conducted as an accessory use in the resident's dwelling unit. Work arrangements where residents perform their job duties and tasks from home via computers, the internet, and telecommunications to connect with their employers, colleagues, and clients is not considered a home occupation and is considered part of the residential use.

Hospital. Facilities for primary health services and medical or surgical care to people, primarily in-patient, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, dormitories, or educational facilities, and ancillary uses such as, but not limited to, cafeterias, eating and drinking establishments, retail sales, and similar uses.

Hotel. A commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related ancillary uses include, but are not limited to, meeting facilities, eating and drinking establishments, and recreational facilities for the use of guests.

Impervious Surface Coverage. Defined in Section 2.4.

Impound Lot. A facility that provides temporary outdoor storage for vehicles that are to be claimed by titleholders or their agents. An impound lot is typically used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop. Impound lot does not include impound facilities owned and used by governmental authorities.

Incidental. Subordinate and minor in significance and bearing a reasonable relationship to the primary use.

Industrial - Artisan. Artisan-related crafts and industrial processes that are more intensive uses, such as small-scale metalworking, glassblowing, furniture making, and small-scale food production that includes preparation, processing, canning, or packaging of food products. Micro-production of alcohol and specialty food production are regulated separately from artisan industrial. An artisan industrial use may also include sales of products created on-site.

Industrial - General. The manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance, and incidental storage, sales, and distribution of such products. General industrial uses may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users. These industrial uses typically have outdoor storage areas.

Industrial - Light. Research and development activities, and the manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance, where such activities are conducted wholly within an enclosed building and generally do not produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users. A light industrial use may also include a showroom, sales of products related to the items manufactured or stored on-site, and/or ancillary outdoor storage.

Industrial Design. An establishment for the research, design, and brand development of products for future production. Industrial design integrates the creative fields of art, science, and/or engineering to determine and define a product's form and features in advance of the physical act of making a product. An industrial design establishment may create prototypes, but may not mass manufacture products from the premises.

Infrastructure. Facilities and services needed to sustain land use activities.

Ingress. A place or means of gaining access or entry into a property.

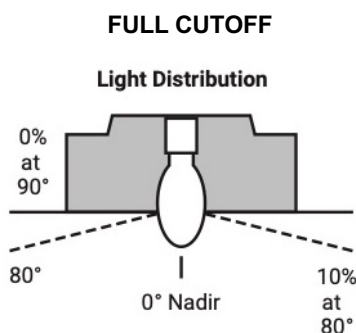
Intensity of Use. Square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring off-street parking or loading facilities.

Light Pole. Pole on which a luminaire is mounted.

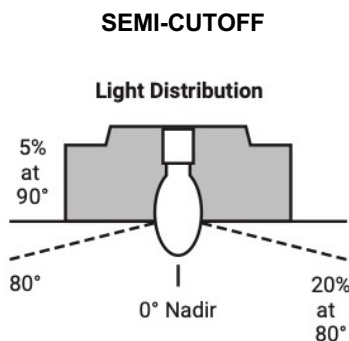
Light Pole Banner. Banners mounted on and with arms installed perpendicular to light poles.

Light Trespass. The shining of light produced by a luminaire (light fixture) beyond the boundaries of the property on which it is located.

Lighting, Full Cutoff. A light distribution where the candela value is zero at or above horizontal (90° above nadir) and does not exceed 10% at or above a vertical angle of 80° above nadir.



Lighting, Semi-Cutoff. A light distribution where the candela value does not exceed 5% of the maximum intensity at or above horizontal (90° above nadir) and 20% at or above a vertical angle of 80° above nadir.



Live Entertainment - Secondary Use. A live performance, performed live by one or more persons including, but not limited to, musical acts, including disc jockeys (DJs), theatrical plays, performance art, stand-up comedy, and magic, included as part of the operation of an eating and drinking establishment, amusement facility, or similar use. As a secondary use, the other principal use operating on the site is open to public during hours when no performance is scheduled. Live entertainment - secondary use is approved separately as a principal use. Live entertainment - secondary use does not include:

1. Any adult use.
2. Live performance venue.
3. Periodic performances or entertainment at educational facilities, places of worship, cultural facilities, reception facilities, and performances at weddings and similar events.
4. Incidental entertainment, which is defined as background music provided at an eating and drinking establishment.

Live Performance Venue. A facility for the presentation of live entertainment, including musical acts, including disc jockeys (DJs), theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance or may be purchased at the venue on the day of the performance. A live performance venue is only open to the public when a live performance is scheduled. A live performance venue may include classroom space utilized during hours it is not open to the public for a performance as well as box office ticket sales during the day. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. A live performance venue does not include any adult use.

Live/Work. A structure that combines a dwelling unit with arts-related activities, such as painting, photography, sculpture, music, and film, principally used by one or more of the residents. If the use is allowed in the district, the dwelling may be combined with an arts studio, artisan industrial, industrial design, or a live performance venue that is principally used by one or more of the residents. Any area used for commercial space in a live/work space cannot be converted to residential living space if the commercial component is no longer operating.

Lodge/Meeting Hall. A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

Lot. Defined in Section 2.4.

Lot Area. Defined in Section 2.4.

Lot, Corner. Defined in Section 2.4.

Lot Depth. Defined in Section 2.4.

Lot, Interior. Defined in Section 2.4.

Lot of Record. A lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.

Lot Line. Defined in Section 2.4.

Lot Line, Corner. Defined in Section 2.4.

Lot Line, Front. Defined in Section 2.4.

Lot Line, Interior. Defined in Section 2.4.

Lot Line, Rear. Defined in Section 2.4.

Lot Line, Street. Defined in Section 2.4.

Lot, Through. Defined in Section 2.4.

Lot Width. Defined in Section 2.4.

Lumen. A unit of measure of the quantity of light that falls on an area of one square foot, every point of which is one foot from the source of one candela.

Luminaire. A complete lighting unit consisting of a light source, pole, and all mounting brackets, if appropriate, and all necessary mechanical, electrical, and decorative parts.

Make-Ready Parking Space. Pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. Make-Ready is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1 et al.).

Master Plan. The document adopted by the Planning Board containing guidelines for the general development of the City, which indicates the general location for physical growth of the community, together with any and all amendments thereto.

Marquee. A permanent roof-like structure constructed of permanent building materials that extends from the wall of a structure with no supports extending to the ground providing protection from the elements.

Medical/Dental Office/Clinic. A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

Micro-Production of Alcohol. A facility for the production and packaging of alcoholic beverages, such as beer, wine, spirits, cider, and mead. Micro-production of alcohol facilities must include a tasting room for on-premise consumption and may also include retail areas for the purchase of beverages manufactured on-site and related items.

Mitigation/Mitigate. Methods used to alleviate or lessen the impact of development.

Mixed-Use. A building that contains both non-residential and residential uses.

Mixed-Use Development. The development of a tract of land or building with a variety of complementary and integrated uses permitted in the district, such as, but not limited to, residential, office, commercial, industrial, public, and recreation, in a compact urban form.

Movie Studio. Facilities for the production of motion pictures and film, including stages, exterior sets, film laboratories, sound recording facilities, construction, repair and storage facilities, caretaker and temporary housing, related commercial vehicles, and accessory fabrication activities.

Multi-Tenant Retail Center. A group of two or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers/malls and strip centers.

Needle Exchange Service. A facility providing a social service that allows injecting drug users (IDUs) to obtain hypodermic needles and associated paraphernalia at little or no cost.

Neighborhood Commercial Establishment. A commercial use within a residential neighborhood that is nonresidential in its original construction and/or use. The structure containing a neighborhood commercial establishment may also contain dwelling units.

Nightclub. An establishment that provides entertainment of a participatory nature, including disc jockeys (DJs), by providing a place for dancing designed with an area designated as a dance floor, including any stage area; however portions of the floor area may be set up for alcohol service, including a bar counter, with or without stools, and other seating areas.

Noncommercial Message. The expression of noncommercial ideas and messages. A noncommercial message does not promote a business, product, service, commercial entertainment, or other commercial activity offered on or off the premises.

Nonconforming Lot. A lawful lot of record that at one time conformed to the lot dimension requirements of the zoning district in which it is located, but because of this Ordinance, or a subsequent amendment to this Ordinance, does not meet current requirements.

Nonconforming Sign. A lawful sign that at one time conformed to applicable zoning regulations, but because of this Ordinance, or a subsequent amendment to this Ordinance, does not meet current requirements.

Nonconforming Site Element. A lawful site development element, such as landscape or lighting, that was constructed or installed in conformance with the applicable zoning regulations, but because of this Ordinance, or a subsequent amendment to this Ordinance, does not meet current requirements.

Nonconforming Structure. A lawful principal or accessory structure that at one time conformed to applicable zoning regulations, but because of this Ordinance, or a subsequent amendment to this Ordinance, does not meet current requirements.

Nonconforming Use. The lawful use of a structure or land that at one time was an allowed use within a zoning district, but because of this Ordinance, or a subsequent amendment to this Ordinance, is no longer allowed.

Nonresidential Districts. Zoning districts that allow a variety of nonresidential uses such as retail, restaurant, service, and office, where such types of uses are the primary uses allowed, or where a wide range of commercial uses are allowed with residential uses to create mixed-use development.

Nonresidential Use. A structure or land used or intended to be used for non-residential uses, which includes, but is not limited to, retail, office, entertainment, recreation, public, institutional, and other nonresidential uses. Structures with multi-family dwellings above ground floor nonresidential uses are considered mixed-use development and considered a nonresidential use for the purposes of this Ordinance.

Nits. A luminance unit equal to one candle per square meter measured perpendicular to the rays from the source

Off-Premise Sign – Permanent. A permanent sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located.

Off-Premise Sign – Temporary. A temporary sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. This includes any ground-mounted, building-mounted, or sign painted, pasted, or otherwise affixed to any tree, rock, fence, utility pole, hydrant, bridge, sidewalk, parkway, curb or street, bench, or trash receptacle that directs attention off-premises.

Off-Street Parking. The storage space for an automobile on premises other than streets or rights-of-way.

Office. An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institutions or industrial design.

Ordinary High Water Line. The line to which the water rises in the seasons of ordinary high water or the line at which the presence of water is continued for such length of time as to mark upon the soil and vegetation a distinct character.

Outdoor Dining. A seating area that is located outdoors and typically contiguous to an eating and drinking establishment, typically in addition to an indoor seating area. Outdoor dining areas may be roofed or covered with an awning.

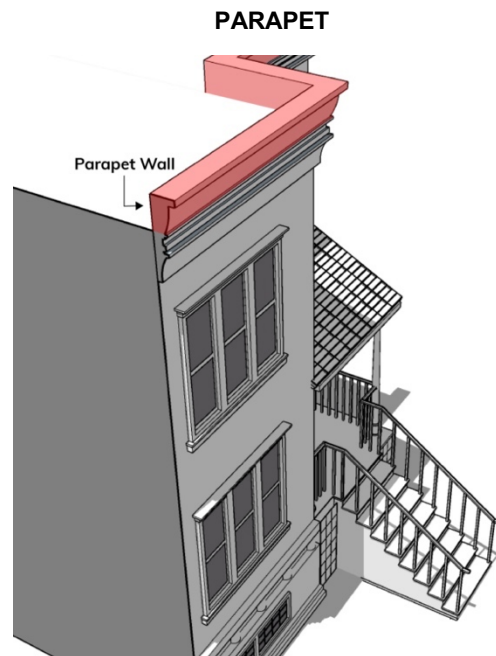
Outdoor Display and Sales Area. Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

Outdoor Storage Yard. The storage of material outdoors as a principal use of land for more than 24 hours.

Outlot. An area of land set aside within a retail center for a separate principal building that shares a circulation system and may share common parking with the larger retail center development but is separated from the principal building or buildings, typically located along the property line.

Owner. An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land, such as the owner of the title or a mortgage whose interest is shown of record in the mortgage and conveyance records, a person shown as owner in the records of the tax assessor of the county in which the property is situated, or the agent of any such person and those in possession of a dwelling, dwelling unit, or premises.

Parapet. The extension of a false front or wall above a roofline.



Park. A facility that serves the recreational needs of residents and visitors. Park includes, but is not limited to, playgrounds, ballfields, athletic fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Park/playground may also include non-commercial indoor recreation facilities, and amphitheaters, as well as ancillary uses such as, but not limited to, eating and drinking establishments and retail establishments, and temporary outdoor uses such as festivals and performances.

Parking Facility. A parking lot and/or parking structure. Parking facility does not include parking spaces and parking pads for individual dwelling units for single-family, two-family, or rowhouse dwellings.

Parking Lot. An open, hard-surfaced area, excluding a street or public way, used for the storage of operable vehicles, whether for compensation or at no charge.

Parking Structure. A structure used for the parking or storage of operable vehicles, whether for compensation or at no charge.

Party Wall. A common wall from the foundation and extending continuously through all stories to or above the roof that separates one building from another, but in joint use by each building.

Passenger Terminal. A facility for the assembly and dispersal of travelling passengers.

Patio. A hard surface designed and intended for recreational use by people and not used as a parking space.

Pedestrian Facilities. Sidewalks, shared use paths, and similar facilities intended for pedestrian mobility.

Pergola. An open structure, which may be either freestanding or attached to a structure, that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice. It may also be used as an extension of a building entryway.

Personal Service Establishment. An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, nail salons, laundromats, health clubs, tailors and the like.

Pervious Paving. A range of sustainable materials and techniques for permeable paving that allow the movement of water through the surface. Gravel and loose rock are not considered pervious paving.

Place of Worship. A facility where persons regularly assemble for religious purposes and related social events and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary uses such as day care facilities, meeting rooms, auditoriums, and/or classrooms for weekly religious instruction.

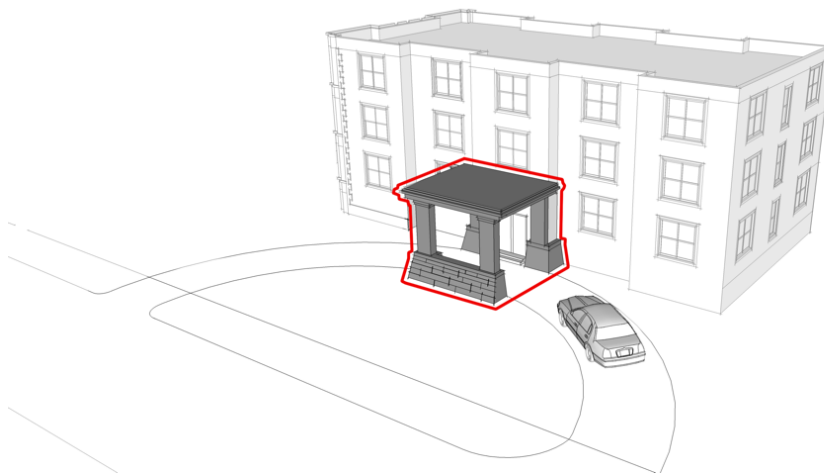
Porch. An architectural feature that projects from the exterior wall of a structure, has direct access to the street level of the building, and is covered by a roof or eaves.

Porch – Unenclosed. A porch that is open on all sides, with the exception of the side attached to the principal building.

Porch – Enclosed. A porch enclosed by walls, screens, lattice or other material. A screened-in porch is an enclosed porch.

Porte Cochere. A permanent structure built over a driveway or entry drive that provides temporary shelter to persons exiting a vehicle, but not serving as the only covered or enclosed vehicle shelter on-site.

PORTE COCHERE



Principal Building. A non-accessory structure in which a principal use of the lot on which it is located is conducted.

Principal Use. The main use of land or structures as distinguished from an accessory use.

Private EVSE. EVSE that has restricted access to specific users (e.g., single- and two-family homes, executive parking fleet parking with no access to the general public).

Private Recreation Club. An establishment, owned or operated by a corporation, association, or group of private individuals, open to members, their families, and invited guests organized and operated for social and recreation purposes, and which may include recreation facilities, both indoor and outdoor, restaurants and bars, meeting rooms, and/or similar uses.

Private Social Club. An establishment, owned or operated by a corporation, association, or group of private individuals, open to members, their families, and invited guests organized and operated for pursuit of a common interest, occupation, or activity, and which may include restaurants and bars, meeting rooms, and/or similar uses.

Public Art. Art in any media that has been planned and executed with the intention of being staged in the physical public domain, usually outdoors and accessible to all.

Public Safety Facility. A facility operated by and for the use of public safety agencies, such as the fire department, emergency medical services, and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety facilities include shelter and training facilities for canine and equine units of public safety agencies.

Public Utility. A regulated private enterprise with an exclusive franchise for providing a public service deemed necessary for the public health, safety and welfare.

Public Works Facility. A facility operated by the municipal public works departments to provide municipal services, including dispatch, storage, and maintenance of municipal vehicles.

Public Utility Facilities. Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

Publicly-Accessible EVSE. EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

Real Estate Project Sales Office/Model Unit. A residential unit or units within a development that is temporarily used for display purposes as an example of dwelling units available for sale or rental in a residential development and/or sales or rental offices for dwellings within the development.

Reception Facility. A facility where the primary function is to provide hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as an eating and drinking establishment with regular hours of operation. A restaurant may have rooms reserved for such events but is not considered a reception facility.

Recreational Vehicle. Any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle including, but not limited to, the following: boat/watercraft, camper trailer, motorized trailer, off-road vehicle, racing car or cycle, travel trailer, and truck camper.

Recycling Center. Any space, whether inside or outside a building, used for any Class A or Class B recycling facility regulated by the State of New Jersey and/or the County of Mercer.

Refuse Container. An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.

Recycling Containers. A container for the collection of recyclables.

Research and Development. A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. A research and development establishment may create prototypes of products but may not manufacture products for direct sale and distribution from the premises.

Residential Care Facility. A licensed care facility that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities.

Residential Districts. Zoning districts where the primary permitted use is residential. Residential districts, within the use structure, may allow very limited compatible nonresidential uses, such as places of worship.

Residential Drug/Alcohol Treatment Facility. A licensed care facility that provides 24-hour medical, non-medical, and/or therapeutic care of persons seeking rehabilitation from a drug and/or alcohol addiction. Such facilities include medical detoxification.

Residential Use. A structure designed and used or intended to be used for residential occupancy by one or more households, such as single-family, two-family, townhouse, and multi-family dwellings. Multi-family dwellings with ground floor nonresidential uses are considered mixed-use development, and are considered a nonresidential use for the purposes of this Ordinance.

Resubdivision. The division of lots or parcels of previously subdivided land.

Retail Goods Establishment. An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Retail goods establishments do not include larger-scale commercial character, a wholesale establishment that sells to the general public with a membership, or those that require permanent outdoor service and/or storage areas, and/or partially enclosed structures.

Retail Sales of Alcohol. Retail sales of alcoholic beverages in factory original containers for consumption off-premises.

Right-of-Way. A strip of land dedicated for use as a public way. In addition to the roadway, it typically incorporates the curbs, tree lawn, sidewalks, and shoulders.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

Rooming House. A single-family dwelling where a room is made available to tenants for compensation, and a common kitchen and common areas are shared between tenants.

Salvage Yard/Junkyard. A facility used for the abandonment, sale, storage, collection, or baling of scrap metal, other scrap or discarded materials, waste tire processing or collection area, and/or abandoned vehicles or machinery, or parts thereof.

Satellite Dish Antenna. A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

Searchlight. An attention-getting device where an artificial light of high intensity is shined upward in a focused beam and can turn in any direction to attract attention to a location. Also known as sky-beams or sky spotlights.

Self-Storage Facility - Enclosed. A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

Self-Storage Facility - Outdoor. A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

Setback. Defined in Section 2.4.

Setback, Corner Side. Defined in Section 2.4.

Setback, Front. Defined in Section 2.4.

Setback, Interior Side. Defined in Section 2.4.

Setback, Parking. Defined in Section 2.4.

Setback, Rear. Defined in Section 2.4.

Setback, Street. Defined in Section 2.4

Shared Use Path. A path that supports multiple recreation and transportation opportunities, such as walking, bicycling, and wheelchairs.

Shed. An accessory structure, often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment.

Shelter, Domestic Violence. A licensed facility that provides temporary shelter, protection, and support for those escaping domestic violence and intimate partner violence, including victims of human trafficking. A domestic violence shelter also accommodates the minor children of such individuals. The facility may also offer a variety of services to help individuals and their children including counseling and legal guidance.

Shelter, Homeless. A licensed facility that provides shelter to the homeless population in general.

Sign. A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right of way.

Sign, A-Frame. A temporary sign ordinarily in the shape of the letter “A” or some variation thereof, which is displayed on the ground, not permanently attached to the ground, and usually two-sided, generally connected at the top and separated at the bottom.

Sign, Animated. A sign that uses moving or changing lights to depict action, movement, or the optical illusion of movement of part of the sign structure, sign, or pictorial segment, or including the movement of any illumination or the flashing or varying of light intensity to create a special effect or scene. Animated signs do not include electronic message signs.

Sign, Awning. An awning is a roof-like cover designed for protection from the weather or as a decorative embellishment, which projects from a wall or roof of a structure over a window, walkway, or door, with no supports that extend to the ground. An awning sign is a sign printed or displayed upon an awning.

Sign, Balloon. A sign or advertising device designed to be airborne or inflated and tethered to the ground or other structure. This includes any air-inflated signs and any signs that inflate and move via air inflation.

Sign, Band. A continuous horizontal band located on a facade typically above the ground floor and below the second story sills.

Sign, Blade. A sign that is attached to a rigid structure that extends more than 12 inches beyond the surface of the structure to which it is attached.

Sign, Canopy. A canopy sign is a sign printed, mounted, or installed upon a canopy. A sign canopy may be one of two types:

1. **Canopy - Non-Structural.** A roofed structure attached to a building, which is not integral to the structure, that is made of durable, weather-resistant material such as canvas, canvas-like material, nylon, or vinyl-coated fabric, placed to extend outward from the building and supported both by mountings on the structure wall and by supports that extend to the ground.
2. **Canopy - Structural.** A roofed structure constructed of permanent building materials, such as metal, brick, stone, wood or similar building materials, that is constructed as part of and attached to a building, and extends outward from the building and supported both by the structure and by supports that extend to the ground.

Sign, Drive-Through. A sign constructed as part of drive-through facilities.

Sign, Flashing. A sign with an intermittent or sequential flashing light source used primarily to attract attention. Flashing signs do not include electronic message signs.

Sign, Freestanding. A sign that is placed on or supported by the ground, independent of the principal structure on the lot.

Sign, Gateway. A sign that is installed over a pedestrian entryway and supported by the ground, independent of the principal structure on the lot, designed as an entryway feature to the property.

Sign, Moving. A sign where the entire sign structure or a portion of which rotates, moves, elevates, or in any way alters position or geometry. A tri-vision sign where triangular prisms rotate inside a frame to show a new message and/or information are considered moving signs. Moving signs do not include clocks or barber poles.

Sign, Portable. A sign whose principal supporting structure is intended, by design and construction, to rest upon the ground for support and may be easily moved or relocated for reuse. Portable signs include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or with wheels removed. Portable signs do not include A-frame signs.

Sign, Roof. A sign that is erected, constructed, or maintained on and/or extending above the roof structure or parapet of any building with the principal support attached to the roof structure.

Sign, Wall - Standard. A sign that is attached directly to an exterior wall of a building or dependent upon a building for support and projects 18 inches or less from the wall of a structure with the exposed face of the sign in a plane substantially parallel to the face of the wall. Window signs are not considered wall signs.

Sign, Wall - Painted. A sign that is painted, applied, or affixed directly on the exterior wall of a building or structure. A painted wall sign is not limited to only the application of paint, but includes other methods of application and/or material, including, but not limited to, tiles or screen-printing.

Sign, Wall - Projected. A sign that is projected by an optical device that projects an image directly onto the exterior wall of a building or structure by light or other technological means.

Sign, Window. A sign that is attached to, placed upon, or printed on the interior or exterior of a window or door of a building, or displayed on the interior within two feet of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Shadowbox design within display windows, where the window display is designed with a background enclosure against which signs are mounted that blocks view into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.

Single Room Occupancy (SRO). A residential development where single rooms are rented individually as a permanent and/or primary residence, without kitchen or bathroom amenities in the rooms, for a weekly or monthly period of time for compensation, and on-site management is provided on a 24-hour basis. An SRO may contain shared kitchens and bathrooms for all tenants, however rooms may contain microwaves, mini-refrigerators, and a sink.

Social Service Center. A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, or medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

Solar Farm. An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating.

Solar Panel. A photovoltaic device capable of collecting and converting solar energy into electricity.

Specialty Food Service. A business that specializes in the sale of certain food products and/or the on-site production of items, such as a bakery, candy maker, meat market, catering business, cheesemonger, coffee roaster, or fishmonger, and may offer areas for ancillary retail sales or eating and drinking areas that serve the products processed on-site. Specialty food service includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts. Specialty food service businesses do not include any animal slaughtering facilities or operations.

Stacking Space. A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

Standpipe. A rigid vertical or horizontal pipe to which fire hoses can be connected, which may be building, ground, or roof mounted.

Stoop. An exterior floor typically constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings, but cannot be enclosed.

Stormwater. Rainwater, surface runoff, snowmelt, and drainage.

Stormwater Management. The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

Stormwater Runoff. Flow on the surface of the ground, resulting from precipitation.

Structural Alteration. Any change, other than incidental repairs, which would prolong the life of supporting elements of a structure, such as the addition, removal, or alteration of bearing walls, columns, beams, girders or foundations.

Structure. A combination of materials that form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

Substantial Repair/Rehabilitation. Substantial repair/rehabilitation occurs with any exterior change, other than routine exterior maintenance activities, that would prolong the life of the supporting members of a building. Routine exterior maintenance activities such as painting, tuckpointing, replacing trim in kind, railings in kind, or replacing other nonstructural architectural details in kind are not considered to constitute a substantial repair/rehabilitation unless the cost of exceeds 50% of the assessed building or appraised value.

Tasting Room. An area within an alcohol production facility where guests may sample products produced on-site.

Temporary Contractor Office and Contractor Yard. A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the construction of a new development. This may include a contractor's yard where materials and equipment are stored in conjunction with a construction project.

Temporary Outdoor Entertainment. A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary outdoor entertainment event includes fireworks shows, horse shows, carnivals/circuses, temporary worship services, and others.

Temporary Outdoor Sales. Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, yard sales, temporary vehicle sales, and holiday sales, such as Christmas tree lots, and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

Temporary Outdoor Storage Container. Temporary self-storage containers delivered to a residence or business owner to store belongings, and then picked up and returned to a warehouse until called for.

Temporary Use. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Transit-Oriented Development (TOD). The concentration of development nodes, consisting of mixed-use development located along public transit corridors and with convenient and easy access to public transit stations.

Unified Control. The combination of two or more tracts of land wherein each owner has agreed that his tract of land will be developed under the same development approvals.

Use. The purpose or activity for which the land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

Vehicle Dealership. An establishment that sells or leases new or used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. A motor vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail, rental, and service.

Vehicle Operation Facility. A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, and similar vehicles. Vehicle operation facility does not include a public works or public safety facility.

Vehicle Rental. An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle rental does not include truck rental establishments or rental of heavy equipment, which is considered part of heavy retail, rental, and service.

Vehicle Repair/Service. A business that provides repair services to motor vehicles, motorcycles, and all-terrain vehicles (ATV) vehicles.

View Corridor. A designated area where specific views or vistas are intentionally preserved or managed.

Video Display Sign. A sign, or portion of a sign, that displays an electronic video, whether pre-recorded or streaming. This includes projection of an electronic video on a wall or other surface.

Warehouse. An enclosed facility for the storage and distribution of manufactured products or raw materials, supplies, and/or equipment.

White Roof. A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected solar energy.

Wholesale. A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Wind Energy System. An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

Wireless Telecommunications. Towers, antennas, and facilities used to transmit and receive signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure described within the general definition for wireless telecommunications:

1. Antenna

A specific device used to transmit and/or receive signals transmitted to or from other antennas. This does not include satellite dish antennae.

2. Facility

A structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators. Facility also includes any necessary equipment that facilitates wireless transmission.

3. Tower

A structure designed and constructed to support one or more wireless telecommunications antennae and including all appurtenant devices attached to it.

Yard. Defined in Section 2.4.

Yard, Front. Defined in Section 2.4.

Yard, Interior Side. Defined in Section 2.4.

Yard, Corner Side. Defined in Section 2.4.

Yard, Rear. Defined in Section 2.4.

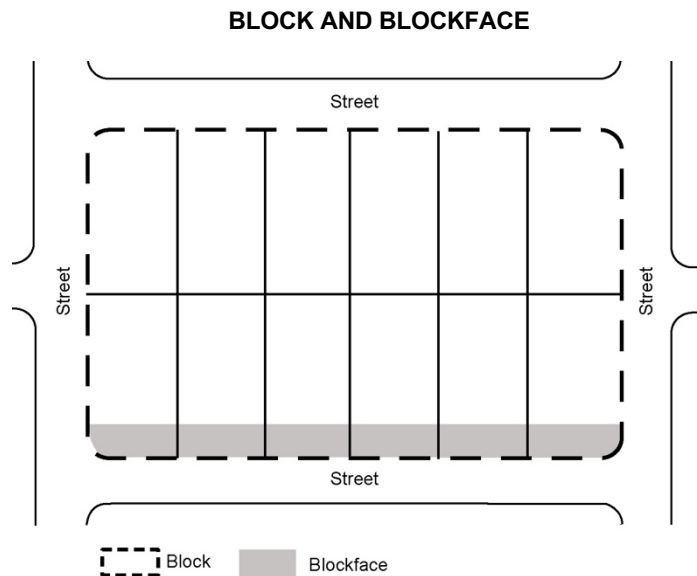
Zoning Lot. A lot or combination of lots within a single block, which is designated by its owner or developer to be used, developed, or built upon as a unit. A zoning lot may coincide with a lot of record or may be comprised of one or more lots of record.

2.4 RULES OF MEASUREMENT

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Ordinance.

A. Block and Blockface

1. A block is a tract of land bounded by streets, or a combination of streets and railroad rights-of-way or municipal boundary lines.
2. Blockface is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.



B. Build-To Dimensions

Certain dimensional requirements with the district require structures to be constructed at a build-to dimension. A build-to requirement is a boundary or alignment, parallel to a lot line, where a structure must be placed. This Ordinance includes the following build-to dimensions:

1. Build-To Line (BTL)

A build-to line (BTL) is a set building line on a lot, measured perpendicular from the applicable lot line, where a building line must be located. The building line must be located on the build-to line. Facade articulation, such as window or wall recesses and projections are not counted as the building line, which begins at the applicable building wall.

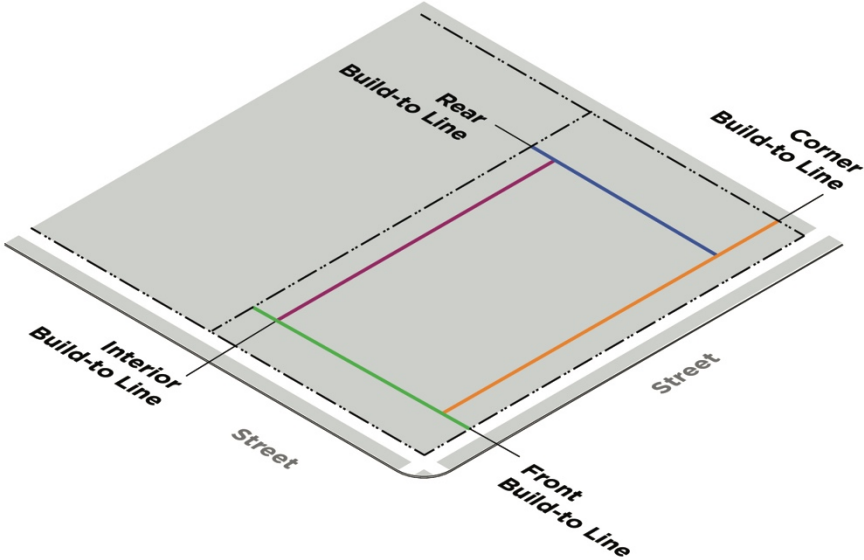
2. Build-To Zone (BTZ)

A build-to zone (BTZ) is the area on a lot, measured perpendicular from the applicable lot line, where the building line must locate within the minimum and maximum range of setback provided. The building line must be located within the build-to zone. Facade articulation, such as window or wall recesses and projections are not counted as the building line, which begins at the applicable building wall.

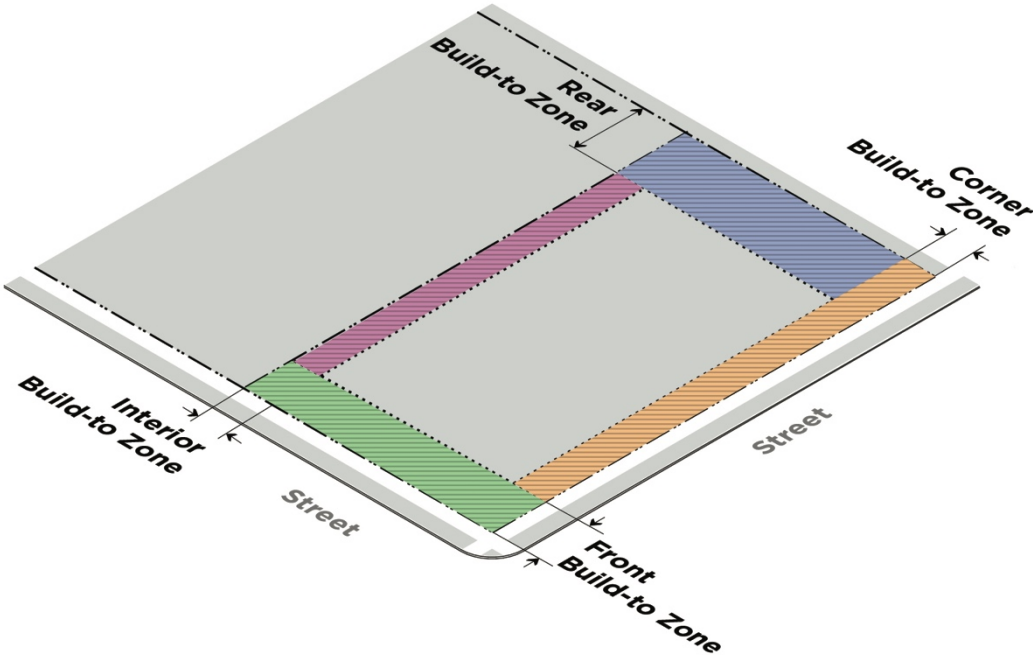
3. Build-To Percentage

A build-to percentage specifies the percentage of the building line that must be located within a build-to line or build-to zone. Build-to percentage is measured as a percentage of the total building façade, not lot width.

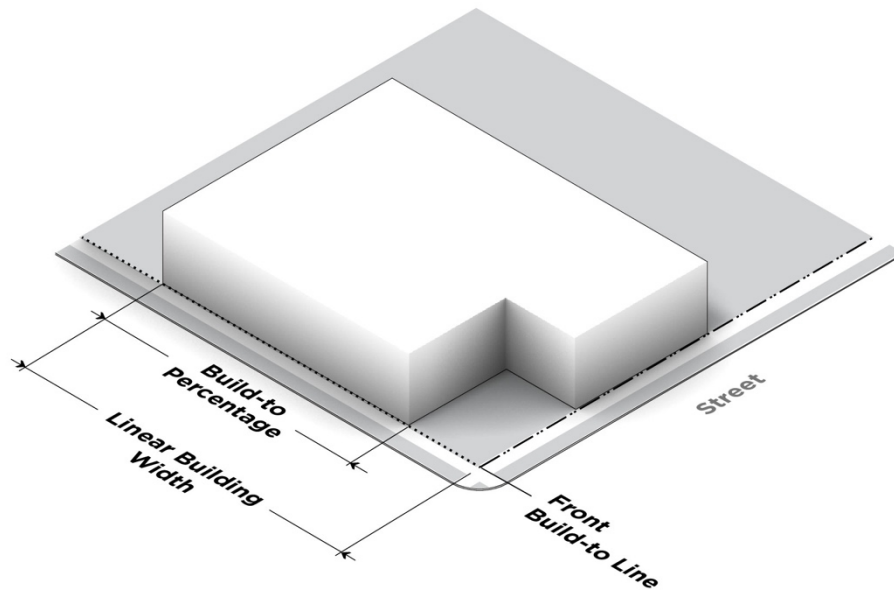
BUILD-TO LINE



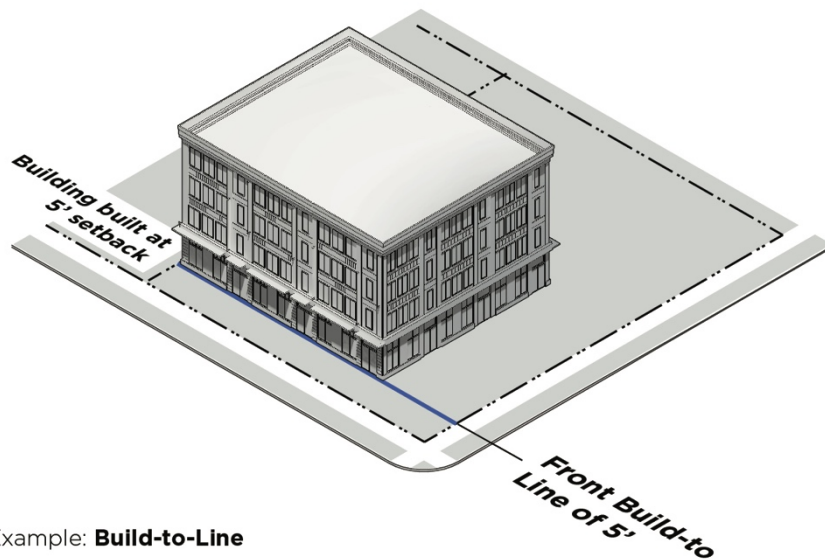
BUILD-TO ZONE



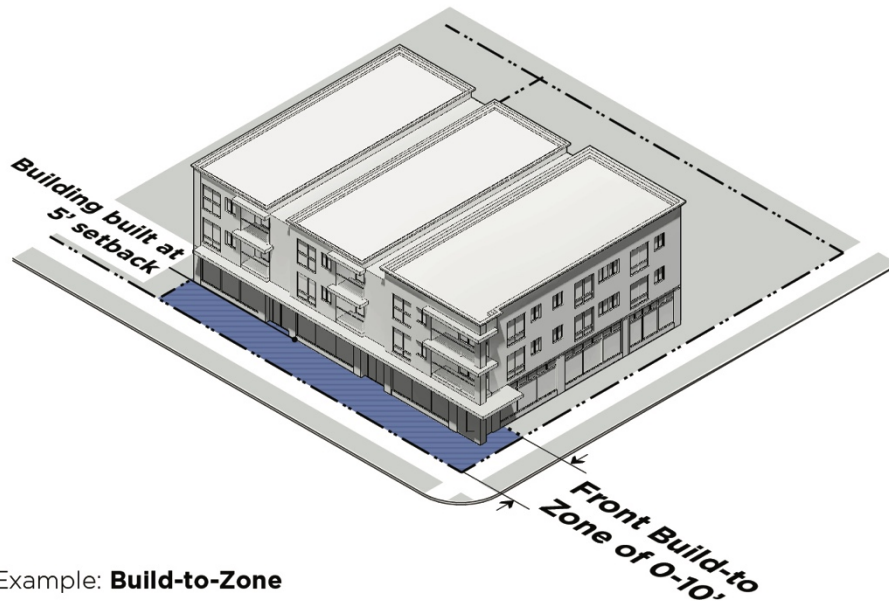
BUILD-TO PERCENTAGE



The following are examples of how build-to lines (BTL) and build-to zones (BTZ) are applied. When the front setback BTL is indicated as 5', the structure must be built at 5' from the front lot line. When the front setback BTZ is indicated as 0' to 10', the structure must be built within that range, shown in the example below as 5'; the property owner may choose any setback within that range.



Example: **Build-to-Line**



Example: **Build-to-Zone**

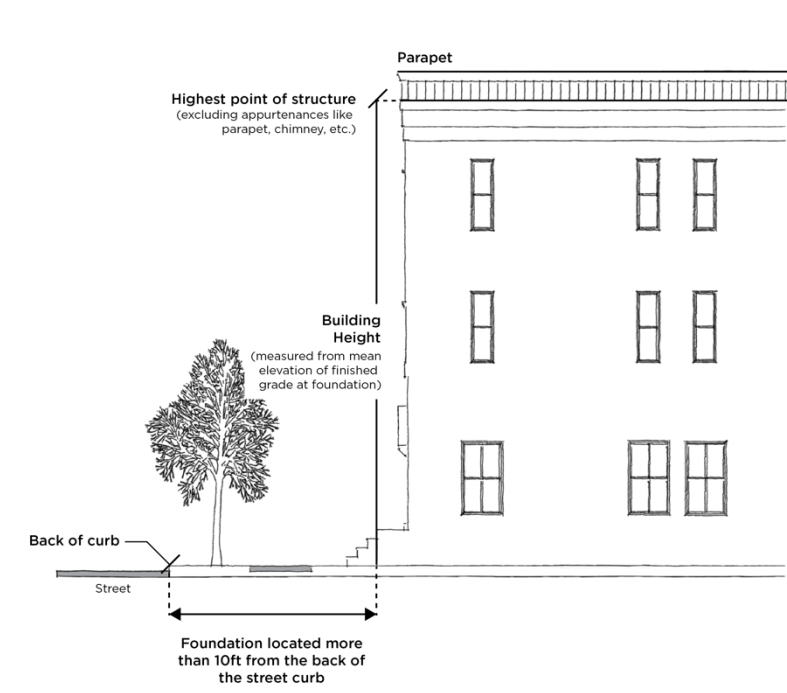
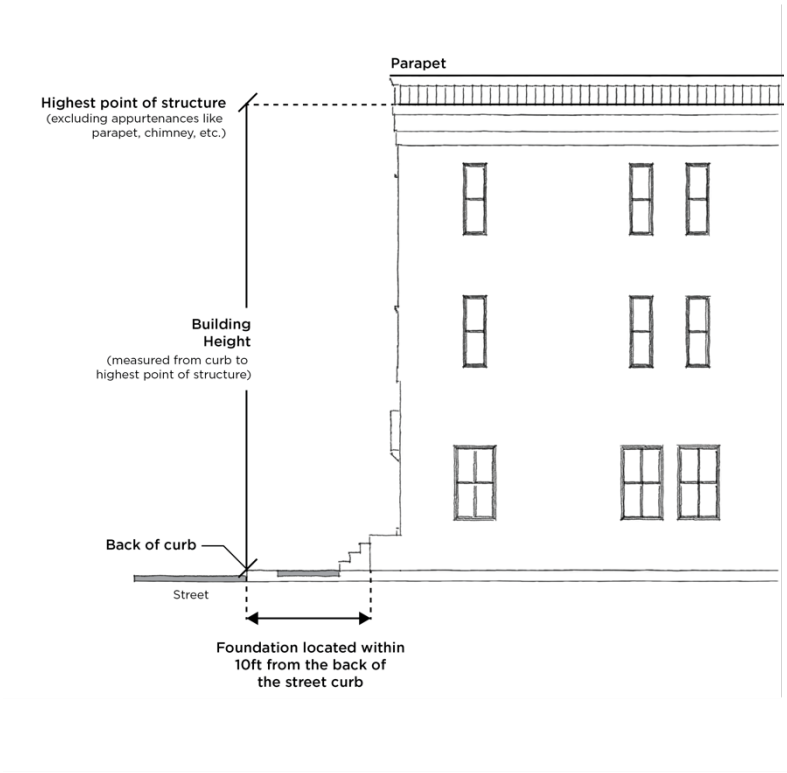
C. Building Coverage

That portion of the lot that is or may be covered by principal buildings and accessory structures.

D. Building Height

1. Maximum building height is measured from the mean elevation of the finished grade at the foundation along the side(s) of the building facing a street. However, if the foundation of the structure is within ten feet of the back of curb, height is measured from the curb to the highest point of the structure. Permitted height exceptions are found in item 2 below.
2. The following structures or parts thereof are exempt from maximum height limitations, unless otherwise limited by any height restriction imposed by any airport authority, or other similar federal, state, or local authority.
 - a. Public utility poles, towers, and wires. Public utilities do not include wireless telecommunications, solar panels, and wind turbines unless operated by a government agency.
 - b. Water tanks and standpipes.
 - c. Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, rooftop accessory structures, recreational facilities, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances.

BUILDING HEIGHT



E. Caliper

Tree caliper is the diameter of a tree trunk, measured at four and one-half feet above the adjacent ground.

F. Gross Floor Area (GFA)

The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

G. Impervious Surface Coverage

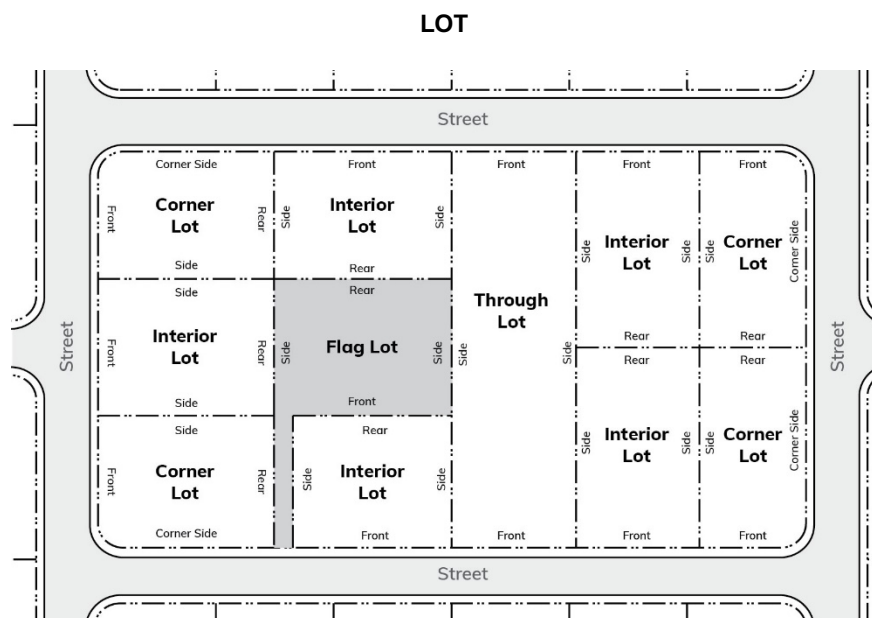
1. Impervious surface coverage is a measure of intensity of land use that represents the portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water into the ground. Maximum impervious surface of a lot is calculated as the percentage of all impervious surface area against the total area of the lot.

2. Permeable pavement is permitted and may be calculated as a reduced percentage of impervious surface based upon the materials, installation method, and data presented at site plan review. Permeable pavement is any materials installed, operated, and maintained to permit the passage of water through the pavement, including, but not limited to, porous concrete, porous asphalt, permeable interlocking concrete pavers, and concrete grid pavers. Gravel does not qualify as permeable pavement.

H. Lot

A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations; or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title. The following describes the types of lot configurations:

1. An interior lot is a lot other than a corner or through lot, bounded by two interior side lot lines.
2. A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.
3. A through lot is a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A through lot is also called a double frontage lot.
4. A flag lot is platted so that the main building site area (the "flag") is set back from the street on which it fronts and includes an access strip (the "pole") connecting the main building site with the street.



I. Lot Area

The total area within the boundaries of a lot, excluding any street right-of-way.

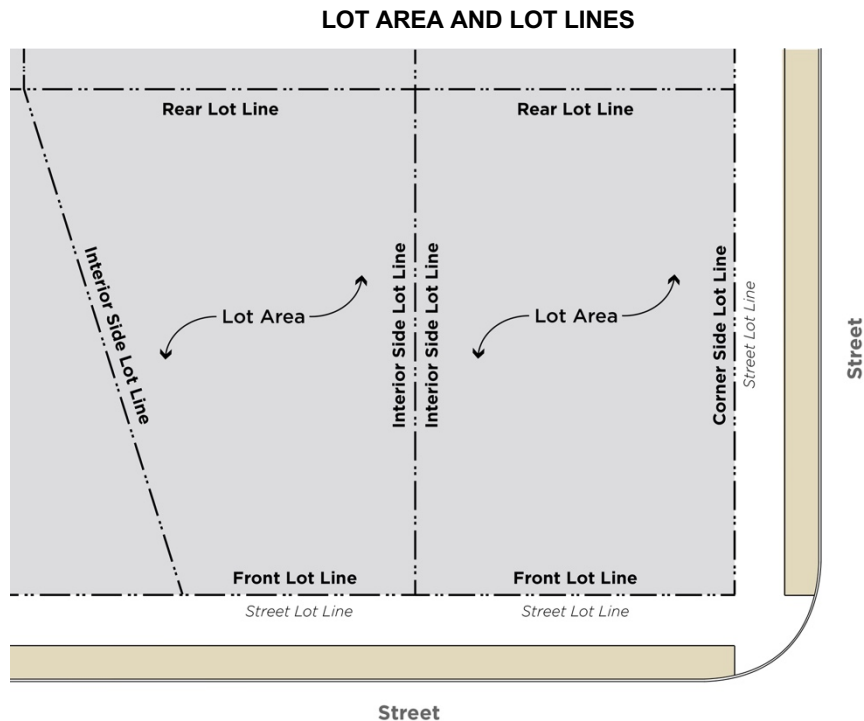
J. Lot Depth

The distance from the front lot line to the rear lot line as measured from the midpoint of the front lot line to the midpoint of the rear lot line. In the case of triangular or similarly irregularly shaped lots, the rear lot line used to measure lot depth is a calculated line of ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

K. Lot Line

A line of record bounding a lot, as indicated on an approved, filed, and recorded subdivision plat, which divides one lot from another lot or from a public or private street or any other public or private space and includes:

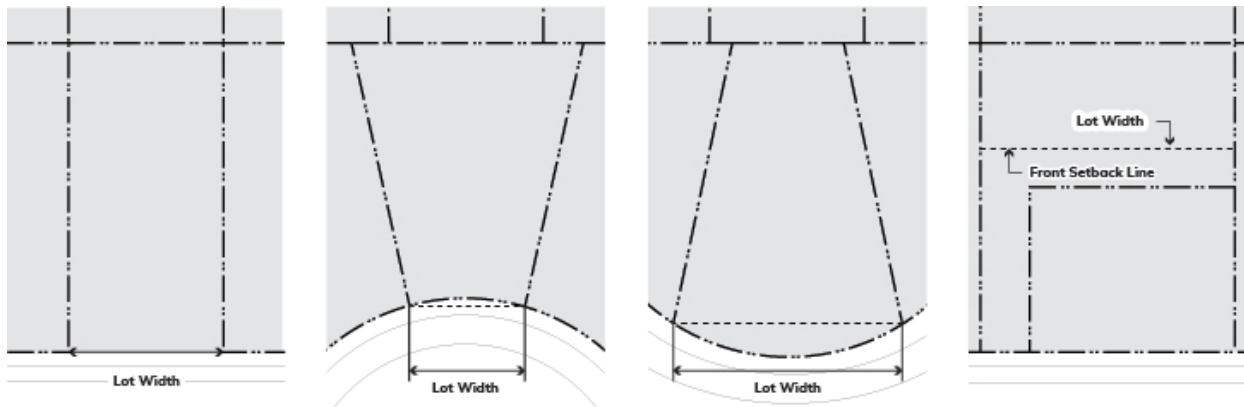
1. A front lot line is the lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shortest street lot line of a corner lot abutting a street. A front lot line for a through lot is both lot lines that abut a street. On a corner lot, where both street lot lines are equal, the applicant may choose which lot line is the front lot line.
2. A rear lot line is the lot line opposite and most distant from the front lot line. In the case of triangular or similarly irregularly shaped lots, the rear lot line is a calculated line of ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
3. On a corner lot, the corner side lot line and reverse corner side lot line is perpendicular, or approximately perpendicular, to the front lot line, and is the longer street abutting lot line of a corner lot. On a corner lot, where both street lot lines are equal, the applicant may choose which lot line is the corner side lot line.
4. On an interior lot, the interior side lot line is perpendicular or approximately perpendicular to the front lot line and abuts an adjacent lot.
5. A street lot line is any lot line separating a lot from a street right-of-way.



L. Lot Width

1. For regular lots, lot width is the width of the front lot line measured between side lot lines.
2. For lots with a curved front lot line, lot width is the width of the front lot line measured as a straight line segment that intersects each of the two end points of the curved lot line
3. For flag lots, lot width is measured at the required front setback, as defined in this section.

LOT WIDTH



M. Separation Measurement

When uses are required to be measured a certain distance from another use or district, such separation distance is measured from a point of the lot line on which such use is proposed to be located to the nearest point on the lot line where the other use or district is located.

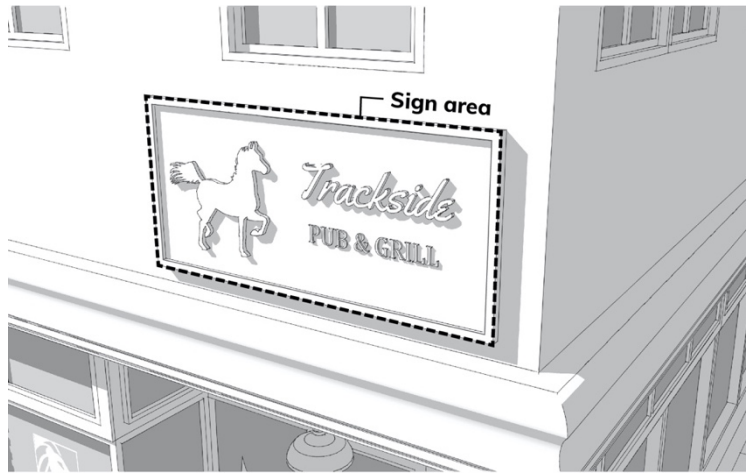
N. Sign Dimensions

1. Calculation of Sign Area

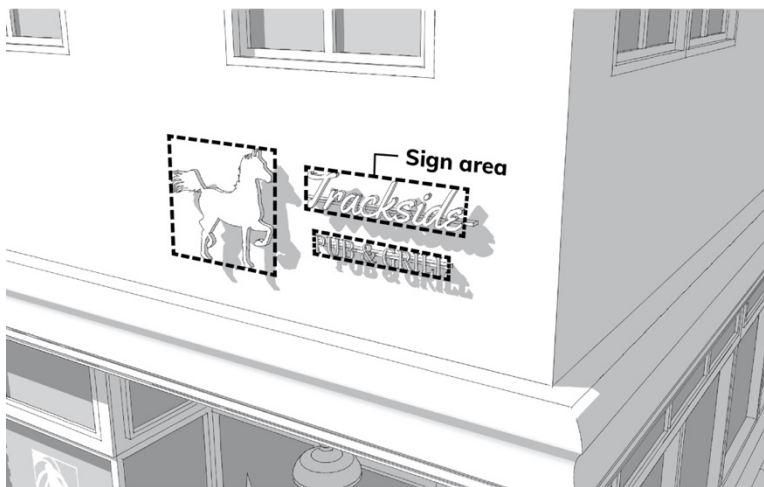
a. The sign area of each sign is the total exposed surface devoted to the sign's message, including all ornamentation, embellishment, symbols, logos, letters, characters, other figures, or frames, whether structural or decorative. The calculation of sign area does not include any supports or bracing. For channel letters or freestanding logos/symbols, the sign area is calculated as the customary, applicable mathematical formula for the total area of each square, circle, ellipse, rectangle, or triangle, or combination thereof, that encompasses each word, logo, image, background, and/or display.

b. Window area for the purpose of calculating maximum area of window signs is calculated as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area. Total window area is calculated as length times width of the window area. Only the individual letters or logos of the window sign shall be used in the calculation of surface area. The transparent film around the perimeter of the individual letters or logos comprising the window sign and used to affix the window sign to the interior or exterior of a windowpane or glass door shall be exempt from the area calculations, provided that such portion of the transparent film maintains 100% transparency of the window.

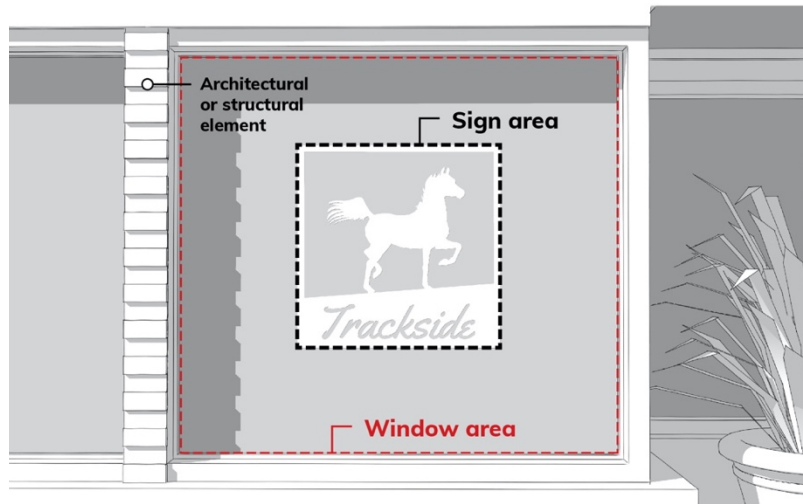
SIGN AREA - SIGN WITH BACKGROUND



SIGN AREA - CHANNEL LETTERS/FREESTANDING LOGOS



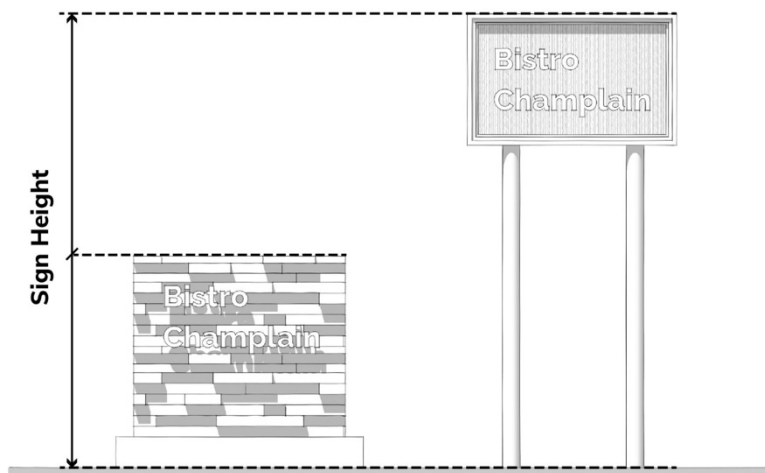
SIGN AREA - WINDOW SIGNS



2. Measurement of Sign Height

For ground signs, sign height is measured as the vertical distance measured from the normal grade at the base of the sign to the highest point of the sign, including any decorative elements. Normal grade shall be construed to be the existing grade prior to construction or the newly established grade after construction, exclusive of any fill, berm, mound, or excavation solely for the purpose of locating the sign, whichever is lower.

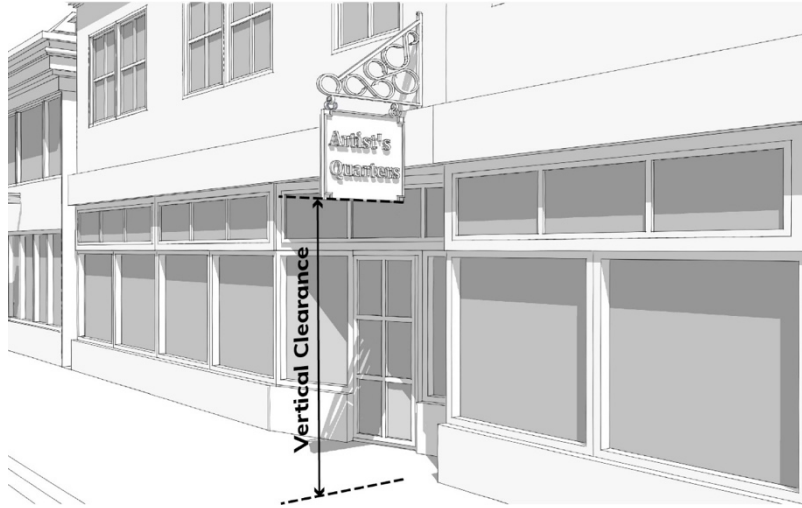
SIGN HEIGHT



3. Measurement of Vertical Clearance

For building-mounted signs, vertical clearance is measured as the vertical distance measured from the ground directly below the sign to the lowest point of the sign.

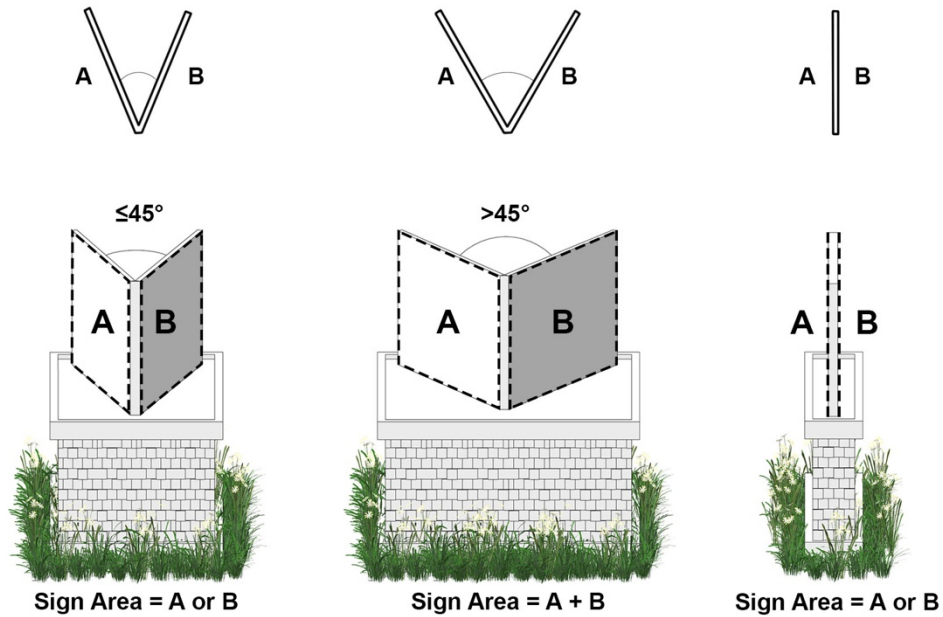
VERTICAL CLEARANCE



4. Determination of Number of Sign Faces

If the interior angle between two sign faces is 45° (degrees) or less, the sign area is computed as the area of one face only. If the angle between two sign faces is greater than 45° (degrees), the total sign area is computed as the sum of the areas of the two faces.

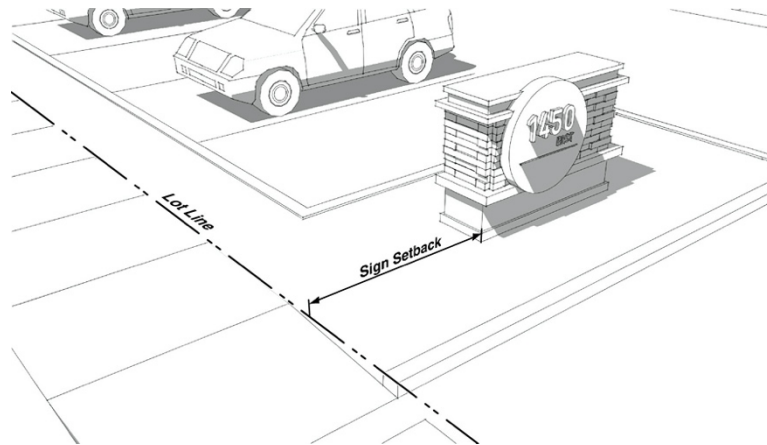
NUMBER OF SIGN FACES



5. Sign Setback

A required sign setback is measured from the applicable lot line to the closest component of the sign or sign structure.

SIGN SETBACK



O. Yards and Setbacks

1. General Definitions

- a. A yard is the area between the building line of a principal building and the adjoining lot lines, exclusive of facade articulation, such as window or wall recesses and projections.
- b. A required setback is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any projections of a principal building, unless permitted by this Ordinance.
 - i. A build-to zone is considered a required setback. In the case of a build-to zone, the setback is the defined area (defined by minimum and maximum build-to lines) where the principal building must be located.
- c. A setback may be equal to or lesser than a yard.
- d. A setback is located along the applicable lot line for the minimum depth specified by the zoning district in which such lot is located.

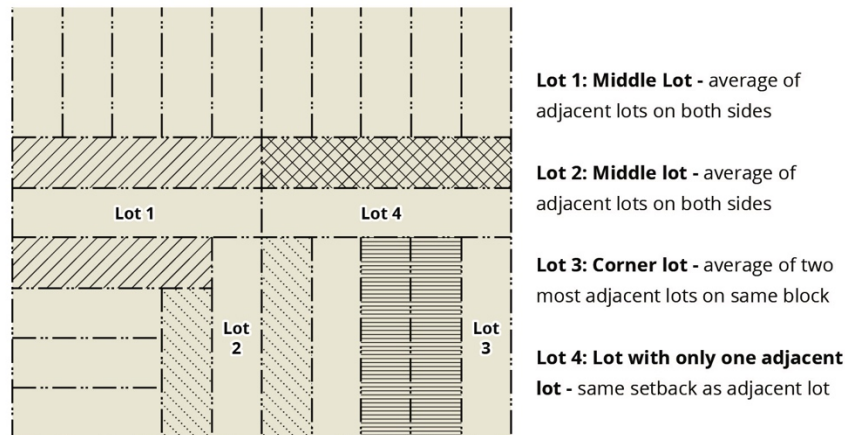
2. Front Yard and Front Setback

The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line.

- a. Front Yard: A front yard is located between a principal building line and the front lot line.
- b. Front Setback: A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line.
- c. A front setback is measured from the front lot line.
- d. Front setbacks on irregular lots are subject to the additional provisions:
 - i. On a lot with a radial (curved) front lot line, the required front setback, as measured from the right-of-way line follows the curve of the lot line.
 - ii. For flag lots, the front yard and setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street. For multiple flag lots that utilize a common drive, the front yard and setback may be measured from the lot line of the pole or access strip, as extended into the lot.

- e. Where front yard averaging is permitted, the average front setback of the adjacent lots on either side of a lot may be used to establish the required front setback. Averaging is based on the two adjacent lots on either side or, in the case of a corner lot, the next two adjacent lots. In the case of a lot configuration where only one lot is available for averaging, the required front setback is that of the adjacent lot.

FRONT YARD AVERAGING



3. Interior Side Yard and Interior Side Setback

The interior side yard and interior side setback extend along the interior side lot line between the front and rear yard or setback, measured perpendicular to the interior side lot line.

- a. Interior Side Yard: An interior side yard is located between a principal building line and the interior side lot line.
- b. Interior Side Setback: An interior side setback is the required minimum distance per the zoning district that a principal building must be located from the interior side lot line.
- c. For single-family semi-detached developments, the interior side yard and interior side setback are only applicable to the side of the unit not located on the lot line (no shared wall attachment to another unit). For rowhouse developments, the interior side yard and interior side setback are only applicable to end units of the development.

4. Corner Side Yard and Corner Side Setback

The corner side yard and corner side setback extend along the corner side lot line between the front yard or front setback and the rear lot line, measured perpendicular to the corner side lot line.

- a. Corner Side Yard: A corner side yard is located between a principal building line and the corner side lot line.
- b. Corner Side Setback: A corner side setback is the required minimum distance per the zoning district that a principal building must be located from the corner side lot line.

5. Rear Yard and Rear Setback

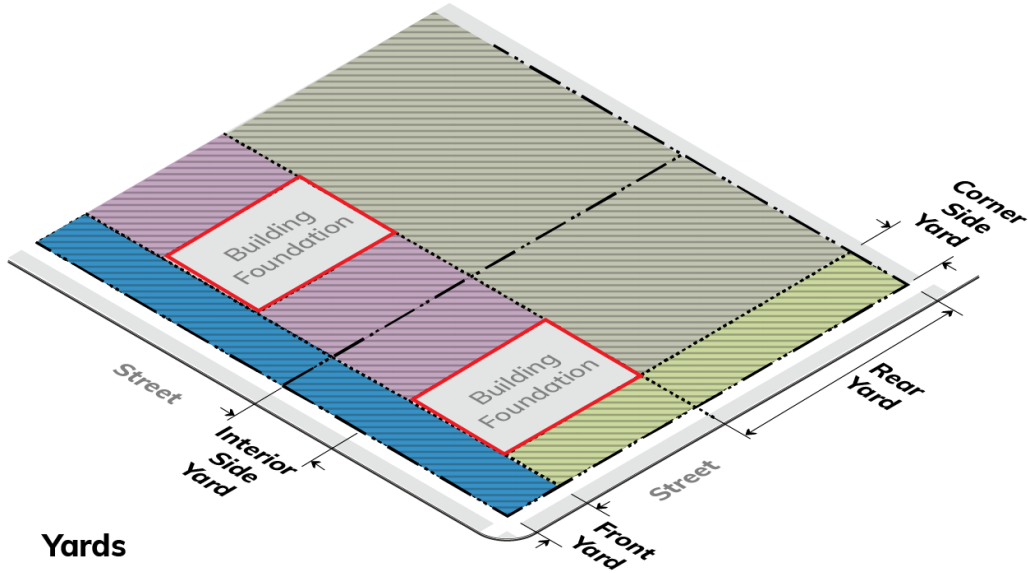
The rear yard and rear setback extend between interior side lot lines, measured perpendicular to the rear lot line.

- a. Rear Yard: A rear yard is located between a principal building line and the rear lot line.
- b. Rear Setback: A rear setback is the required minimum distance per the zoning district that a principal building must be located from the rear lot line.
- c. In the case of a corner lot, the rear yard and rear setback extend between the interior side lot line to the required corner side setback, measured perpendicular to the rear lot line.

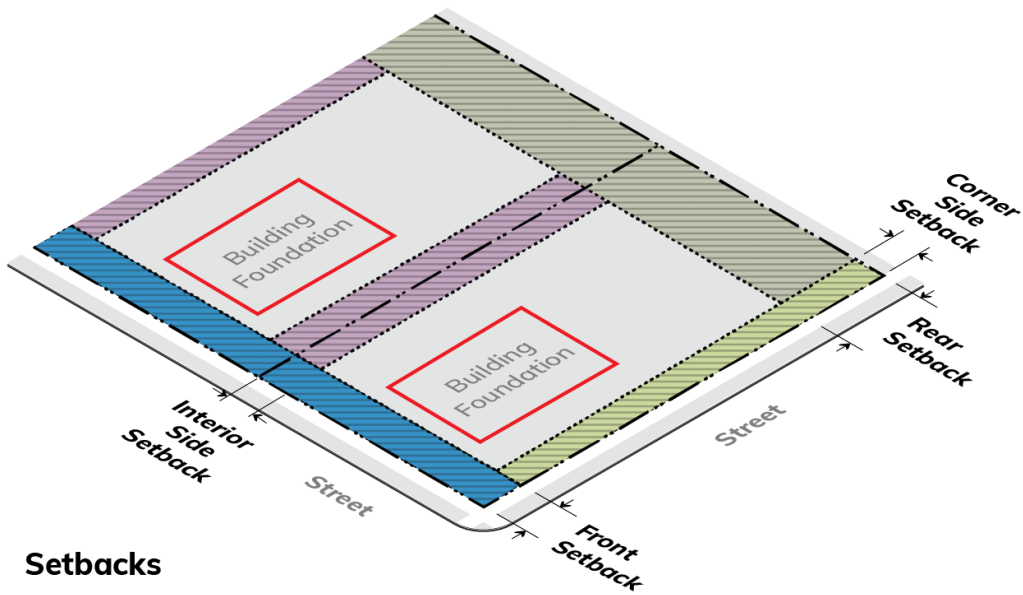
7. Yard and Setback Requirements for Through Lots

For through lots, both the front and the rear required setbacks must meet the required front setback of the zoning district.

YARDS AND SETBACKS



Yards



Setbacks

Article 3. Zoning Districts & Zoning Map

- 3.1 ZONING DISTRICTS**
- 3.2 REDEVELOPMENT AREAS**
- 3.3 DISTRICT ZONING MAP**

3.1 ZONING DISTRICTS

In order to carry out the purpose and intent of this Ordinance, the City of Trenton, New Jersey is divided into the following zoning districts:

A. Residential Districts

RL-1 Low Density Single-Family Residential District
RL-2 Low Density Single-Family Residential District
RL-3 Low Density Single-Family Residential District
RM-1 Medium Density Residential District
RM-2 Medium Density Residential District
RH-1 High Density Residential District
RH-2 High Density Residential District

B. Commercial and Mixed-Use Districts

C-MS Main Street Corridor Commercial District
C-CC Corridor Commercial District
C-MX Mixed-Use Flex District
MU-T Mixed-Use Transition District
DT Downtown Trenton District
R-MX Riverfront Mixed-Use District

C. Industrial Districts

I-L Light Industrial District
I-G General Industrial District
I-MU Industrial Mixed-Use District

D. Special Purpose Districts

TOD Transit-Oriented Development District
INST Institutional District
OS-R Open Space and Recreation District

3.2 REDEVELOPMENT AREAS

Redevelopment areas, as shown on the Redevelopment Areas Map and maintained by the Division of Planning, have been so designated by the City Council under N.J.S.A. 40A:12A-1 et seq. and are subject to the specific regulations as adopted by the City Council for the particular redevelopment area. These specific regulations take precedence over any underlying zoning district regulations.

3.3 DISTRICT ZONING MAP

A. Location of Districts

The location and boundaries of the zoning districts established by this Ordinance are set forth in the Official Zoning Map, as periodically amended. The Official Zoning Map, and all the notations, references and other information shown thereon are incorporated into, and made part of, this Ordinance.

B. Interpretation of Boundary Lines

Where there is uncertainty as to the boundary of any district contained within this Ordinance or as shown on the Zoning Map, the following rules apply:

1. Unless indicated to the contrary on the Zoning Map, the boundary lines of districts are the centerlines of streets, or such lines extended, the centerlines of railroad rights-of-way, and the centerlines of watercourses.
2. Where district boundaries are indicated as approximately following the City boundary line, lot lines, or projections thereof, said boundaries are construed to be coincident with such lines.
3. If a centerline or right-of-way line of a street, highway, railroad, public utility, or watercourse, which is approximately coincident with a district boundary, is moved, the district line is automatically adjusted to be coincident with such line.

C. Clarification of Boundary Lines

The Zoning Officer will decide any interpretations of zoning district boundary lines on the Zoning Map, where the application of this section leaves doubt as to the boundary between two zoning districts.

Article 4. Residential Districts

- 4.1 PURPOSE STATEMENTS**
- 4.2 USES**
- 4.3 DIMENSIONAL STANDARDS**
- 4.4 DESIGN STANDARDS**
- 4.5 SINGLE-FAMILY DWELLING CONVERSIONS IN RESIDENTIAL DISTRICTS**
- 4.6 GENERAL STANDARDS OF APPLICABILITY**

4.1 PURPOSE STATEMENTS

A. RL-1 Low Density Single-Family Residential District

The RL-1 Low Density Single-Family Residential District is intended to accommodate those areas comprising single-family dwellings on large lots at the lowest densities within the City of Trenton. The district seeks to protect the established development pattern within these existing residential areas. Select compatible nonresidential uses are also permitted within the district.

B. RL-2 Low Density Single-Family Residential District

The RL-2 Low Density Single-Family Residential District is intended to accommodate those residential neighborhoods within the City of Trenton characterized by single-family dwellings on lots a minimum of 6,000 square feet in area. The district seeks to protect the established development pattern within these existing residential areas. Select compatible nonresidential uses are also permitted within the district.

C. RL-3 Low Density Single-Family Residential District

The RL-3 Low Density Single-Family Residential District is intended to accommodate those areas of the City that are characterized by a predominant neighborhood pattern of single-family dwellings on lots a minimum of 4,000 square feet in area. Select compatible nonresidential uses are also permitted within the district.

E. RM-1 Medium Density Residential District

The RM-1 Medium Density Residential District accommodates those areas of the City characterized by moderately dense single-family, single-family attached, two-family, and rowhouse dwellings. Select compatible nonresidential uses are also permitted within the district.

F. RM-2 Medium Density Residential District

The RM-2 Medium Density Residential District accommodates those areas of the City characterized by moderately dense single-family, single-family attached, two-family, and rowhouse dwellings, as well as small-scale commercial uses that serve the neighborhoods. Select compatible institutional uses are also permitted within the district.

G. RH-1 High Density Residential District

The RH-1 High Density Residential District is intended to accommodate those areas of the City comprising a heterogeneous mixture of housing types at relatively high densities. A mix of all housing types is permitted within the district, as well as small-scale commercial uses that serve the neighborhoods. Select compatible institutional uses are also permitted within the district.

H. RH-2 High Density Residential District

The RH-2 High Density Residential District is intended to accommodate a development pattern composed of a mixture of housing types at the highest densities within Trenton for the residential districts. It is designed to reflect the development pattern existing in many of Trenton's oldest neighborhoods, and to encourage well-designed high-density residential development where appropriate within the City that includes small-scale commercial uses that serve the neighborhoods. Select compatible institutional uses are also permitted within the district.

4.2 USES

Article 8 lists permitted, conditional, and temporary uses for the residential districts.

4.3 DIMENSIONAL STANDARDS

- A.** Table 4-1: Residential Districts Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.
- B.** For rowhouse dwellings, where the district permits two-family and multi-family dwellings, one or more of the rowhouse buildings in the overall rowhouse development may contain more than one dwelling unit in accordance with the standards in Article 8 for rowhouse dwellings.
- C.** Within an existing rowhouse development, one or more rowhouses within the structure may be replaced or reconstructed in accordance with the standards in Article 8 for rowhouse dwellings.
- D.** For rowhouse development, where a minimum square footage for lot area and a minimum lot width is indicated, minimum lot area and minimum lot width are calculated cumulatively on the basis of each rowhouse structure within the overall rowhouse development to determine the minimum lot area and minimum lot width for the overall development. The minimum lot area and minimum lot width do not apply to the minimum area or width of the individual rowhouse structure.
- E.** For multi-family development where a minimum square footage for lot area is indicated, the minimum lot area is calculated cumulatively on the basis of the number of dwelling units in the structure to determine the minimum lot area for the overall development. The minimum lot area does not apply to the minimum dwelling unit size of the units within the development.
- F.** Mixed-use development in the residential districts, when permitted, is subject to the standards for a nonresidential use in the district.

Table 4-1: Residential Districts Dimensional Standards			
	RL-1	RL-2	RL-3
Bulk			
Minimum Lot Area	8,000sqft	6,000sqft	4,000sqft
Minimum Lot Width	50'	45'	40'
Maximum Building Coverage	40%	35%	35%
Maximum Impervious Surface Coverage	45%	45%	45%
Maximum Building Height	40'	40'	40'
Setbacks			
Minimum Front Setback	30' or average of front setback of abutting structures In no case is a setback greater than 45' required	30' or average of front setback of abutting structures In no case is a setback greater than 45' required	25' or average of front setback of abutting structures In no case is a setback greater than 35' required
Minimum Interior Side Setback	8'	8'	7'
Minimum Corner Side Setback	15' For residential uses, required corner side setback may be reduced to maintain a minimum buildable width of 35', but in no case may be less than 8'	12' For residential uses, required corner side setback may be reduced to maintain a minimum buildable width of 32', but in no case may be less than 8'	10' For residential uses, required corner side setback may be reduced to maintain a minimum buildable width of 30', but in no case may be less than 7'
Minimum Rear Setback	35'	35'	35'

Table 4-1: Residential Districts Dimensional Standards		
	RM-1	RM-2
Bulk		
Minimum Lot Area (RH, MF: See Sections 4.3.D and 4.3.E)	SF, SF-A: 2,500sqft 2F: 5,000sqft RH: 1,500sqft NR: 5,000sqft	SF, SF-A: 2,500sqft 2F: 5,000sqft RH: 1,500sqft NR: 5,000sqft
Minimum Lot Width (RH: See Section 4.3.D)	SF, SF-A: 25' 2F, NR: 50' RH: 15'	SF, SF-A: 25' 2F, NR: 50' RH: 15'
Maximum Building Coverage	SF, SF-A, 2F: 50% RH, NR: 60%	SF, SF-A, 2F: 50% RH, NR: 60%
Maximum Impervious Surface Coverage	70%	70%
Maximum Building Height	40'	40'
Setbacks		
Minimum Front Setback	5' or average of front setback of abutting structures, whichever is less	5' or average of front setback of abutting structures, whichever is less
Minimum Interior Side Setback	5'	5'
Minimum Corner Side Setback	5' For residential uses, required corner side setback may be reduced to maintain a buildable width of 20', but in no case may be less than 2'	5' For residential uses, required corner side setback may be reduced to maintain a buildable width of 20', but in no case may be less than 2'
Minimum Rear Setback	25'	25'

Table 4-1: Residential Districts Dimensional Standards		
	RH-1	RH-2
Bulk		
Minimum Lot Area (RH, MF: See Sections 4.3.D and 4.3.E)	SF, SF-A: 2,500sqft 2F: 5,000sqft RH: 1,500sqft MF: 750sqft NR: 5,000sqft	SF, SF-A: 2,500sqft 2F: 5,000sqft RH: 1,200sqft MF: 600sqft NR: 5,000sqft
Minimum Lot Width (RH: See Section 4.3.D)	SF, SF-A: 25' RH: 15' 2F, MF, NR: 50'	SF, SF-A: 25' RH: 12' 2F, MF, NR: 50'
Maximum Building Coverage	SF, SF-A, 2F: 50% RH, MF, NR: 65%	SF, SF-A, 2F: 50% RH, MF, NR: 65%
Maximum Impervious Surface Coverage	SF, SF-A, 2F: 60% RH, MF, NR: 70%	SF, SF-A, 2F: 65% RH, MF, NR: 75%
Maximum Building Height	40'	SF, SF-A, 2F, RH, NR: 40' MF: 65'
Setbacks		
Minimum Front Setback	Structures 35' or less in height: 5' or the average front setback of abutting structures, whichever is less Structures over 35' in height: 20'	Structures 35' or less in height: 5' or the average front setback of abutting structures, whichever is less Structures over 35' in height: 20'
Minimum Interior Side Setback	SF, SF-A, 2F, RH: 5' MF 35' or less in height: 12' or 15% of lot width, whichever is less MF greater than 35' in height: 12' plus 1' of additional setback for each 2' of structure above 35' NR: 8'	SF, SF-A, 2F, RH: 5' MF 35' or less in height: 12' or 15% of lot width, whichever is less MF greater than 35' in height: 12' plus 1' of additional setback for each 2' of structure above 35' NR: 8'
Minimum Corner Side Setback	Structures 35' or less in height: 5' Structures over 35' in height: 12'	Structures 35' or less in height: 5' Structures over 35' in height: 12'
Minimum Rear Setback	Structures 35' or less in height: 25' Structures over 35' in height: 35'	Structures 35' or less in height: 25' Structures over 35' in height: 35'

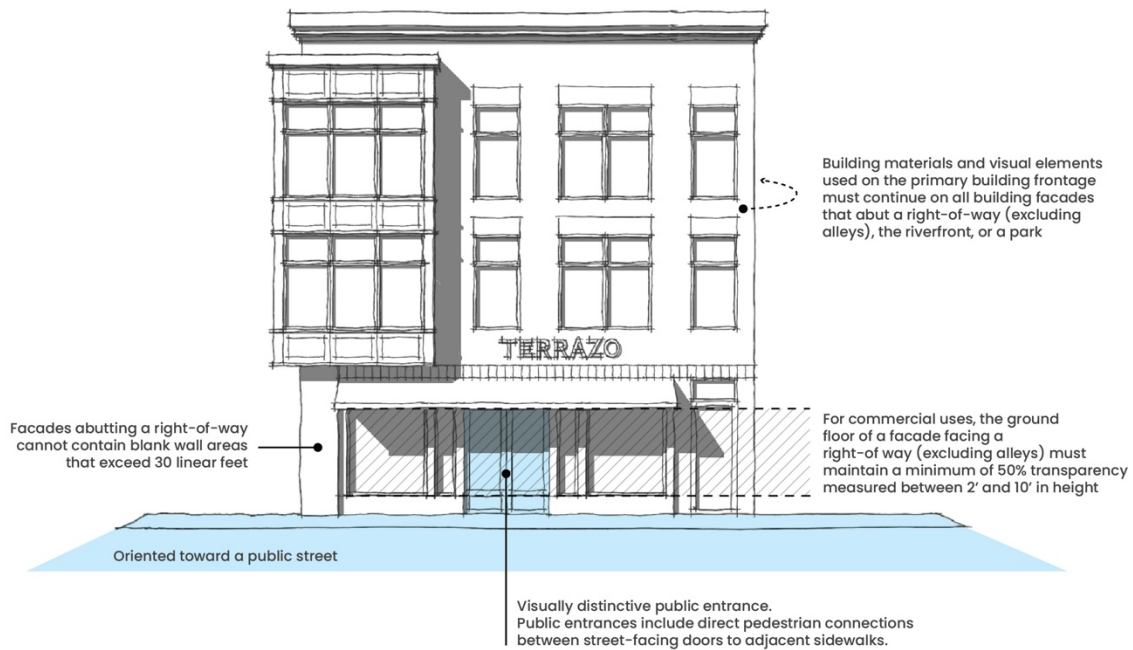
4.4 DESIGN STANDARDS

The following design standards apply to nonresidential, including mixed-use, development when allowed within the residential districts. Standards apply to new construction and to expansions that exceed 30% or more of the existing structure's square footage.

- A.** All buildings must be oriented toward a public street.
- B.** All public entrances must include direct pedestrian connections between street facing doors to adjacent sidewalks. All buildings must have a public entrance from the sidewalk along the primary building façade. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.
- C.** Building façades that abut a right-of-way, excluding alleys, and/or abut a park cannot contain blank wall areas that exceed 30 linear feet, measured per story parallel to the street.
- D.** Building materials and visual elements used on the primary building frontage must continue on all building façades that abut a right-of-way, excluding alleys, and/or abut a park.
- E.** For commercial uses, the ground floor of any façade facing a right-of-way, excluding alleys, must maintain a minimum transparency of 50%, measured between two and ten feet in height.

- F. Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.
- G. Sites must be designed to ensure safe pedestrian access from the public right-of-way, and safe pedestrian circulation on-site, minimizing potential conflicts with automobile traffic.

NONRESIDENTIAL/MIXED-USE DEVELOPMENT DESIGN STANDARDS



4.5 SINGLE-FAMILY DWELLING CONVERSIONS IN RESIDENTIAL DISTRICTS

- A. Residential conversions of single-family dwellings to two or more dwelling units are allowed within the residential districts that allow two-family and multi-family dwellings as follows.
- B. Residential conversions require approval of a conditional use permit by the Planning Board. As part of the submittal for Planning Board review, construction drawings and plans that describe the proposed conversion are required.
- C. The existing dwelling must be a structure originally constructed as a single-family dwelling and must be 2,000 square feet or more in gross floor area, excluding any basement area.
- D. Upon conversion, each dwelling unit must meet the following gross floor area per unit type:
 1. Studio/Efficiency unit: 500 square feet.
 2. One-bedroom unit: 750 square feet.
 3. Two-bedroom unit: 1,000 square feet.
 4. Three or more bedroom unit: 1,200 square feet.
- E. The dwelling must continue to conform to all applicable zoning district regulations for a single-family dwelling.
- F. No residential conversion may violate any occupancy regulations.

- G.** One off-street parking space must be provided for each additional dwelling unit created.
- H.** The residential structure must meet the following standards:
 - 1.** The structure must be designed so that the appearance mimics that of a single-family detached dwelling.
 - 2.** The structure must have a primary entrance from a façade facing the street. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure, using features such as porches, raised steps and stoops, or decorative railings to articulate the front façade.
 - 3.** Any additional entrances to dwelling units must be located to the side or rear of the structure and designed in a manner as to be visually unobtrusive when viewed from the primary facade of the dwelling.
 - 4.** Windows, doors, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.

4.6 GENERAL STANDARDS OF APPLICABILITY

A. Site Development Standards

See Article 10 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

B. Off-Street Parking and Loading

See Article 11 for off-street parking and loading standards and requirements.

C. Landscape

See Article 12 for landscape, buffering, and screening standards and requirements.

D. Signs

See Article 12 for standards governing signs.

Article 5. Commercial & Mixed-Use Districts

- 5.1 PURPOSE STATEMENTS
- 5.2 USES
- 5.3 DIMENSIONAL STANDARDS
- 5.4 DESIGN STANDARDS
- 5.5 GENERAL STANDARDS OF APPLICABILITY

5.1 PURPOSE STATEMENTS

A. C-MS Main Street Corridor Commercial District

The C-MS Main Street Corridor Commercial District accommodates a broad range of commercial and residential uses in a vertically and horizontally mixed-use environment along Trenton's most prominent, historic, walkable commercial corridors. Dwellings are allowed above the ground floor as well as rowhouse structures. District standards encourage a high level of design quality, to maintain and enhance the traditional "Main Street" character of these areas.

B. C-CC Corridor Commercial District

The C-CC Corridor Commercial District is intended to accommodate an environment of low- to medium-intensity commercial uses, interspersed with dwellings allowed above the ground floor and rowhouse structures along the City's highly trafficked mixed-use thoroughfares. District standards acknowledge that these thoroughfares require consideration of both pedestrian orientation and appropriate accommodation for automobiles.

C. C-MX Mixed-Use Flex District

The C-MX Mixed-Use Flex District accommodates a heterogeneous mixture of medium-intensity commercial and higher density residential uses in a vertically and horizontally mixed-use environment. District standards are intended to encourage compatibility with the existing historic fabric in these areas, and to promote reuse of existing buildings and the creation of flexible spaces where practicable.

D. MU-T Mixed-Use Transition District

The MU-T Mixed-Use Transition District accommodates a moderately intense mix of commercial and residential uses, supporting and serving as a transitional area between neighborhood residential or commercial areas and more intensely developed commercial or mixed-use areas, such as the Downtown Trenton District.

E. DT Downtown Trenton District

The DT Downtown Trenton District is intended to accommodate the most intense development within the City of Trenton, in a predominantly vertically mixed-use environment focused on creating a vibrant, pedestrian oriented, active downtown. District standards are oriented toward achieving a high quality of design and encourage building forms that complement the area's existing urban fabric.

F. R-MX Riverfront Mixed-Use District

The R-MX Riverfront Mixed Use District is intended to accommodate high intensity development along the Delaware River waterfront. District standards are tailored to encourage mixed-use, pedestrian-oriented development, and the preservation of the waterfront as both a visual and recreational amenity for Trenton residents.

5.2 USES

Article 8 lists permitted, conditional, and temporary uses for the commercial and mixed-use districts.

5.3 DIMENSIONAL STANDARDS

A. Table 5-1: Commercial and Mixed-Use Districts Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

B. For rowhouse dwellings, where the district permits two-family and multi-family dwellings, one or more of the rowhouse buildings in the overall rowhouse development may contain more than one dwelling unit in accordance with the standards in Article 8 for rowhouse dwellings.

C. Within an existing rowhouse development, one or more rowhouses within the structure may be replaced or reconstructed in accordance with the standards in Article 8 for rowhouse dwellings.

D. For rowhouse development, where a minimum square footage for lot area and a minimum lot width is indicated, minimum lot area and minimum lot width are calculated cumulatively on the basis of each rowhouse structure within the overall rowhouse development to determine the minimum lot area and minimum lot width for the overall development. The minimum lot area and minimum lot width do not apply to the minimum area or width of the individual rowhouse structure. (See Section 4.3.D for illustration)

E. For multi-family development where a minimum square footage for lot area is indicated, the minimum lot area is calculated cumulatively on the basis of the number of dwelling units in the structure to determine the minimum lot area for the overall development. The minimum lot area does not apply to the minimum dwelling unit size of the units within the development.

Table 5-1: Commercial and Mixed-Use Districts Dimensional Standards			
	C-MS	C-CC	C-MX
Bulk			
Minimum Lot Area (RH, MF: See Sections 5.3.D and 5.3.E)	None RH: 1,500sqft	None RH: 1,500sqft MF: 3,500sqft of lot area for three units + 500sqft of lot area for each additional unit	None RH: 1,200sqft MF: 600sqft
Minimum Lot Width (RH: See Section 5.3.D)	None RH: 15'	None	None RH: 12' MF: 50'
Maximum Building Coverage	None RH: 60%	None RH: 60% MF: 75%	None
Maximum Impervious Surface Coverage	None RH: 70%	None RH, MF: 70%	None RH, MF: 70%
Minimum Building Height	18'	None	None
Maximum Building Height	60' RH: 40'	60' RH: 40'	120' RH: 40'
Setbacks			
Front Setback	0' - 5' build-to zone	10' minimum or average of front setback of abutting structures, whichever is less	0-5' build-to zone
Minimum Front Build-to Percentage	80%	N/A	60%
Minimum Interior Side Setback	None, unless abutting a residential district, then 10'	None, unless abutting a residential district, then 10'	None, unless abutting a residential district, then 5'
Corner Side Setback	0' - 5' build-to zone	None RH, MF: 10' minimum	0-5' build-to zone
Minimum Corner Side Build-to Percentage	60%	N/A	60%
Minimum Rear Setback	None, unless abutting a residential district, then 25'	None, unless abutting a residential district, then 35' RH: 35'	None, unless abutting residential district or RH or MF use, then 20'

Table 5-1: Commercial and Mixed-Use Districts Dimensional Standards			
	MU-T	DT	R-MX
Bulk			
Minimum Lot Area	4,000sqft RH: 1,200sqft MF: 2,000sqft of lot area for three units + 500sqft of lot area for each additional unit	None	None
Minimum Lot Width	None RH: 12' MF: 50'	None	None
Maximum Building Coverage	None	None	None
Maximum Impervious Surface Coverage	None RH, MF: 70%	None	None
Minimum Building Height	None	24'	24'
Maximum Building Height	50' RH: 40'	210'	Blocks 9502, 9503, 9901, 9904, 10702: 210' Between 701' of the Delaware River and Broad Street: 110' Within 700' of the Delaware River, measured from ordinary high water line: 65'
Setbacks			
Front Setback	0-5' build-to zone	0' - 3' build-to zone Places of Worship (Standalone Structure): 0' - 20' build-to zone	0' - 5' build-to zone
Minimum Front Build-to Percentage	50%	100%	75%
Minimum Interior Side Setback	None, unless abutting a residential district, then 10'	None, unless abutting a residential district, then 15'	None, unless abutting a residential district, then 15'
Corner Side Setback	0-5' build-to zone	0' - 3' build-to zone Places of Worship (Standalone Structure): 0' - 20' build-to zone	0' - 5' build-to zone
Corner Side Build-to Percentage	40%	100%	75%
Minimum Rear Setback	None, unless abutting residential district or RH or MF use, then 20'	None, unless abutting a residential district, then 20'	None, unless abutting a residential district, then 20'

5.4 DESIGN STANDARDS

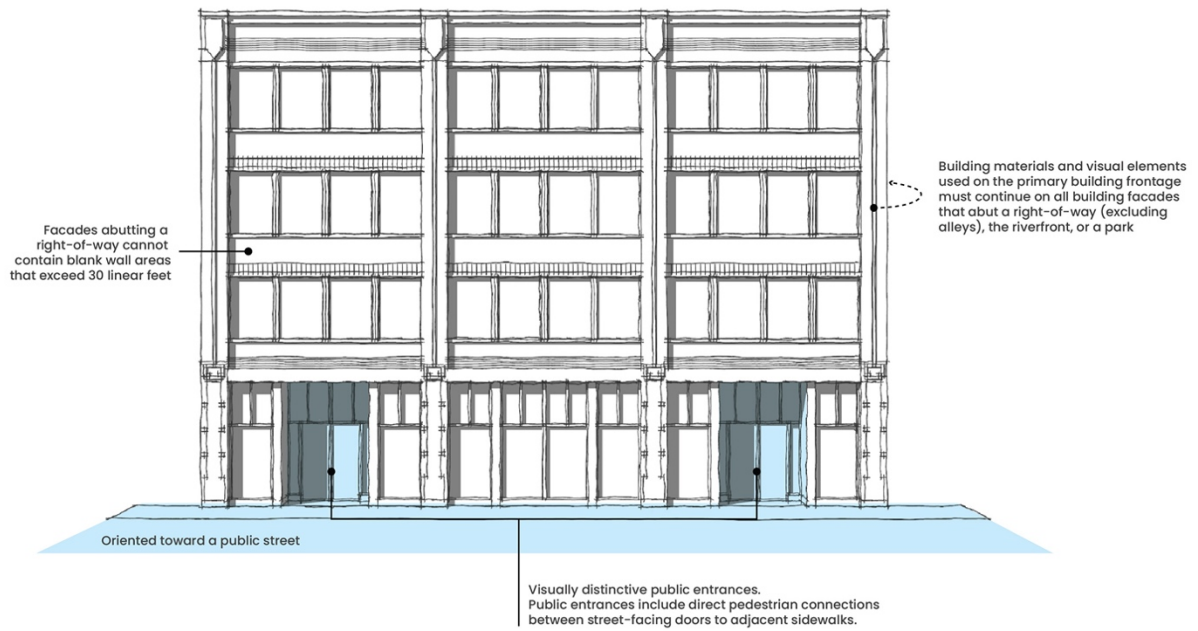
A. Table 5-2: Commercial and Mixed-Use Districts Design Standards establishes the design standards for the commercial and mixed-use districts. These standards apply to multi-family and nonresidential, including mixed-use, development. They do not apply to rowhouse development.

B. Standards apply to new construction and to expansions that exceed 30% or more of the existing structure's square footage.

C. In the table, a "✓" indicates that the standard is applicable in the district indicated. The absence of a "✓" indicates that the standard does not apply to the district.

Table 5-2: Commercial and Mixed-Use Districts Design Standards		C-MS	C-CC	C-MX	MU-T	DT	R-MX
Building Orientation and Entrances							
1	All buildings must be oriented toward a public street.	✓	✓	✓	✓	✓	
2	All public entrances must include direct pedestrian connections between street facing doors to adjacent sidewalks. All buildings must have a public entrance from the sidewalk along the primary building façade. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.	✓	✓	✓	✓	✓	
3	Building façades that abut a right-of-way, excluding alleys, the riverfront, and/or a park must not contain blank wall areas that exceed 30 linear feet, measured per story parallel to the street.	✓		✓	✓	✓	✓
4	Building materials and visual elements used on the primary building frontage must continue on all building façades that abut a right-of-way, excluding alleys, abut the riverfront, and/or abut a park.	✓		✓	✓		✓
Fenestration Design							
5	The ground floor of any façade facing a right-of-way, excluding alleys, must maintain a minimum transparency of 30%, measured between two and ten feet in height.		✓				
6	The ground floor of any façade facing a right-of-way, excluding alleys, the riverfront, and/or a park must maintain a minimum transparency of 40%, measured between two and ten feet in height.			✓		✓	✓
7	The ground floor of any façade facing a right-of-way, excluding alleys, must maintain a minimum transparency of 50%, measured between two and ten feet in height.	✓			✓		
8	Upper floors of any façade facing a right-of-way (excluding alleys), the riverfront, and/or a park must maintain a minimum transparency of 15% of the wall area of the story.	✓		✓	✓	✓	✓
9	Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.	✓	✓	✓	✓	✓	✓
Site Design							
10	Sites must be designed to ensure safe pedestrian access from the public right-of-way, and safe pedestrian circulation on-site, minimizing potential conflicts with automobile traffic.	✓	✓	✓	✓	✓	✓
11	All structures are limited to a maximum building length of 500 feet.						✓
12	No principal structure may be located to block the view of the riverfront from any public street that extends to the riverfront or terminates prior to reaching the riverfront but is within or abutting the boundaries of the RIV District. 1. View corridors must be the same width as the public right-of-way and must continue to the riverfront as a straight-line extension of the street. 2. Principal structure projections into any view corridor are limited no more than 10% of the width of the corridor. 3. Building passages cannot be used to meet this view corridor requirement.						✓
13	Loading areas, refuse disposal areas, and mechanical equipment must be screened when abutting a right-of-way (excluding alleys), the riverfront, and/or a park.						✓

COMMERCIAL DESIGN STANDARDS



5.5 GENERAL STANDARDS OF APPLICABILITY

A. Site Development Standards

See Article 10 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

B. Off-Street Parking and Loading

See Article 11 for off-street parking and loading standards and requirements.

C. Landscape

See Article 12 for landscape, buffering, and screening standards and requirements.

D. Signs

See Article 13 for standards governing signs.

Article 6. Industrial Districts

- 6.1 PURPOSE STATEMENTS**
- 6.2 USES**
- 6.3 DIMENSIONAL STANDARDS**
- 6.4 IMU DISTRICT DESIGN STANDARDS**
- 6.5 GENERAL STANDARDS OF APPLICABILITY**

6.1 PURPOSE STATEMENTS

A. I-L Light Industrial District

The I-L Light Industrial District accommodates a range of light industrial and office uses, as well as limited service uses intended to serve the needs of employees. Light industrial uses are enclosed, low-intensity uses with no external impacts, such as exhaust, noise, glare or vibration.

B. I-G General Industrial District

The I-G General Industrial District is intended to accommodate a range of industrial uses including fabrication and assembly-type manufacturing, as well as office and research and development facilities that may produce moderate external impacts, such as exhaust, noise, glare or vibration. General industrial uses may also contain outdoor storage and related outdoor activities.

C. I-MU Industrial Mixed-Use District

The I-MU Industrial Mixed-Use Zoning District accommodates a mixture of light industrial uses and a variety of compatible commercial uses such as entertainment, amusement, and retail establishments, as well as residential uses. District standards are designed to promote the reuse of older, character-giving industrial and warehouse structures that may no longer be suitable for their original purposes, but that can accommodate a variety of alternative types of uses.

6.2 USES

Article 8 lists permitted, conditional, and temporary uses for the industrial districts.

6.3 DIMENSIONAL STANDARDS

A. Table 6-1: Industrial Districts Dimensional Standards establishes the dimensional standards for the industrial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

B. For rowhouse dwellings, where the district permits two-family and multi-family dwellings, one or more of the rowhouse buildings in the overall rowhouse development may contain more than one dwelling unit in accordance with the standards in Article 8 for rowhouse dwellings.

C. Within an existing rowhouse development, one or more rowhouses within the structure may be replaced or reconstructed in accordance with the standards in Article 8 for rowhouse dwellings.

D. For rowhouse development, where a minimum square footage for lot area and a minimum lot width is indicated, minimum lot area and minimum lot width are calculated cumulatively on the basis of each rowhouse structure within the overall rowhouse development to determine the minimum lot area and minimum lot width for the overall development. The minimum lot area and minimum lot width do not apply to the minimum area or width of the individual rowhouse structure. (See Section 4.3.D for illustration)

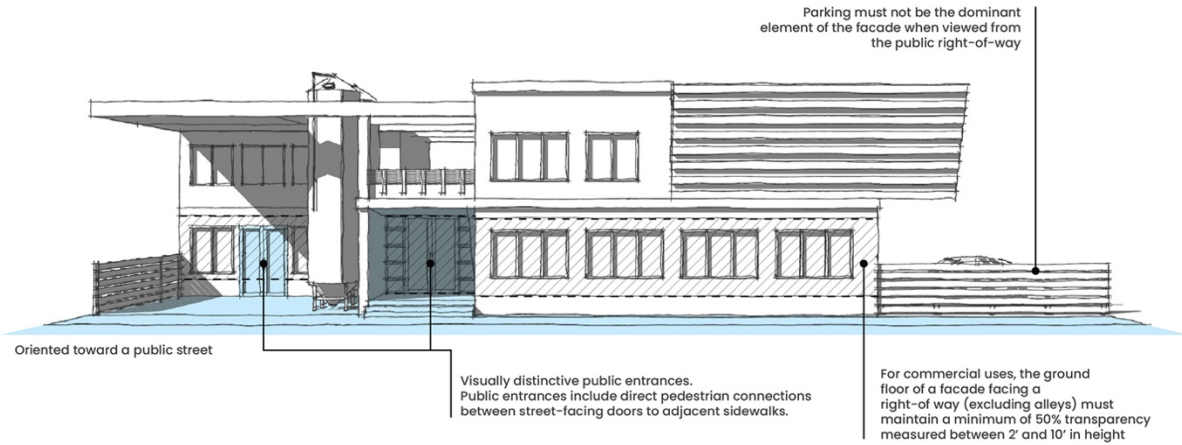
E. For multi-family development where a minimum square footage for lot area is indicated, the minimum lot area is calculated cumulatively on the basis of the number of dwelling units in the structure to determine the minimum lot area for the overall development. The minimum lot area does not apply to the minimum dwelling unit size of the units within the development.

Table 6-1: Industrial Districts Dimensional Standards			
	I-L	I-G	I-MU
Bulk			
Minimum Lot Area	10,000sqft	20,000sqft	None RH: 1,200sqft
Minimum Lot Width	50'	70'	None RH: 12'
Maximum Building Height	50'	50'	50' RH: 40'
Setbacks			
Minimum Front Setback	20'	20'	None
Minimum Interior Side Setback	Abutting I-L or I-G District: None Abutting any other district: 10'	Abutting I-L or I-G District: None Abutting any other district: 10'	None, unless abutting a residential district, then 10'
Minimum Corner Side Setback	15'	15'	None
Minimum Rear Setback	10'	10'	None, unless abutting a residential district, then 10'

6.4 IMU DISTRICT DESIGN STANDARDS

- A.** Table 6-2: IMU District Design Standards establishes the design standards for the I-MU District.
- B.** Standards apply to new construction and to expansions that exceed 30% or more of the existing structure's square footage.
- C.** The following standards apply to multi-family and nonresidential, including mixed-use, development in the I-MU District. They do not apply to rowhouse dwellings.
1. All buildings must be oriented toward a public street.
 2. All public entrances must include direct pedestrian connections between street facing doors to adjacent sidewalks. All buildings must have a public entrance from the sidewalk along the primary building façade. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.
 3. For commercial uses, the ground floor of any façade facing a right-of-way, excluding alleys, must maintain a minimum transparency of 50%, measured between two and ten feet in height.
 4. Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.
 5. Parking must not be the dominant visual element of the site when viewed from the public right-of-way.
 6. Developments must provide pedestrian linkages, encouraging safe pedestrian access between the development site and commercial uses outside or nearby the development.

NONRESIDENTIAL/MIXED-USE DEVELOPMENT (I-MU DISTRICT)



6.5 GENERAL STANDARDS OF APPLICABILITY

A. Site Development Standards

See Article 10 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

B. Off-Street Parking and Loading

See Article 11 for off-street parking and loading standards and requirements.

C. Landscape

See Article 12 for landscape, buffering, and screening standards and requirements.

D. Signs

See Article 13 for standards governing signs.

Article 7. Special Purpose Districts

- 7.1 TOD TRANSIT-ORIENTED DEVELOPMENT DISTRICT
- 7.2 I INSTITUTIONAL DISTRICT
- 7.3 OS-R OPEN SPACE AND RECREATION DISTRICT
- 7.4 GENERAL STANDARDS OF APPLICABILITY - ALL SPECIAL PURPOSE DISTRICTS

7.1 TOD TRANSIT-ORIENTED DEVELOPMENT DISTRICT

A. Purpose Statement

The TOD Transit Oriented Development District accommodates an intense mixture of commercial and residential uses in a predominantly vertically mixed-use environment focused on Trenton's transit assets including the Trenton Transit Center and light rail stations at Hamilton Avenue and Cass Street. The district is also intended to facilitate walkable, mixed-use development between the City's transit assets and nearby commercial or entertainment destinations. In order to address the different characteristics of the transit area within the City, two TOD Subdistricts are established: the TOD-1 Subdistrict and the TOD-2 Subdistrict. The primary distinction between these two TOD subdistricts is permitted height and the associated development intensity.

B. Uses

Article 8 lists permitted, conditional, and temporary uses for the TOD District. The use table only indicates one district (the TOD District) with permitted, conditional, and temporary uses allowed in both TOD Subdistricts.

C. Dimensional Standards

Table 7-1: TOD District Dimensional Standards establishes the dimensional standards for the TOD Subdistricts. These regulations apply to all uses within the subdistrict unless a different standard is listed for a specific use.

Table 7-1: TOD District Dimensional Standards		
	TOD-1 Subdistrict	TOD-2 Subdistrict
Bulk		
Minimum Lot Area	None	None
Minimum Lot Width	None	None
Minimum Building Height	60'	90'
Maximum Building Height	135'	250'
Setbacks		
Minimum Front Setback	0'-5' build-to zone	0'-5' build-to zone
Minimum Front Build-to Percentage	80%	80%
Minimum Interior Side Setback	None, unless abutting a residential district, then 10'	None
Minimum Corner Side Setback	0'-5' build-to zone	0'-5' build-to zone
Minimum Corner Side Build-to Percentage	60%	80%
Minimum Rear Setback	None, unless abutting a residential district, then 25'	None

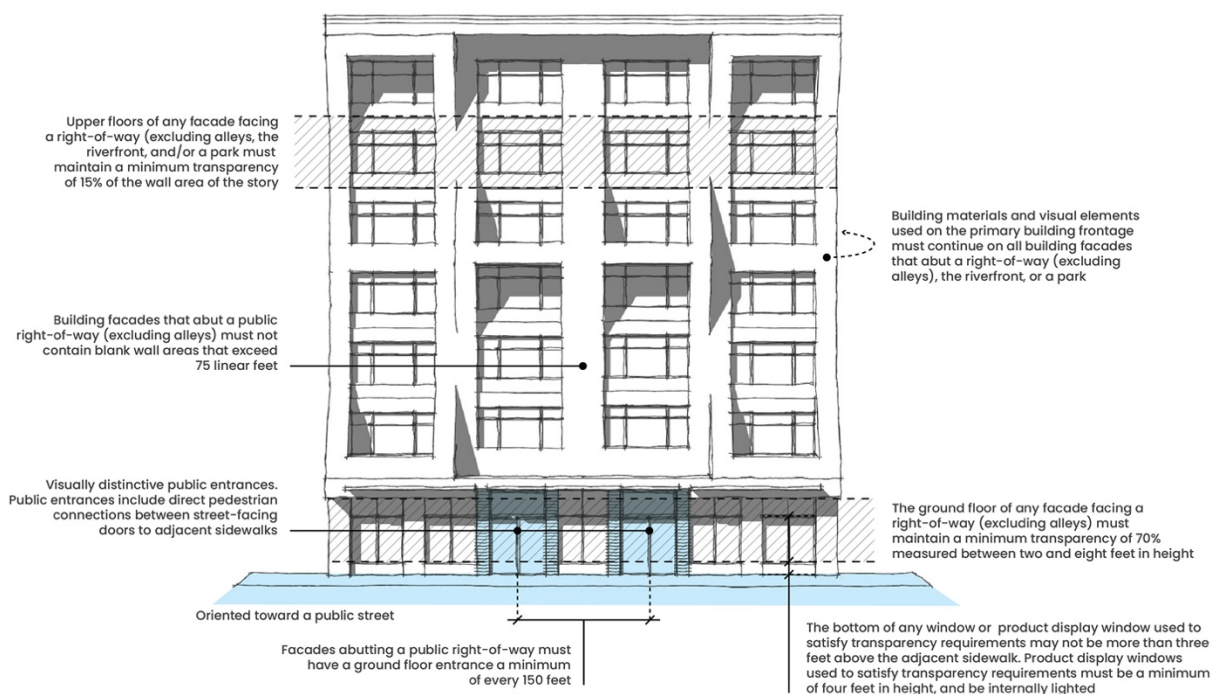
D. Design Standards

The following design standards apply in the TOD District to new construction and to expansions that exceed 30% or more of the existing structure's square footage.

1. All buildings must be oriented toward a public street.
2. All public entrances must include direct pedestrian connections between street facing doors to adjacent sidewalks. All buildings must have a public entrance from the sidewalk along the primary building façade. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.
3. All facades that abut a public right-of-way must have a ground floor entrance a minimum of every 150 feet, as measured along such facade. In addition to entrances to ground floor uses, entrances to residential units, clusters of residential units, lobbies, or private courtyards are considered to meet this requirement.
4. Building façades that abut a public right-of-way, excluding alleys, and/or abut a park must not contain blank wall areas that exceed 75 linear feet, measured per story parallel to the street.

5. Building materials and visual elements used on the primary building frontage must continue on all building façades that are visible from a public right-of-way or park, excluding alleys.
6. The ground floor of any façade facing a public right-of-way, excluding alleys, must maintain a minimum transparency of 70%, measured between two and eight feet in height. The bottom of any window or product display window used to satisfy this transparency standard may not be more than three feet above the adjacent sidewalk. Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted.
7. Upper stories of any façade facing a public right-of-way, excluding alleys, must maintain a minimum transparency of 15% of the wall area of the story.
8. Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.

TOD DISTRICT DESIGN STANDARDS



7.2 INST INSTITUTIONAL DISTRICT

A. Purpose Statement

The INST Institutional District accommodates a range of federal, state, county, and municipal governmental operations, as well as campus-like institutional uses such as healthcare and educational facilities. District standards are designed to accommodate the needs of large institutions in a manner that protects surrounding neighborhoods and business districts. Additional uses may be permitted within the INST District, such as residential and professional office or business uses that may be compatible with the character of the district.

B. Uses

Article 8 lists permitted, conditional, and temporary uses for the INST District.

C. Dimensional Standards

Table 7-3: INST District Dimensional Standards establishes the dimensional standards for the INST District. These regulations apply to all uses within the district unless a different standard is listed for a specific use.

Table 7-3: INST District Dimensional Standards	
Bulk	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Impervious Surface Coverage	75%
Maximum Building Height	70'
Setbacks	
Minimum Front Setback	20'
Minimum Interior Side Setback	None, unless abutting a residential district, then 10' plus 1' additional setback for each 2' of building height over 40'
Minimum Corner Side Setback	20'
Minimum Rear Setback	None, unless abutting a residential district, then 25'

7.3 OS-R OPEN SPACE AND RECREATION DISTRICT

A. Purpose Statement

The OS-R Open Space and Recreation District is intended to accommodate the creation, preservation, and enhancement of public open space and recreational amenities within Trenton. The district accommodates both active and passive recreational uses, such as parks and playgrounds, and acknowledges the multiple roles that these spaces often play within the City. As such, the district allows for certain ancillary uses that complement urban open space, such as outdoor entertainment venues, cafes, and similar uses.

B. Uses

Article 8 lists permitted, conditional, and temporary uses for the OS-R District.

C. Dimensional Standards

Table 7-4: OS-R District Dimensional Standards establishes the dimensional standards for the OS-R District. These regulations apply to all uses within the district unless a different standard is listed for a specific use.

Table 7-4: OS-R District Dimensional Standards	
Bulk	
Minimum Lot Area	None
Maximum Impervious Surface Coverage	30%
Maximum Building Height	40'
Setbacks (Applies Only to Structures; Does Not Apply to Fences)	
Minimum Front Setback	20'
Minimum Interior Side Setback	15'
Minimum Corner Side Setback	20'
Minimum Rear Setback	20'

7.4 GENERAL STANDARDS OF APPLICABILITY - ALL SPECIAL PURPOSE DISTRICTS

A. Site Development Standards

See Article 10 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

B. Off-Street Parking and Loading

See Article 11 for off-street parking and loading standards and requirements.

C. Landscape

See Article 12 for landscape, buffering, and screening standards and requirements.

D. Signs

See Article 13 for standards governing signs.

Article 8. Uses

- 8.1 GENERAL USE REGULATIONS**
- 8.2 USE MATRIX**
- 8.3 USE RESTRICTIONS**
- 8.4 PRINCIPAL USE STANDARDS**
- 8.5 TEMPORARY USE STANDARDS**

8.1 GENERAL USE REGULATIONS

A. Uses Allowed

1. No structure or land may be used or occupied unless allowed as a permitted or conditional use within the zoning district, as indicated in the use matrix.
2. Any use that is not included in the use matrix and is not interpreted as part of a listed use is prohibited in all districts. In addition, those uses listed in Section 8.3 below are subject to further restrictions and prohibitions.
3. A lot may contain more than one principal use, so long as each principal use is allowed in the district. Each principal use is approved separately. In certain cases, uses are defined to include accessory uses that provide necessary support or are functionally integrated into the principal use.

B. Principal Use Standards and Conditions

1. All principal uses, whether permitted or conditional, must comply with any applicable federal and state requirements, and any additional federal, state, or city ordinances.
2. All principal uses, whether permitted or conditional, must comply with the use standards of Section 8.4 for principal uses, as well as all other regulations of this Ordinance.
3. All conditional uses must be evaluated to ensure that the use is appropriate at the particular location and in the particular manner proposed. The conditional use must meet the following standards. If a conditional use has additional use standards per Section 8.4, those standards must also be met in addition to the standards of this section.
 - a. The conditional use is compatible with adjacent properties and will not create significant adverse impacts to adjacent properties and within the immediate vicinity.
 - b. The conditional use in the specific proposed location is consistent with the purpose and intent of this Ordinance and the Master Plan.
 - c. The nature and intensity of the operation involved in or conducted in connection with the conditional use is in harmony with the orderly development of the district where it is located.
 - d. The conditional use in the specific location has sufficient public infrastructure and services to support the use.

C. Temporary Use Standards and Conditions

1. All temporary uses must comply with any applicable federal and state requirements, and any additional federal, state, or city ordinances.
2. All temporary uses must comply with the use standards of Section 8.5 for temporary uses, as well as all other regulations of this Ordinance.

8.2 USE MATRIX

- A. Table 8-1: Use Matrix identifies the principal and temporary uses allowed within each zoning district.
- B. “ P” indicates that the use is permitted by-right in the district. “C” indicates that the use is a conditional use in the district and requires conditional use approval. If a cell is blank, the use is not allowed in the district.
- C. In the case of temporary uses, a “T” indicates the temporary use is allowed in the district and may require approval of a temporary use permit.
- D. For accessory uses, see Article 9.

8.3 USE RESTRICTIONS

- A. The following uses are specifically prohibited in the City:
 - 1. Salvage yard/junkyard
 - 2. Self-storage facility
- B. Drive through facilities are prohibited as part of any use with the exception of financial institutions.
- C. Vehicle tire storage is prohibited as part of any use. This does not include tires specifically ordered for a repair taking place on premises. Tires removed as part of a repair cannot be stored on-site and must be removed.
- D. Vehicle tire sales are prohibited as part of any use.
- E. Warehouse uses cannot warehouse/store tires, used vehicle parts, or used vehicles.

TABLE 8-1: USE MATRIX																				
PRINCIPAL USE	P = Permitted Use										C = Conditional Use			T = Temporary Use						
	RL-1	RL-2	RL-3	RM-1	RM-2	RH-1	RH-2	C-MS	C-CC	C-MX	MU-T	DT	R-MX	I-L	I-G	I-MU	TOD	INST	OS-R	USE STANDARD
Adult Use														C						Sec. 8.3.A
Alternative Correctional Facility																		P		
Amusement Facility - Indoor								P	P	P	P	P	P			P	P			
Amusement Facility - Outdoor										P	P		P			P				
Animal Care Facility - With Outdoor Area									C	P	P					P				Sec. 8.3.B
Animal Care Facility - Fully Indoors					C	C	C	P	P	P	P	P	P			P	P			Sec. 8.3.B
Animal Shelter														P		C				Sec. 8.3.B
Art Gallery					P	P	P	P	P	P	P	P	P			P	P	P		
Arts and Fitness Studio					P	P	P	P	P	P	P	P	P			P	P			
Bed and Breakfast		P	P	P	P	P	P													Sec. 8.3.C
Body Modification Establishment								P	P	P	P	P	P			P	P			
Broadcasting Facility - With Antennae														P	P	P		P		
Broadcasting Facility - No Antennae									P	P	P	P	P	P		P		P		
PRINCIPAL USE	RL-1	RL-2	RL-3	RM-1	RM-2	RH-1	RH-2	C-MS	C-CC	C-MX	MU-T	DT	R-MX	I-L	I-G	I-MU	TOD	INST	OS-R	USE STANDARD
Cannabis: Class 1 – Cannabis Cultivators														C	C					See Chapter 146, Licensing, Article IX, Cannabis Businesses, of the City Code
Cannabis: Class 2 – Cannabis Manufacturers														C	C					See Chapter 146, Licensing, Article IX, Cannabis Businesses, of the City Code
Cannabis: Class 3 – Cannabis Wholesalers														C	C					See Chapter 146, Licensing, Article IX, Cannabis Businesses, of the City Code
Cannabis: Class 4 – Cannabis Distributors														C	C					See Chapter 146, Licensing, Article IX, Cannabis Businesses, of the City Code
Cannabis: Class 5 – Cannabis Dispensaries								C	C	C	C	C	C			C	C			See Chapter 146, Licensing, Article IX, Cannabis

TABLE 8-1: USE MATRIX																				
	P = Permitted Use						C = Conditional Use				T = Temporary Use									
PRINCIPAL USE	RL-1	RL-2	RL-3	RM-1	RM-2	RH-1	RH-2	C-MS	C-CC	C-MX	MU-T	DT	R-MX	I-L	I-G	I-MU	TOD	INST	OS-R	USE STANDARD
																				Businesses, of the City Code
Cannabis: Class 6 – Cannabis Delivery														C	C					See Chapter 146, Licensing, Article IX, Cannabis Businesses, of the City Code
Cannabis: Vertically Integrated Cannabis Facilities								C	C	C	C	C	C	C	C	C	C			See Chapter 146, Licensing, Article IX, Cannabis Businesses, of the City Code
Cannabis: Academic Medical Center/Vocational Training Facility								C	C	C	C	C	C	C	C	C	C	C		See Chapter 146, Licensing, Article IX, Cannabis Businesses, of the City Code
Car Wash														C		C				Sec. 8.3.D
Cemetery																			P	
Children’s Home																		P		
Commercial Kitchen (Standalone)										P	P					P		P		
Community Center					P	P	P	P	P	P	P	P	P			P	P	P	P	
PRINCIPAL USE	RL-1	RL-2	RL-3	RM-1	RM-2	RH-1	RH-2	C-MS	C-CC	C-MX	MU-T	DT	R-MX	I-L	I-G	I-MU	TOD	INST	OS-R	USE STANDARD
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	Sec. 8.3.E
Community Residence	P	P	P	P	P	P	P											P		
Conservation Area																			P	
Cultural Facility					P	P	P	P	P	P	P	P	P			P	P	P	P	
Day Care Center					P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 8.3.F
Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P			Sec. 8.3.F
Drug Treatment Clinic																		P		
Dry Cleaner					P	P	P	P	P	P	P	P	P			P	P			Sec. 8.3.G
Dwelling - Above the Ground Floor					P	P	P	P	P	P	P	P	P			P	P			
Dwelling - Multi-Family						P	P		P	P	P	P	P			P	P			Sec. 8.3.H
Dwelling - Rowhouse					P	P	P	P	P	P	P					P				Sec. 8.3.H
Dwelling - Single-Family	P	P	P	P	P	P	P													Sec. 8.3.I
Dwelling - Single-Family Attached				P	P	P	P													Sec. 8.3.I

TABLE 8-1: USE MATRIX																				
	P = Permitted Use						C = Conditional Use				T = Temporary Use									
PRINCIPAL USE	RL-1	RL-2	RL-3	RM-1	RM-2	RH-1	RH-2	C-MS	C-CC	C-MX	MU-T	DT	R-MX	I-L	I-G	I-MU	TOD	INST	OS-R	USE STANDARD
Dwelling - Two-Family				P	P	P	P													Sec. 8.3.I
Eating and Drinking Establishment					P	P	P	P	P	P	P	P	P	P		P	P	P		
Educational Facility - College/University												P	P	P		P	P	P		
Educational Facility - Primary or Secondary	P	P	P	P	P	P	P									P		P		
Educational Facility -Vocational									P	P	P	P	P	P		P	P			
Financial Institution								P	P	P	P	P	P			P	P			
Financial Service, Alternative										P	P									Sec. 8.3.J
Food Bank														P	P	P				
Food Pantry						P	P	P	P	P	P			P		P	P			
Food Truck Park										P	P	P	P	P		P	C	P		Sec. 8.3.K
Freight Terminal														P	P					
Funeral Home									P	P	P					P				
Gas Station									C					C		C				Sec. 8.3.L
Golf Course/Driving Range																			P	
PRINCIPAL USE	RL-1	RL-2	RL-3	RM-1	RM-2	RH-1	RH-2	C-MS	C-CC	C-MX	MU-T	DT	R-MX	I-L	I-G	I-MU	TOD	INST	OS-R	USE STANDARD
Halfway House																		P		
Heavy Retail, Rental, and Service											P			P		P				
Heliport																		P		
Hospital																		P		
Hotel								P	P	P	P	P	P			P	P			Sec. 8.3.M
Impound Lot															C					Sec. 8.3.N
Industrial – Artisan										P	P			P		P	P			Sec. 8.3.O
Industrial – General															P					
Industrial – Light														P	P	P				
Industrial Design								P	P	P	P	P	P	P		P	P			
Live Entertainment - Secondary Use								P	P	P	P	P	P			P	P			
Live Performance Venue								P	P	P	P	P	P			P	P			
Live/Work				P	P	P	P	P	P	P	P	P	P			P	P			Sec. 8.3.P
Lodge/Meeting Hall		P	P	P	P	P	P	P	P	P	P	P	P			P		P		Sec. 8.3.Q
Medical/Dental Office/Clinic	C	C	C	C	C	P	P	P	P	P	P	P	P			P	P	P		Sec. 8.3.R
Micro-Production of Alcohol					C	C	C	P	P	P	P	P	P			P	P			Sec. 8.3.S
Movie Studio														P		P	P			
Needle Exchange Facility																		P		

TABLE 8-1: USE MATRIX																				
	P = Permitted Use						C = Conditional Use				T = Temporary Use									
PRINCIPAL USE	RL-1	RL-2	RL-3	RM-1	RM-2	RH-1	RH-2	C-MS	C-CC	C-MX	MU-T	DT	R-MX	I-L	I-G	I-MU	TOD	INST	OS-R	USE STANDARD
Neighborhood Commercial Establishment	C	C	C	C																Sec. 8.3.T
Nightclub								C	C	C	C	C	C			C				Sec. 8.3.U
Office					P	P	P	P	P	P	P	P	P	P		P	P	P		
Outdoor Storage Yard														P	P					Sec. 8.3.V
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parking Lot (Principal Use)									C	C	C			P	P	C				Article 10
Parking Structure (Principal Use)									P	P	P	C	C	P	P	P	C			Article 10
Passenger Terminal										P	P	P				P	P			
Personal Service Establishment					P	P	P	P	P	P	P	P	P			P	P			
Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P			P		P		
Private Recreation Club				C	C	C	C		C	C	P	C	C			P	C	P		Sec. 8.3.W
Private Social Club		P	P	P	P	P	P		P	P	P	P	P			P	P	P		Sec. 8.3.W
Public Safety Facility								P	P	P	P	P	P	P	P	P				
Public Works Facility											P			P	P	P				
Reception Facility									P	P	P	P	P			P	P			Sec. 8.3.X
PRINCIPAL USE	RL-1	RL-2	RL-3	RM-1	RM-2	RH-1	RH-2	C-MS	C-CC	C-MX	MU-T	DT	R-MX	I-L	I-G	I-MU	TOD	INST	OS-R	USE STANDARD
Recycling Center															C					Sec. 8.3.Y
Research and Development										P	P	P	P	P	P	P	P	P		
Residential Care Facility						P	P		C	C	C	C	C					P		Sec. 8.3.Z
Residential Addiction Treatment Facility																		P		Sec. 8.3.Z
Retail Goods Establishment					P	P	P	P	P	P	P	P	P	P		P	P			
Retail Sales of Alcohol								P	P	P	P	P	P			P	P			
Rooming House – Senior Citizen Owner Only	C	C	C	C	C	C	C													Sec. 8.3.AA
Shelter, Domestic Violence	P	P	P	P	P	P	P											P		
Shelter, Homeless																		P		
Single Room Occupancy									C	C	C	C	C			C	C	P		Sec. 8.3.BB
Social Service Center					P	P	P	P	P	P	P	P	P			P	P	P		
Specialty Food Service					P	P	P	P	P	P	P	P	P			P	P			
Vehicle Dealership											P			P						
Vehicle Operation Facility														P	P					
Vehicle Rental											P			P						
Vehicle Repair/Service									C					C		C				Sec. 8.3.CC

TABLE 8-1: USE MATRIX																				
PRINCIPAL USE	P = Permitted Use						C = Conditional Use					T = Temporary Use								
	RL-1	RL-2	RL-3	RM-1	RM-2	RH-1	RH-2	C-MS	C-CC	C-MX	MU-T	DT	R-MX	I-L	I-G	I-MU	TOD	INST	OS-R	USE STANDARD
Warehouse														C, P	C, P					Sec. 8.3.DD
Wholesale														P	P	P				
Wind Energy System														P	P			P		Sec. 8.3.EE
Wireless Telecommunications	C, P	C, P	C, P	C, P	C, P	C, P	C, P	C, P	C, P	C, P	C, P	C, P	C, P	C, P	C, P	C, P	C, P	C, P	C, P	Sec. 8.3.FF

TABLE 8-1: USE MATRIX																				
TEMPORARY USE	P = Permitted Use						C = Conditional Use					T = Temporary Use								
	RL-1	RL-2	RL-3	RM-1	RM-2	RH-1	RH-2	C-MS	C-CC	C-MX	MU-T	DT	R-MX	I-L	I-G	I-MU	TOD	INST	OS-R	USE STANDARD
Farmers' Market	T	T	T	T	T	T	T	T	T	T	T	T	T			T	T	T	T	Sec. 8.4.B
Food Truck/Trailer								T	T	T	T	T	T	T		T	T	T	T	Sec. 8.4.C
Real Estate Project Sales Office/Model Unit	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 8.4.D
Temporary Contractor Office and Contractor Yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 8.4.E
Temporary Outdoor Entertainment	T	T	T	T	T	T	T	T	T	T	T	T	T			T	T	T	T	Sec. 8.4.F
Temporary Outdoor Sales	T	T	T	T	T	T	T	T	T	T	T	T	T			T	T	T	T	Sec. 8.4.G
Temporary Outdoor Storage Container	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 8.4.H

8.4 PRINCIPAL USE STANDARDS

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or conditional use, in addition to all other regulations of this Code. All conditional uses must meet the general standards for conditional uses in Section 8.1.B.3, in addition to any specific standards in this section below.

A. Adult Use

It is recognized that adult uses, because of their very nature, are recognized as having serious objectionable operational characteristics. It has been determined that strict control and regulation of these uses is required to ensure their operation is maintained in compliance with the law for the preservation of the public health, safety, and welfare of the people of Trenton and to prevent their contributing to the blighting and downgrading of the surrounding neighborhoods.

1. Adult uses cannot be located within 1,000 feet of the boundaries of the site of an existing adult use.
2. Adult uses cannot be located within 1,000 feet of a residential district, place of worship, educational facility - primary/secondary, educational facility, bus stop, public park, hospital, or day care center.
3. Every adult use must be surrounded by a perimeter buffer of at least 50 feet in width with plantings, fence, or other physical divider along the outside of the perimeter sufficient to impede the view of the interior of the premises on which the business is located.
4. An adult use is limited to one wall sign no more than 40 square feet in size.
5. The premises must be clearly posted from the outside that the premises is off limits to minors.

B. Animal Care Facility and Animal Shelter

1. Animal care facilities and shelters must locate exterior exercise areas to the side or rear of the building.
2. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against sun/heat and weather. A fence a minimum of six feet and a maximum of eight feet in height is required for all exterior exercise areas.
3. Animal care facilities and shelters must locate all overnight boarding facilities indoors.
4. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.

C. Bed and Breakfast

1. A bed and breakfast must be operated in the principal building on the lot and not in accessory structures.
2. A bed and breakfast must be operated by an owner who also resides on the property.
3. The exterior of a bed and breakfast must maintain its original appearance as a single-family dwelling. No parking may be located in front of the front building facade.
4. Cooking equipment is prohibited in individual guestrooms. However, this does not include a mini-refrigerator, coffee maker, and/or a microwave, which are allowed.
5. No receptions, meetings, or other functions are allowed on the premises.
6. No retail sales are permitted with the exception of accessory retail of related items such as souvenirs, postcards, and snack items.
7. No bed and breakfast may operate a restaurant. Meals may only be served to registered guests and at private events.
8. One sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs are limited to five feet in height and must be a minimum of five feet from any lot line.

D. Car Wash

1. When a car wash facility abuts a residential district or any open space use, a buffer is required:
 - a. Along the rear lot line: A solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
 - b. Along the interior side lot line: A solid fence or wall, a minimum of six feet and a maximum of eight feet in height up to the residential lot's front yard line. At the front yard line, the fence must be a minimum of 3.5 feet and a maximum of four feet.
2. The lot must be graded to drain away from adjoining properties.

E. Community Garden

The following standards apply to community gardens on private property. Community gardens on city-owned property are subject to the standards of Chapter 54 City-Owned Property, Section 54-4: "Community Gardens Program."

1. Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. It may also include community-gathering spaces for active or passive recreation.
2. The keeping of livestock, chickens or other poultry, and any aquaculture is prohibited. Apiaries are permitted.
3. Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures without a permanent foundation, are permitted to extend the growing season. Sheds without a permanent foundation are limited to 144 square feet in gross floor area are also permitted. All accessory structures must be located a minimum of five feet from any lot line.
4. On-site composting is permitted.
5. Business transactions of any kind, whether for a fee or for free, require prior written approval from the Zoning Officer. This includes, but is not limited to, farmers markets, farmstands, and other produce sales.
6. The following activities are prohibited within a community garden:
 - a. Park, store, repair, or maintain cars, trailers, boats, or any other vehicle.
 - b. Plant trees, unless otherwise approved by the Zoning Officer.
 - c. Place or construct any permanent structures on the site of the community garden including, but not limited to, pools, carports or garages, sheds or other structures with a permanent foundation, paving materials (concrete, asphalt, etc.), or playground equipment.

F. Day Care Center and Day Care Home

1. The day care center or day care home facilities must comply with all applicable state regulations, such as required indoor and outdoor space.
2. The maximum number of children or adults shall be in accordance with state regulations and guidelines.
3. The operator's license of the day care center or day care home must be displayed publicly.
4. A day care center must provide a pickup/drop off area. The pickup/drop off area must not interfere with vehicle circulation in the right-of-way or a parking lot, and cannot block any drive aisle.

G. Dry Cleaners

1. The use of perchloroethylene (PCE) and other chlorinated solvents are prohibited at all dry cleaners.

H. Dwelling - Multi-Family or Rowhouse

The following use standards apply to multi-family dwellings in the residential districts and to rowhouses in all districts.

1. Rowhouse Dwellings - Multiple Unit Permissions

a. For rowhouse dwellings, where the district permits two-family and multi-family dwellings, one or more of the rowhouse buildings in the overall rowhouse development may contain more than one dwelling unit as follows:

i. When the district allows two-family dwellings but does not allow multi-family, a rowhouse building within the overall rowhouse development may be developed with two units so long as the lot the rowhouse structure is located on within the development meets the lot area standard for a two-family dwelling in the district. All other standards for a rowhouse apply.

ii. When the district allows multi-family dwellings, a rowhouse building within the overall rowhouse development may be developed with two or more units so long as the lot the rowhouse structure is located on within the development meets the required lot area for a multi-family development in the district. If multi-family dwellings in the district do not have a required minimum lot area per unit, a rowhouse structure of two or more units is permitted using the standard of 600 square feet of lot area per unit. All other standards for a rowhouse apply.

b. When a rowhouse building within a rowhouse development is converted to or newly constructed with multiple units, they must maintain the appearance of a single unit rowhouse.

2. Rowhouse Dwellings - Replacement of Rowhouse Buildings

a. When a rowhouse building is replaced within an existing rowhouse development, such rowhouse may be rebuilt to the original footprint of the building it is replacing, including all party walls. However, if such rowhouse building is an end unit, the corner side yard setback must be met.

3. Façade Design (Rowhouse and Multi-Family)

a. Façades must be designed with consistent materials and treatments that wrap around all façades. There must be a unifying architectural theme for the entire multi-family or rowhouse development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.

b. Street-facing building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as stoops, porches, balconies, and bay windows, are encouraged to provide dimensional elements on a façade.

c. The following minimum transparency requirements apply to any façade facing a street and are calculated on the basis of the entire area of the façade:

i. Rowhouse: 10%

ii. Multi-Family Dwelling: 15%

d. Front-loaded attached garages are prohibited.

4. Building Material Restrictions

The following building material restrictions apply:

a. The following building materials are prohibited on any part of any façade:

i. Plain concrete block

ii. Plastic

iii. Exterior insulating finish systems (EIFS)

iv. T-111 composite plywood siding

b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 25% of the façade:

- i. Corrugated metal
- ii. Aluminum, steel or other metal sidings
- iii. Exposed aggregate (rough finish) concrete wall panels
- iv. Vinyl

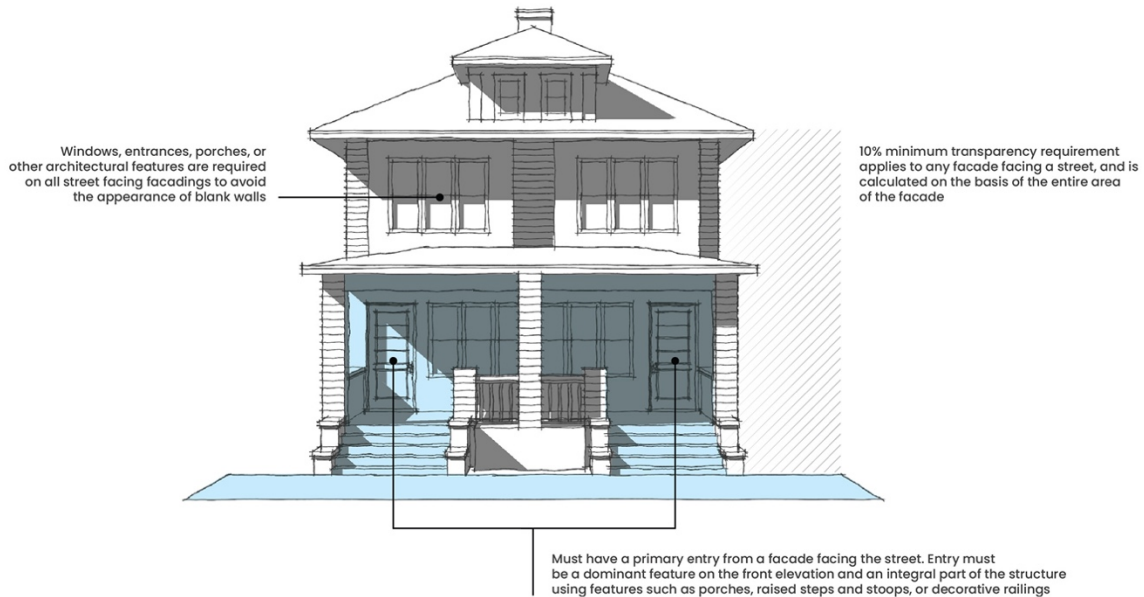
ROWHOUSE AND MULTI-FAMILY DESIGN



I. Dwelling - Single-Family, Single-Family Attached, and Two-Family

1. The dwelling must have a primary entrance from a façade facing the street. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure, using features such as porches, raised steps and stoops, or decorative railings to articulate the front façade.
2. Windows, entrances, stoops, porches, or similar architectural features are required on all street-facing facades to avoid the appearance of blank walls.
3. A 10% minimum transparency requirement applies to any façade facing a street and is calculated on the basis of the entire area of the façade.
4. Front-loaded attached garages are prohibited.
5. A front-loaded attached garage cannot project more than three feet from the building facade line. This applies to garages that take access/load from a front lot line or a corner side lot line.
6. For single-family - attached dwellings, the interior side yard requirements do not apply to the interior side yard where the party wall for the structure is located.

SINGLE-FAMILY AND TWO-FAMILY DESIGN STANDARDS



J. Financial Services, Alternative (AFS)

1. No alternative financial service may be located within 1,000 feet of an existing alternative financial service, measured from lot line to lot line.

K. Food Truck Park

1. There must be a designated manager of the lot that is responsible for the orderly organization of food truck vendors, the cleanliness of the site, and the compliance with all rules and regulations during business hours. Such information must be clearly posted on the lot.
2. The area must be kept clear of litter and debris at all times. Waste receptacles and/or recycling bins must be provided.
3. A minimum of 20% of the food truck park lot area must be shared common area, not including any food truck sites and vehicle parking spaces. The common area should be designed for customer use, which includes elements such as seating areas, restroom facilities, and lawn and landscaped areas.
4. Food truck parks may be standalone uses or may be co-located with another principal use. These properties must be designed to be able to accommodate all required development standards for all principal uses.
5. A commissary for the use of food truck vendors is permitted.
6. No temporary use permits for individual food truck vendors are required within food truck parks.

L. Gas Station

1. The principal building must meet the setback requirements of the district in which it is located.
2. Gasoline pump islands must:
 - a. Be located no closer than 15 feet to any street lot line when constructed parallel to the pavement edge.
 - b. Be located no closer than 30 feet to any street lot line when constructed perpendicular to the pavement edge.
 - c. Be set back 15 feet from all lot lines other than a street lot line.
3. Gas station canopies cannot be constructed closer than 15 feet from any street lot line.
4. A retail goods establishment is permitted in connection with the principal gas station use. Car wash bays are prohibited as part of a gas station.

M. Hotel

1. Hotels must be designed so that all guest rooms are contained internal to a building. Guest rooms are to be through common lobbies and shared hallways. Direct independent access to each guest room from the outside of the building is prohibited.

N. Impound Lot

1. A solid fence or wall, a minimum of six feet and a maximum of eight feet in height along all lot lines.

O. Industrial – Artisan

1. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.

P. Live/Work

1. A minimum of one person must occupy the live/work unit as their primary residence.
2. No business storage or warehousing of material, supplies, or equipment is permitted outside of the live/work unit.
3. The nonresidential use of the unit is limited to nonresidential uses allowed in the district.
4. No equipment or process may be used in connection with the live/work unit that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the premises.

Q. Lodge/Meeting Hall

1. No more than 30% of the gross floor area may be used as office space for the lodge/meeting hall.
2. Lodges/meeting halls are permitted to serve meals and alcohol on the premises for members and their guests only or for lessees when leased or used as reception facilities.
3. Sleeping facilities are prohibited.
4. Lodges/meeting halls leased or used as reception facilities cannot charge a general admission fee or any other monetary donations (payment at the door to the general public) for entrance, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, educational facilities, or similar uses.

R. Medical/Dental Office/Clinic

1. Medical/dental offices and clinics in the RL-1, RL-2, and RL-3 Districts are limited to a maximum gross floor area of 3,500 square feet.

S. Micro-Production of Alcohol

1. All alcohol production must be within completely enclosed structures.

T. Neighborhood Commercial Establishment

1. Neighborhood commercial establishments are only allowed within existing structures that are nonresidential in their construction and/or use as of the effective date of this Ordinance. Once a neighborhood commercial establishment use is approved, it can be changed to any of the uses allowed within item 2 below.

2. The following nonresidential uses are permitted within a neighborhood commercial establishment and subject to any of the applicable use standards of this section. After the approval of the initial conditional use for the neighborhood commercial establishment and its initial intended use, as allowed by the list below, a new conditional use approval is required for a change of use.

- a. Art gallery
- b. Arts and fitness studio
- c. Day care center
- d. Dry cleaner
- e. Eating and drinking establishment
- f. Medical/Dental Office/Clinic
- g. Office
- h. Personal service establishment
- i. Retail goods establishment - no sales of alcohol
- j. Specialty food service establishment

3. Drive-through facilities are prohibited.
4. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.
5. Signs are limited to those allowed in the C-MS District.
6. A neighborhood commercial establishment, where the commercial use fronts on a street, may have a dwelling unit or units located above the ground floor or behind the ground floor commercial use.

U. Nightclub

1. A manager must be on-site during all events.
2. A private licensed and bonded security company is required. A security guard must be present during operating hours to admit patron and monitor exterior areas. Additional security measures, such as lighting, surveillance cameras, and crowd control mechanisms, are required.
3. The operator must provide a summary to the City of all noise reducing techniques to be employed.

4. Provisions for smoking areas, outside gathering areas, and queuing lines are required and must demonstrate that these areas do not block public sidewalks, driveways, or surrounding businesses doorways, and are oriented away from any abutting residential districts.

5. The operator is responsible for cleaning the sidewalk within 50 feet of the premises during the hours of operation to maintain the sidewalk free of garbage, cigarette butts, and other debris. The operator shall also arrange for litter removal after close of business.

6. The operator must describe all rules regarding loitering on their premises and actions to be taken to prevent loitering.

V. Outdoor Storage Yard

1. The storage area must be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress.

a. Fences or walls along the front or corner side lot line must be set back a minimum of ten feet from the lot line. Within that setback, shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity, and one evergreen tree every 50 feet planted linearly. Plantings must be placed outside the fence facing the right-of-way.

b. Fences or walls along the rear or interior side lot line require the planting of shrubs spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence toward the interior of the lot.

2. Storage of any kind is prohibited outside the fence or wall.

3. No items stored within 25 feet of the fence may exceed the height of the fence or wall for an outdoor storage yard.

W. Private Social Club and Private Recreation Club

1. Private clubs are permitted to serve meals and alcohol on the premises for members and their guests only or for lessees when leased or used as reception facilities.

2. Sleeping facilities are prohibited.

3. Private clubs leased or used as reception facilities cannot charge a general admission fee or any other monetary donations (payment at the door to the general public) for entrance, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, educational facilities, or similar uses.

X. Reception Facility

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, educational facilities, or similar uses.

Y. Recycling Center

1. Screening and Fencing

a. Solid fencing, screens, or buffers a minimum of ten feet in height must be provided along all lot lines. Fencing along any lot line of a recycling center that abuts a public right-of-way, except within I-G District, or abuts any district except the I-G District, must be a solid wall with a finished or painted side facing outwards, the materials and design of which are subject to approval during site plan review.

b. Fencing facing the public right-of-way must be set back five feet from the property line, and landscaping provided for the area between the lot line and the fence.

- c. Gates providing access must be a minimum of eight feet in height and made of solid materials. Doors must and open so that they do not infringe on the public right-of-way.
- d. Solid fencing is not required with respect to lots lines in the I-G District.

2. Site Standards

- a. The Planning Board or Zoning Board of Appeal may require that certain interior driveways within recycling centers be paved in order to minimize tracking of mud and debris and in order to facilitate proper drainage of the site.
- b. All processed and unprocessed materials and residue must be stored in a manner which prevents runoff, leakage or seepage of any waste or residue into, on or around the soil on which the storage or stockpile is located. The design of all storage, stockpile and disposal areas, and the methods established for prevention of runoff, leakage, and seepage, are subject to Planning Board review and approval at the time of site plan application.

Z. Residential Care Facility and Residential Drug/Alcohol Treatment Facility

- 1. Residential care facilities and residential drug/alcohol treatment facilities are subject to the standards for multi-family dwellings for the district in which they are located.
- 2. Residential care facilities or residential drug/alcohol treatment facilities are allowed as part of a mixed-use development and are subject to the standards for a mixed-use development within the district in which they are located.

AA. Rooming House - Senior Citizen Owner Only

- 1. Per Section 40:55D-68.4 of the New Jersey Code Title 40, a senior citizen, who is the owner of a single-family dwelling which is their primary residence, may rent or lease a room or rooms within that dwelling, together with general use associated with that dwelling, to one person. For the purposes of this section, a senior citizen is any person of 62 years of age or the spouse of that person, or the surviving spouse of that person, if the surviving spouse is 55 years of age or older. Rooming houses are only allowed when a senior citizen per this section is the owner of a single-family dwelling which is their primary residence,

BB. Single Room Occupancy (SRO)

- 1. Rooming units must be a minimum of 80 square feet.
- 2. Rooming units in single room occupancy residences are limited to one occupant per room.
- 3. The building must contain common space such as recreation areas, lounges, living rooms, dining rooms, or other congregate living spaces at a rate of five square feet per rooming unit, but totaling not less than 250 square feet. Bathrooms, laundries, hallways, the main lobby, vending areas, and kitchens are not counted as common space.
- 4. Rooming units in each building must be accessed through one primary location. On-site management must be provided on a 24 hour basis per building. Adequate on-site management includes having an employee on premises 24 hours a day. The employee must be accessible to residents, law enforcement personnel, and any other individuals who need to establish communication upon or about the premises.
- 5. Adequate on-site management also requires that the employee has the authority to exercise control over the premises to ensure that the use of the premises does not result in littering, nuisance activities, noise, or other activities that interfere with the peaceful enjoyment and use of surrounding properties. Cleaning services must be provided and utilities must be mass metered.

CC. Vehicle Repair/Service

1. Vehicle repair/service establishments may not store the same vehicles outdoors on the lot for longer than 15 days once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.
2. Repair of vehicles and storage of all merchandise, auto parts, and supplies must be within a structure.
3. Vehicle repair/service establishments that abut a residential district require a solid fence or wall a minimum of six feet to a maximum of eight feet in height.
4. No partially dismantled, wrecked, junked, or discarded vehicles, or vehicles that sit on one or more flat tires or are inoperable in any manner may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
5. The sale of new or used vehicles is prohibited.
6. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

DD. Warehouse

A warehouse use is only allowed as follows:

1. As a conditional use in the I-L and I-G Districts when located upon a contaminated site, defined as a site where applicable State and or Federal remediation standards are exceeded, and where active remediation will occur to remove or destroy the contaminant and result in the issuance of sitewide unrestricted use Remedial Action Outcome (RAO).
2. As a permitted use when accessory to another principal use of light industrial, general industrial, or artisan industrial, when the gross floor area of the warehouse is less than 50% the total gross floor area of the structure.
3. As a conditional use when accessory to another principal use of light industrial, general industrial, or artisan industrial, when the gross floor area of the warehouse is 50% or more of the total gross floor area, up to a maximum of 75%, of the structure.

EE. Wind Energy System

1. The design of the wind energy system must conform to applicable industry standards as such standards exist as of the date construction is commenced. The facility owner or operator must submit certificates of design compliance obtained by the equipment manufacturers or certifying organizations.
2. Wind turbines must comply with the following design standards:
 - a. Wind turbines must be a non-obtrusive and non-reflective color.
 - b. Wind turbines must not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.
 - c. Wind turbines must not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.
 - d. On-site transmission and power lines between wind turbines must, to the maximum extent practicable, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.
 - e. Non-essential appurtenances are prohibited to be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.
3. The applicant must commission and submit at the time of permit application a wildlife assessment (impact study), conducted by a qualified wildlife expert, indicating possible risks to local wildlife, habitat, and migratory birds.

4. Wind turbines must not be climbable up to a height of at least 15 feet above ground surface. All access doors to wind turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
5. Wind turbines must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, no less than the turbine height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.
6. Operation and maintenance building(s) and substations must be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, must comply with the regulations of the zoning district.
7. All wind turbines must be set back from the nearest public right-of-way a distance of 110% of the turbine height, as measured from the right-of-way line to the nearest point on the outside edge of a tower.
8. The facility owner or operator must comply with all applicable codes regulating sound generation. A predictive sound study of turbine noise must accompany the application to verify that all code requirements can be met for dBA sound levels. In the event that any sound levels from a wind turbine are found to be in excess of permissible levels per the City Code, the facility owner or operator must take necessary measures to bring sound levels down to an acceptable level.
8. A shadow flicker study is required, and must be submitted with the application. Projects must mitigate shadow flicker on existing structures and shadow flicker must not fall within the buildable area of an adjacent lot, as defined by current setback requirements.
10. The facility owner and operator must, at their sole expense, complete decommissioning of the wind energy system, or individual wind turbines, once the use of the wind energy system or any individual wind turbines are discontinued. The wind energy system or turbine must be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of 180 days. Decommissioning includes removal of wind turbines and related aboveground equipment.

FF. Wireless Telecommunications

All wireless telecommunication towers, facilities, and antennas are conditional uses with the exception of antenna stealth design (item 5 below).

1. Application Requirements

All applications to erect, construct, or modify any part of a wireless telecommunications system require site plan review must include the following items:

- a. A site plan showing:
 - i. The location, size, screening, and design of all structures, including fences.
 - ii. The location and size of all outdoor equipment.
 - iii. Elevations showing antenna height.
 - iv. If the site plan is for a new wireless telecommunications facility, a landscape plan showing all screening.
 - v. If the site plan is for a new wireless telecommunications tower, indication of the fall zone as a shaded circle.
- b. A maintenance plan and any applicable maintenance agreement designed to ensure long-term, continuous maintenance, such as maintenance of landscape, keeping the area free from debris and litter, and immediate removal of any graffiti.

- c. A disclosure of what is proposed, demonstrating the need for the wireless telecommunications system in the proposed location. This is not required for co-location or stealth design antennas.
- d. The reason or purpose for the placement, construction, or modification in the proposed location with specific reference to the provider's coverage, capacity, and/or quality needs, goals, and objectives. This is not required if the proposal does not involve the erection of a new tower.
- e. The service area of the proposed wireless telecommunications system.
- f. If the proposal is for a new telecommunications tower, then a map showing collocation opportunities within the City and within areas surrounding the borders of the City must be provided and justification for why co-location is not feasible in order to demonstrate the need for a new tower.
- g. If the proposal is for a new telecommunications tower, certification by a licensed and registered professional engineer regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining if additional setback should be required for the structure and other facilities.

2. Location Priorities

- a. Applicants for wireless telecommunications facilities must locate wireless telecommunications facilities, including towers or other tall structures, in accordance with the following priorities, Number 1 being the highest priority and Number 7 being the lowest priority:

Priority Ranking	Location
1	Co-location on a site with existing telecommunications towers or structures containing existing telecommunications facilities in nonresidential districts and on nonresidential buildings
2	Existing nonresidential tall structures
3	Industrial or commercial districts
4	Other nonresidential districts
5	Co-location on a site with existing telecommunications towers or structures containing existing telecommunications facilities in residential districts
6	Existing residential structures over five stories in height
7	On other property in the City

- b. If the proposed location is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
- c. An applicant may not bypass locations of higher priority by stating that the site presented is the only site leased or selected. An application must address co-location as an option, and if such option is not proposed, the applicant must explain why co-location is commercially or otherwise impractical. Agreements between providers limiting or prohibiting co-location is not a valid basis for any claim of commercial impracticability or hardship.
- d. Notwithstanding the above, the Planning Board may approve any site located within an area in the above list of priorities, provided that the Planning Board finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants.
- e. The applicant must submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the location selection. If the location selected is not the highest priority, then a detailed written explanation as to why sites of a higher priority were not selected must be included with the application.
- f. The applicant must, in writing, identify and disclose the number and locations of any additional sites that the applicant has, is or will be considering, reviewing or planning for wireless telecommunications facilities in the City, and all municipalities adjoining the City, for a two-year period following the date of the application.

3. Setbacks

- a.** All wireless telecommunications towers must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, as defined by current setback requirements, no less than the tower height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.
- b.** All wireless telecommunications facilities must be set back from all property lines in accordance with the minimum setback requirements in the zoning district.

4. Height

The maximum height of a wireless telecommunications tower is the minimum needed to function satisfactorily. The application for approval of a wireless telecommunications tower must demonstrate the minimum height needed for the tower to function, which will be reviewed and approved as part of site plan review. The City has the ability to hire an independent consultant to assist in review of the proposed height, whose fee will be charged to the applicant. Where a wireless telecommunications tower exceeds the maximum height permitted in the district, the City may require additional setbacks from all lot lines.

5. Lighting and Marking

Wireless telecommunications systems must not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

6. Specific Standards for Wireless Telecommunications Antennas

Wireless telecommunications antennas are a conditional use in all districts, unless they are stealth design in which case they are a permitted use. Stealth design for wireless antennas is encouraged and is considered a permitted use in all districts, subject to site plan review and approval. All applications for wireless telecommunications antennas must include all information required by this section. In addition to the standards of this section for wireless telecommunications antennas, stealth design must comply with the following regulations:

- a.** To qualify as a stealth design, wireless telecommunications antennas must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.
- b.** Wireless telecommunication antennas must be mounted at least 30 feet above grade, as measured from grade to the base of the antenna, to qualify as stealth design, in addition to meeting the other requirements of this section. Wireless telecommunication antennas mounted lower than 30 feet are considered a conditional use.
- c.** Antennas must be located on or in structures already permitted within zoning districts, such as water towers, clock towers, streetlights, penthouses, parapet walls (must be behind the parapet wall), and steeples, and must be designed to blend in with the structure.
- d.** Antennas that co-locate on existing wireless telecommunications towers are also considered stealth design. However, such antennas cannot increase the overall height of the existing wireless telecommunications tower.
- e.** No antenna may increase the overall height of any structure on which it is mounted by more than 15 feet.

7. Specific Standards for Wireless Telecommunications Facilities

- a.** Any buildings, cabinets, or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation must not be stored on the site.
- b.** Commercial advertising is prohibited. Only signs that are part of the equipment as manufactured or warning signage is permitted.

8. Specific Standards for Wireless Telecommunications Towers

- a.** The use of guyed towers is prohibited. Towers must be monopoles, meaning self-supporting with no wires, cables, or beams.
- b.** Wireless telecommunications towers must be designed to accommodate other telecommunications providers. The area surrounding a tower must be of a sufficient size to accommodate accompanying wireless telecommunications facilities for other telecommunications providers.
- c.** Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the City, towers must have a galvanized silver or gray finish.

9. Abandonment

Any wireless telecommunications system that is not operated for a period of 180 consecutive days is considered abandoned. The owner must immediately remove the tower or facility, and all aboveground equipment and related debris. The City may ensure and enforce removal by means of its existing regulatory authority.

10. Nonconformities

- a.** Ordinary maintenance, including replacement/upgrading, of antenna equipment may be performed on nonconforming antennas or towers. However, if the proposed alteration intensifies a nonconforming characteristic of the antenna or tower, a variance is required.
- b.** Co-location of an antenna on an existing nonconforming tower is a permitted use, provided that the addition of the antenna and any additional wireless telecommunications facilities do not increase the overall height of the nonconforming tower.

8.5 TEMPORARY USE STANDARDS

A. General Standards for All Temporary Uses

- 1.** Temporary uses are required to comply with the standards of this section, in addition to all other regulations of this Ordinance.
- 2.** These regulations are for temporary uses located on private property only. Those located on public property or within a right-of-way are not regulated by this Ordinance and are subject to the regulations of the City Code.
- 3.** All temporary uses require a zoning permit (Section 13.13) unless specifically cited as exempt.
- 4.** Temporary uses may also be required to obtain a license per the City Code.
- 5.** Temporary uses do not require additional parking unless specifically cited in the temporary use standards or as a condition of approval.

B. Farmer's Market

- 1.** A temporary use permit for a farmers market may be issued for a maximum of seven days. A temporary use permit for a farmers' market may be issued for more than seven days at a time, when a schedule of days per week and number of weeks is provided.
- 2.** A management plan is required as part of the temporary use permit application that demonstrates the following:
 - a.** The on-site presence of a representative of the farmers' market during hours of operation who directs the operations of vendors participating in the market.
 - b.** An established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance when open to the public.

- c. A general site plan including vendor stalls, parking areas, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
- d. A lighting plan describing all temporary lighting to be installed.
- e. Provision for waste removal.
- f. The days and hours of internal operation, including vendor set-up and take-down times.

C. Food Truck/Trailer

These standards apply to individual mobile food trucks and food trailers that locate on private property as an individual temporary use. When food trucks and trailers are included as part of another temporary use, such as temporary outdoor entertainment event, they are approved as part of that use but are still subject to items 5 through 9 below.

1. Each temporary use permit for a food truck on private property is limited to a maximum of 30 days. Permits may be renewed without limit.
2. If the operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the temporary use permit application.
3. The permit holder must keep the area clear of litter and debris at all times.
4. All food trucks and food trailers must be properly licensed by the health department.
5. Outdoor seating may be provided on the site, but no seating may be permanently installed.
6. A permanent water or wastewater connection is prohibited.
7. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
8. Drive-through service is prohibited.

D. Real Estate Project Sales Office/Model Unit

1. A real estate sales office/model unit(s) is allowed for a residential development. Multiple model units are allowed in a multi-family dwelling.
2. A real estate sales office/model unit(s) may be located in a manufactured home located on-site.
3. The real estate sales office must be removed and/or closed within 30 days after the sale or rental of the last unit of the development. The model unit(s) must be closed within 30 days after the sale or rental of the last unit of the development. If located within a manufactured home, such manufactured home must be removed from the site within 30 days after the sale or rental of the last unit of the development.
4. All activities conducted within real estate sales office/model unit(s) must be directly related to the sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.

E. Temporary Contractor's Office and Contractor's Yard

1. A temporary contractor's office is allowed incidental to a construction project.
2. The temporary use permit is valid for the life of the project, to be verified by open permits.
3. The temporary contractor's office must be removed within 30 days of completion of the construction project.
4. A contractor's yard is permitted on-site and can only be used during the life of the construction project. No sleeping or cooking accommodations are allowed.

F. Temporary Outdoor Entertainment

1. Temporary outdoor entertainment in the residential districts is restricted to those events associated with and conducted by a place of worship or an educational facility.
2. A management plan is required as part of the temporary use permit application that demonstrates the following:
 - a. The on-site presence of a manager during the event.
 - b. General layout of performance areas, visitor facilities, such as any seating areas and restrooms, parking areas, and all ingress and egress points to the lot.
 - c. Provision for waste removal and for recycling, if available.
 - d. The days and hours of operation, including set-up and take-down times.
 - e. A description of crowd control and security measures.
 - f. A lighting plan describing all temporary lighting to be installed.
3. Any temporary structures must be removed within three days of conclusion of the event.
4. Time limits are as follows:
 - a. Time limitations apply to the lot, not the operator of the use.
 - b. Events are limited to four events per calendar year and a maximum duration of five days per event, with a minimum of 30 days between events. However, a temporary use permit for a carnival or circus is valid for a period of four events per calendar year no more than 15 days per event, with a minimum of 30 days between events.

G. Temporary Outdoor Sales

1. Temporary outdoor sales in the residential districts are restricted to those events associated with and conducted by a place of worship or an educational facility.
2. A management plan is required as part of the temporary use permit application that demonstrates the following:
 - a. An established set of operating rules addressing the governance structure of the sales event, hours of operation, maintenance, and security requirements.
 - b. General layout of vendor stalls, visitor facilities, such as any seating areas and restrooms, parking areas, and all ingress and egress points to the lot.
 - c. Provision for waste removal and for recycling, if available.
 - d. The days and hours of operation, including vendor set-up and take-down times.
 - e. A lighting plan describing all temporary lighting to be installed.
3. Any temporary structures must be removed within three days of conclusion of the event.
4. Temporary outdoor sales events are limited to four events per calendar year and a maximum duration of five days per event. This limitation applies to the lot, not the operator of the temporary use. The following exceptions apply:
 - a. A temporary use permit for a seasonal sale, such as Christmas tree lots or pumpkin patches, are limited to four events per calendar year and a maximum duration of 30 days per event. There is no minimum time between events.

b. A portion of a parking area may be used for temporary outdoor sales. Permanent display structures are prohibited in parking areas. No more than 10% of the required parking area for the existing use may be used for temporary outdoor sales and display.

5. No sales and display area is permitted in any public right-of-way.

H. Temporary Outdoor Storage Container

1. The use of an outdoor storage container is limited to no more than 60 consecutive days in any year. In the event the owner of the property suffers a catastrophic loss due to fire, flood or other physical calamity occurring on the property in question, the temporary use permit may be extended for additional two week periods upon a showing of need. There will be no more than three extensions of any temporary use permit. An exception will be made if the outdoor storage container is being used as temporary storage when work requiring a building or demolition permit is being done to structures or buildings on the property. In such cases, the use of the portable storage container cannot exceed the period for which the building or demolition permit has been issued.

2. Outdoor storage containers cannot be placed in a public right-of-way or located so as to interfere with traffic visibility.

3. Outdoor storage containers cannot be placed in the front yard, unless there is a physical hardship or characteristic of the property that will not allow the placement of the container in any other location, which must be approved as part of the temporary use permit.

Article 9. On-Site Development Standards

- 9.1 GENERAL ON-SITE DEVELOPMENT STANDARDS
- 9.2 ON-SITE GREEN SPACE AND CIVIC SPACE REQUIREMENTS
- 9.3 EXTERIOR LIGHTING
- 9.4 ACCESSORY STRUCTURES AND USES
- 9.5 PERMITTED ENCROACHMENTS
- 9.6 PERFORMANCE STANDARDS

9.1 GENERAL ON-SITE DEVELOPMENT STANDARDS

A. Applicability of Dimensional Requirements

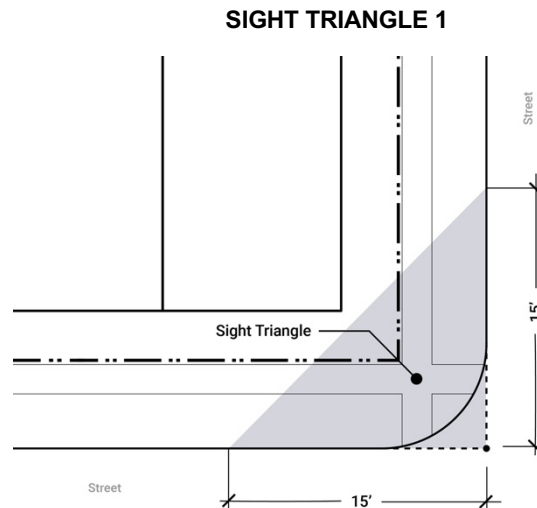
All structures must meet the dimensional requirements of the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in a manner that conflicts with the requirements of the district in which the structure it is located unless a variance is approved.

B. Prohibition of Structures in Utility Easements

Permanent structures, stormwater facilities, retaining walls, decks, and accessory structures are prohibited within utility easements unless otherwise approved by City Council or other authorizing agency. If any structures are located within a utility easement and repair or replacement of the utility is needed, the City or utility is not responsible for the replacement of any structures that may be damaged.

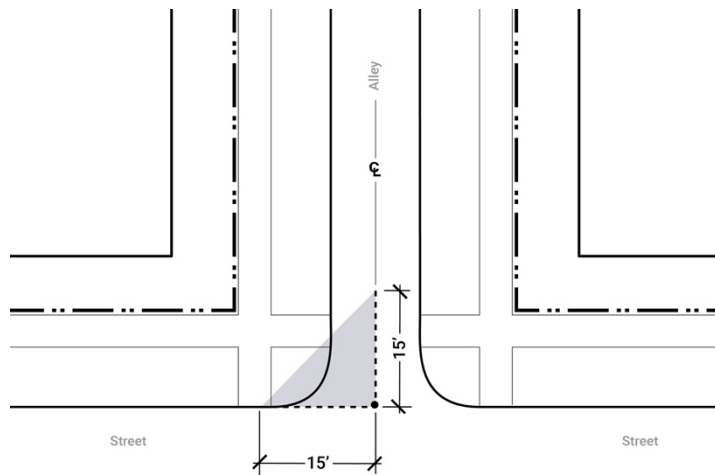
C. Sight Visibility

1. On a corner lot, no structure, freestanding sign, accessory structure, or landscape can exceed a height of 36 inches above the street grade within 15 feet as measured at the curb lines intersecting streets. Fences within the sight visibility triangle are limited to 36 feet unless such fence is an open fence, where it is permitted to a height of four feet.



2. A sight visibility triangle is required at the intersection of a street and an alley. No structure, freestanding sign, accessory structure, or landscape can exceed a height of 36 inches above the street grade within 15 feet as measured from the centerline of the alley from the street edge of the alley back and from the centerline to the curb line. Fences within the sight visibility triangle are limited to 36 feet unless such fence is an open fence, where it is permitted to a height of four feet.

SIGHT TRIANGLE 2



9.2 ON-SITE GREEN SPACE AND CIVIC SPACE REQUIREMENTS

A. Applicability

1. All multi-family, mixed-use, and nonresidential developments are required to provide on-site green space and civic space in accordance with this section, unless they meet any of the following conditions:
 - a. Multi-family and mixed-use developments with fewer than ten dwelling units.
 - b. Nonresidential developments less than 20,000 square feet in gross floor area.
 - c. Developments of any type in the following districts: I-L, I-G, and OS-R Districts.
 - d. The development of a light or general industrial use in any district.
2. A change of use from a nonresidential use to a residential use, including mixed-use development, is also required to provide on-site green space and civic space in accordance with this section, unless they meet any of the following conditions:
 - a. A change of use results with fewer than ten dwelling units.
 - b. A change of use where the original nonresidential development is less than 20,000 square feet in gross floor area.
 - c. A change of use in the following districts: I-L, I-G, and OS-R Districts.

B. Minimum On-Site Green Space and Civic Space

On-site green space and civic space is required as follows. Item C below provides required design standards for green space and civic space.

1. Multi-family developments must provide a minimum of 100 square feet of on-site green space and/or civic space per dwelling unit.
2. Mixed-use developments must provide a minimum of 100 square feet of on-site green space and/or civic space per dwelling unit.
3. Nonresidential developments must provide an equivalent of a minimum of 10% of the lot area in on-site green space and/or civic space.

4. The total required area of on-site green space and civic space, per items 1, 2, and 3 above, may be reduced by 50% if all required area is provided as public green space and/or civic space.

5. In lieu of providing required green space and civic space, the applicant may request that the Planning Board allow for a fee-in-lieu. The fee schedule contains the fee per gross square foot of nonresidential area and fee per dwelling unit when fee-in-lieu is utilized. These funds will be dedicated to the City of Trenton for the purpose of enhancing public spaces within the City.

C. On-Site Green Space and Civic Space Design

1. Green space and civic space must meet the following design requirements of Table 9-1: On-Site Green Space and Civic Space Design, as applicable, organized by type of green space or civic space.

2. The types of green space and civic space are defined as follows:

a. Green Space

An area of open space consisting of grass, trees, or other vegetation, or consisting of designed hardscape with areas of vegetation, set apart for recreational or aesthetic purposes in an urban environment.

i. Green Space, Common

Green space maintained for the shared use of the residents and/or tenants, including visitors, of the development.

ii. Green Space, Private

Green space reserved for the sole use of the occupant of the associated dwelling unit or the tenant space.

iii. Green Space, Public

Green space maintained for the use of the general public. Public green space may include parks, plazas, and public seating areas.

b. Civic Space

An area of public open space that includes gathering spaces, both indoor and outdoor, seating areas, and other similar elements that allow people to congregate, and may be used as a circulation element such as a street passage.

Table 9-1: On-Site Green Space and Civic Space Design		Green Space			Civic
Design Element	Public	Common	Private		
Green space designed for outdoor living, recreation, and/or landscaping, including areas located on the ground and areas on decks, balconies, galleries, porches, or roofs as applicable.	•	•	•		
Green space may be located on decks, balconies, galleries, porches, or roofs.		•	•		
Green space area must be contiguous.	•	•			
Space located on the ground level must have a minimum dimension of at least 15 feet on each side.	•	•	•	•	
The surface area of space cannot exceed 18 inches above or below the adjacent sidewalk level.	•			•	
Green space located on an attached structural element, such as a balcony, gallery, or roof, must have a minimum dimension of at least six feet on each side.		•	•		
When located at ground level, the required green space area must be substantially covered with grass, live groundcover, shrubs, plants, and trees.	•	•	•		
Seating areas and patios, and fountains, public art, and other points of visual interest may be integrated into the green space or civic space design.	•	•		•	
Circulation within the public green space or civic space must be designed to follow the desire lines of its users, connecting pedestrians to rights-of-way that abut the open space, entrances to adjacent buildings, and any design features, such as seating areas. Areas used for circulation, such as paths, are included as part of the total area.	•			•	
Usable outdoor amenities, such as grills, pools, tennis courts, or playgrounds, are permitted as part of the required area.		•			
An indoor or outdoor community space available for the use of the public without charge, such as public meeting rooms, performance spaces, and galleries.				•	

Table 9-1: On-Site Green Space and Civic Space Design		Green Space			Civic
Design Element	Public	Common	Private		
Indoor amenities for residents or tenants, such as fitness rooms, theaters, or community spaces, are permitted, but may only qualify for 25% of the total required area of green space or civic space.			•		
Public accessways to plazas, courtyards, seating areas, and benches that are part of green space or civic space areas must be readily apparent to passerby. Such areas may not be gated.	•				•
Permanent or rotating outdoor public art installation with sufficient area set aside for public viewing are required.					•
Implementation of the strategies of <i>Creek to Canal (C2C) Creative District Plan</i> .	•				•

D. Maintenance of On-Site Green Space and Civic Space

1. A maintenance agreement must be approved between the developer and the City as to the maintenance of any public open space or civic space as part of site plan approval, unless such public open space is donated to the City.
2. Common on-site green space must provide a maintenance agreement as part of site plan approval.

9.3 EXTERIOR LIGHTING

A. Lighting Plan

1. A lighting plan is required for all nonresidential uses, mixed-use, and multi-family developments. Other developments are exempt from a required lighting plan, but are subject to applicable lighting standards of Item B below.
2. A lighting plan must include the following:
 - a. A plan showing all light pole locations, building-mounted lights, bollard lights, and all other lighting.
 - b. Specifications for luminaires, including certifications of energy efficient lighting, and lamp types, and poles, including photographs or drawings of proposed light fixtures.
 - c. Pole and luminaire details including pole height, height of building-mounted lights, mounting height, and height of the luminaire.
 - d. Elevations of the site including all structures and luminaires sufficient to determine the total cutoff angle of all luminaires and their relationship to abutting parcels.
 - e. For developments subject to site plan review, photometric plans that show the footcandle measurement at all lot lines may be required if the lot is adjacent to a residential district.
 - f. Other information and data reasonably necessary to evaluate the required lighting plan.

B. Lighting Standards

1. The maximum allowable footcandle at any lot line is one footcandle.
2. All luminaires must be either full cutoff or semi-cutoff luminaire design
3. Any freestanding luminaire for a nonresidential use over 18 inches in height must be located at least 5 feet from a residential district lot line.
4. The maximum total height of a freestanding luminaire is 20 feet in a nonresidential district, and 15 feet in a residential district.
5. All outdoor luminaires must be located and adequately shielded so that there is no glare onto adjacent lots or onto the public right-of-way.

6. For those uses required to submit a lighting plan, per item A above, are also subject to the following:
 - a. All public lighting sources must have a correlated color temperature (CCT) at or below 3200°K. This does not apply to outdoor recreation fields.
 - b. Energy efficient lighting is required. Energy efficient lighting must be certified as efficient by one of the following: ENERGY STAR, DesignLights Consortium, Consortium for Energy Efficiency, or Federal Trade Commission's Lighting Facts certification. As part of site plan review approval, additional certifying organizations or manufacturers of energy efficient lighting can be considered.

C. Exceptions to Lighting Standards

1. Luminaires used for public roadway illumination or installed by a utility to light public rights-of-way are exempt from the requirements of this Ordinance.
2. All temporary emergency lighting required by public safety agencies, other emergency services, or construction are exempt from the requirements of this Ordinance.
3. Shielded, directional accent lighting or uplighting is permitted but must be aimed at a building facade, sign, or accent feature, such as landscape, and directed so that glare is not visible from adjacent properties. However, such lighting must not exceed one footcandle at any lot line. Directional accent lighting or uplighting should light surfaces not direct glare to streets or the sky.
4. Security lighting installed with a motion vacancy sensor, which extinguishes the lights within 15 minutes after the area is vacated.
5. Because of their unique requirements for nighttime visibility and limited hours of operation, outdoor recreational fields (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, driving ranges, and other similar uses are exempt from the lighting standards of Item B above and subject to the following:
 - a. Recreational fields are permitted a total luminaire height of 65 feet in any district. Luminaires greater than 65 feet in total height may only be approved by conditional use.
 - b. All lighting must be directed onto the field.
 - c. Lighting outside the recreational field, such as for parking areas, must comply with the lighting standards of Item B above
 - d. The recreational field lighting must be extinguished one hour following the end of the event. Lighting outside the recreational field, such as for parking areas, is not subject to this timeframe to facilitate patrons leaving the facility, cleanup, nighttime maintenance, and other closing activities.
6. Temporary holiday and seasonal lighting designs are exempt from the requirements of this Ordinance.
7. Certain temporary uses may use lighting that does not meet the requirements of this section. When such temporary uses are allowed, approval of the lighting plan is required as part of the temporary use permit.

D. Prohibited Lighting

1. Flickering or flashing lights.
2. Searchlights, laser source lights, or any similar high intensity.
3. The use of neon or LED lighting to outline doors, windows, architectural features, and building facades. This does not apply to uplighting of architectural features and building facades as permitted in item C.3 above.
4. Any light fixture that can be confused with or construed as a traffic control device.

9.4 ACCESSORY STRUCTURES AND USES

A. General Regulations for Accessory Structures

All accessory structures are subject to the following regulations, unless otherwise permitted or restricted by specific regulations of this section and Ordinance.

1. Only those accessory structures permitted by this section and Section 9.6 are permitted in required setbacks. Certain accessory structures may also be prohibited in certain yards.
 - a. The use of the term “yard” refers to the area between the applicable building facade line and lot line. The distinction is made because certain principal buildings may not be built at required setback lines, thereby creating a yard larger than the minimum setback dimension.
 - b. If a structure is permitted within a yard, it is permitted within the required setback but may be subject to additional limitations.
 - c. Where there is no structure on the lot, no accessory structure is permitted in the required setback unless otherwise specifically within the use’s standards.
2. The maximum height of any detached accessory structure is 20 feet, unless otherwise permitted or restricted by this Ordinance.
3. Setbacks for detached accessory structures are required as follows:
 - a. Enclosed detached accessory structures must be setback a minimum of three feet from any lot line in all districts and one foot from any lot line abutting an alley, unless otherwise permitted or restricted by this Ordinance.
 - b. Open sided detached accessory structures must be setback a minimum of one foot from any lot line, unless otherwise permitted or restricted by this Ordinance.
 - c. Additional setbacks for an accessory structure may be required by other city codes, such as the fire code or building code.
 - d. For roofed structures, setbacks are measured from the edge of the roofline, including eaves.
4. Accessory structures are included in the calculation of all maximum impervious surface and building coverage requirements of the district.
5. The footprint of any single detached accessory structure cannot exceed the footprint of the principal building.
6. A building permit may be required for the construction of an accessory structure per City Code Chapter 118. When a building permit is not required, a zoning permit per Section 13.13 may be required.

B. Accessory Dwelling Unit (ADU)

1. An ADU may be located only on a lot with one single-family dwelling.
2. One of the dwelling units must be occupied by the owner of the property.
3. A lot must have a minimum area of 4,000 square feet to qualify for an ADU.
4. Only one ADU is permitted per lot.
5. The ADU may be within, attached to, or detached from the primary dwelling structure and may be a part of a detached accessory structure. An ADU may be developed within an existing structure or as new development.
6. A detached ADU must be set back three feet from an interior side lot line and ten feet from a rear lot line. A detached ADU is not permitted in a front yard or corner side yard. This does not apply to an ADU constructed within a detached garage.

7. An ADU is limited to a maximum gross floor area of 800 square feet.
8. In no case may an ADU exceed 40% of the primary dwelling floor area nor more than 2 bedrooms.
9. The ADU must be designed so that the appearance of the primary structure remains that of a house. The entrance to the ADU must be located in such a manner as to be unobtrusive from the same view of the structure that encompasses the entrance to the principal dwelling.
10. No additional parking is required for the ADU.

C. Amateur (ham) Radio Equipment

1. Towers that solely support amateur (ham) radio equipment are permitted in the rear yard only, and must be located ten feet from any lot line. Towers are limited to the maximum building height of the applicable district plus an additional five feet, unless it is demonstrated that a taller tower is technically necessary to engage successfully in amateur radio communications.
2. Antennas may be building-mounted and are limited to a maximum height of ten feet above the structure, unless a taller antenna is technically necessary to engage successfully in amateur radio communications and special use approval is obtained.
3. The operator must provide evidence that a taller tower and/or antenna than permitted by this section is technically necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna will not prove a hazard. As part of the application, the applicant must submit a plan showing the proposed location of the tower or antenna, as well as its relation to the principal building and accessory structures.
4. Any antennas and/or towers owned and operated by the City are exempt from these requirements.

D. Apiary

In addition to the standards below, all apiaries and beekeeping activities must comply with the New Jersey Department of Agriculture Beekeeping Regulations. In the case of conflict with the state regulations, the state regulations control.

1. Hives are allowed only in interior side or rear yards.
2. Hives must be set back ten feet from all lot lines.
3. When the apiary is located within a yard not bounded by a solid wall or solid fence, a flyway of at least six feet in height comprised of a lattice fence, dense hedge, or similar barrier must be established in front of the opening of the hive such that the bees fly upward and away from neighboring properties. The flyway must be located within three feet of the hive opening and extend at least two feet in width on either side of the hive opening.
4. Hives must have a fresh water supply located on property.
5. For any rooftop apiary within 20 feet of doors and/or windows of the principal building on an abutting lot, one of the following conditions must exist:
 - a. The hive opening must face away from doors and/or windows of the principal building on the abutting lot.
 - b. A flyway of at least six feet in height comprising of a lattice fence, dense hedge, or similar barrier must be established in front of the opening of the hive such that the bees fly upward and away from neighboring properties. The flyway must be located within three feet of the hive opening and extend at least two feet in width on either side of the hive opening.
6. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper must promptly re-queen the colony.

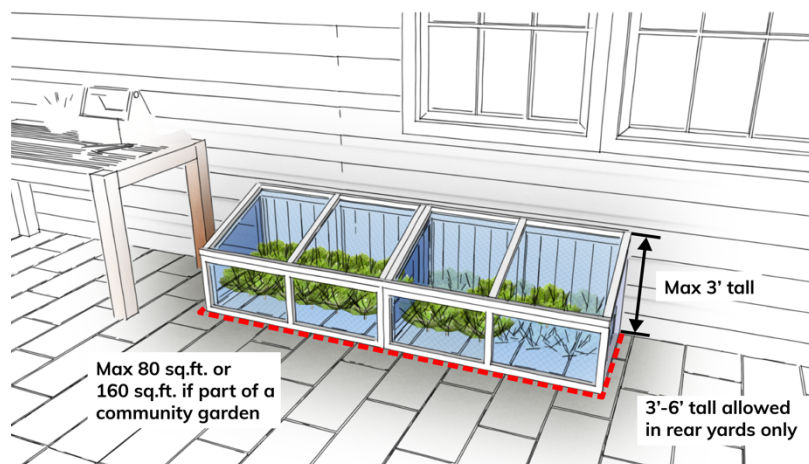
E. Carport

1. A carport may not be erected closer than one foot from a side or rear property line.
2. No carport is permitted in a front yard.
3. A carport cannot exceed 12 feet in width, 22 feet in length, and 15 feet in height. If located within the rear yard it may be 22 feet in width.

F. Coldframe Structures

1. Coldframe structures up to three feet in height are permitted in all yards.
2. Coldframe structures over three feet in height and up to a maximum of six feet are permitted in the rear yard only.
3. Each coldframe structure is limited to a maximum square footage of 80 square feet.
4. When part of a community garden, each coldframe structure is permitted a maximum square footage of 160 square feet and six feet in height, and must meet all required setbacks.

COLDFRAME STRUCTURE



G. Donation Boxes

1. Donation boxes are permitted for nonresidential uses in nonresidential districts only. Donation boxes must be registered with the City of Trenton and a zoning permit (Section 13.13) is required.
2. Only one donation box is permitted per lot. Donation boxes are only permitted on a site where there is a principal building.
3. Donation boxes can only be located to the side or rear of the principal building. In no case may a donation box be located in a front yard. No donation box may be located within a required parking space.
4. The area surrounding the donation box must be kept free of any junk and debris, and must be well lit for safety purposes.
5. Donation boxes must be made of metal, and must be maintained in good condition and appearance with no structural damage, holes, or visible rust, and must be free of graffiti.

6. Donation boxes must be locked or otherwise secured.
7. Donation boxes must contain the following contact information on the front of each donation box: the name, address, email, and phone number of the operator.

H. Fences and Walls

1. General Requirements

- a. When additional fence and wall requirements are found in the use standards or the landscape requirements, such requirements control.
- b. The following materials are prohibited in the construction of fences and walls:
 - i. Scrap metal.
 - ii. Corrugated metal.
 - iii. Sheet metal.
 - iv. Spiked posts, which means sharpened ends of fence posts that can cause physical damage to persons and animals.
 - v. Razor wire.
 - vi. Barbed wire and chicken wire.
- c. A fence or wall, including all posts, bases, and other structural parts must be located completely within the boundaries of the lot on which it is located. Fences must be within five feet of the lot line.
- d. Light fixtures, post tops, finials and other ornamentation above the mass of the wall or fence must not exceed 1/3 of the permitted height of the fence or wall. Such ornamentation may be placed at intervals no less than six feet on average.

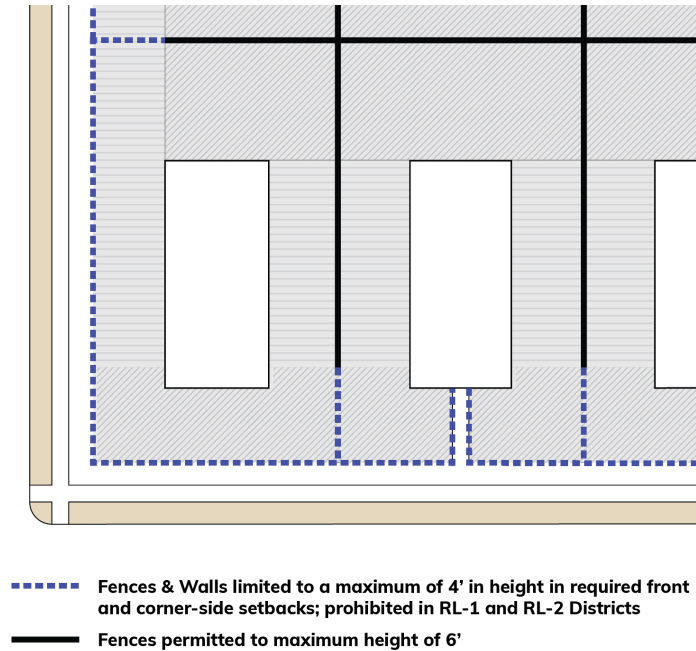
2. Height

Fences and walls are measured from the ground level at the adjacent property or adjacent right-of-way from the base of the side directed toward the abutting property or right-of-way. The maximum height of fences and walls, including combinations of both, are as follows:

- b. In the residential districts, the maximum fence and wall height is as follows.
 - i. A fence or wall no more than six feet in height is permitted in the rear and interior side yards. Fences must be located on the lot line or within five feet of the lot line. For interior side yards, six foot fences are permitted up to the front building line.
 - ii. In the RL-1 and RL-2 Districts, no fence or wall is permitted within the front yard or corner side yard.
 - iii. In all other residential districts, a four foot open fence is permitted in the front yard or corner side yard. This includes the area along the interior side yard that extends from the front building line to the minimum front setback line. Fences must be located on the lot line or within five feet of the lot line. Four foot open fences are also permitted along the edges of a walkway within the yard.
- b. In the commercial and mixed-use districts the I-MU District, and the special purpose districts, the maximum fence and wall height is as follows. This does not include the DT District.
 - i. A fence or wall no more than six feet in height is permitted in the rear and interior side yards. Fences must be located on the lot line or within five feet of the lot line. For interior side yards, six foot fences are permitted up to the front building line.

- ii. A four foot open fence is permitted in the front yard or corner side yard. This includes the area along the interior side yard that extends from the front building line to the minimum front setback line. Fences must be located on the lot line or within five feet of the lot line.

FENCE HEIGHT (EXCLUDES DT, I-L, I-G DISTRICTS)



- c. In the DT District, the maximum fence and wall height is as follows:

- i. A fence or wall no more than six feet in height is permitted in the rear and interior side yards. Fences must be located on the lot line or within five feet of the lot line. For interior side yards, six foot fences are permitted up to the front building line.

- ii. Walls along front and side yards, including the area along the interior side yard that extends from the front building line to the front setback line, are required. Walls may be constructed as either:

- (A) A maximum 50% opaque wall, six feet in height, made of vertical metal posts with a base no higher than two feet and piers of brick or stucco; or

- (B) A wall, a maximum of four feet high, made of brick, cast stone, stone, terra cotta or stucco.

- d. In the I-L and I-G Districts, a maximum fence height of ten feet is permitted in any yard.

3. Orientation

Fences and walls must have the finished face of the wall or fence directed toward the abutting property or right-of-way.

4. Maintenance

The property owner on whose land the fence or wall is located is responsible for the maintenance of both sides of the fence or wall. If the property owner is denied access to the abutting property, the property owner is relieved of the maintenance obligation.

I. Flat Roof Features

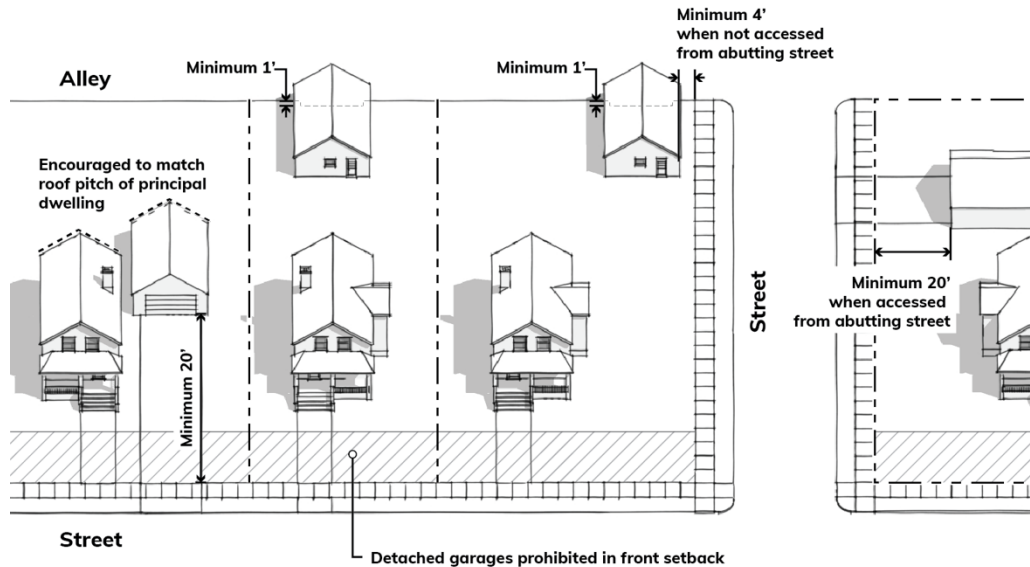
Accessory rooftop features of a flat roof, such as green roofs, rooftop decks, rooftop gardens, and stormwater management systems are on any flat roof building and are excluded from the calculation of maximum building height. Flat roof features must meet the following standards:

1. For green roofs, rooftop gardens, and similar features, documentation must be submitted demonstrating that the roof can support the additional load of plants, soil, and retained water.
2. Rooftop decks or patios must be set back 18 inches from all building edges.
3. Guardrails are required per the standards of the Building Code.
4. Where a rooftop deck is located adjacent to a story of a residential dwelling, a privacy fence is required. Such fence must be six feet in height and of solid construction.
5. All access to rooftop features must be internal to the structure. No exterior stairwells may be constructed to access the roof.

J. Garage, Detached

1. Detached garages are permitted in the rear, corner side, and interior side yards. Detached garages are not permitted in the front yard and must be located a minimum of five feet behind the front building line.
2. Detached garages in the rear and interior side yards must be set back a minimum of 20 feet from the lot line where access to the garage is taken. This does not apply where garages take access from an alley access. Where detached garages are accessed by the alley, they must be located one foot from the rear lot line.
3. Detached garages in the corner side yard are subject to the following:
 - a. Where the garage is located in the corner side yard and takes access from the abutting street, the garage must be set back 20 feet from the corner side lot line.
 - b. Where the garage is located in the corner side yard but does not take access from the abutting street, the garage must be set back four feet from the corner side lot line and must be set back a minimum of 20 feet from the lot line where access to the garage is taken. This does not apply where garages take access from an alley access. Where detached garages are accessed by the alley, they must be located one foot from the rear lot line.
3. Detached garages are encouraged to match the pitch of the roof of the principal dwelling.
4. The area above vehicle parking spaces in a detached garage may not contain a cooking facility or a full bath. This does not apply if an accessory dwelling unit use has been approved, in which case those standards control.

DETACHED GARAGE



K. Generic Legal Item Exchange Box

1. Generic legal item exchange boxes are permitted in front or corner side yards only and must be located a minimum of one foot from any lot line, measured from the base of the book exchange box.
2. No generic legal item exchange boxes may be located so that it impedes pedestrian access or circulation, obstructs parking areas, or creates an unsafe condition.
3. Generic legal item exchange boxes are prohibited in the public right-of-way.
4. Each exchange box must be designed and constructed in such a manner that its contents are protected from the elements. All items must be fully contained within a weatherproof enclosure that is integral with the structure that comprises the exchange box.
5. Generic legal item exchange boxes are limited to a maximum height of five feet to the highest point of the structure, and a maximum width and depth of three feet.
6. Foundations comprised of masonry pavers or other similar moveable materials are permitted.
7. No more than one exchange box is permitted per lot.
8. All items must be offered for free. No sales or other forms of compensation is permitted.

L. Home Occupations

1. Home occupations are permitted in a dwelling unit as an accessory use provided that this use is clearly incidental and secondary to the primary use of the dwelling for residential purposes and does not change the character of the dwelling unit or adversely affect the surrounding residential district of which it is a part.
2. The home occupation may be conducted within the principal structure or within a detached accessory structure.
3. A member or members of the immediate family occupying the dwelling and no more than one person who is not a resident member of the immediate family may be in the home at any given time to work in connection with the home occupation.

4. No alteration of any structure may be made that changes the residential character of that dwelling. Displays or activities that indicate from the exterior that a structure is being used, in part, for any purpose other than that of a residence or an accessory structure are prohibited.
5. Home occupations of an office or service-related businesses with client visits are limited up to one client at a time per home occupation in the structure.
 - a. For purposes of this section, client means up to four persons meeting with the office or service-related business home occupation.
 - b. For the purposes of this section, client does not mean regular meetings of sales associates or a similar category of employee.
6. No commodities can be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.
7. The home occupation and all related activity, including storage, equipment, and display, must be conducted completely within the principal building or accessory structure.
8. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials may be used or stored on-site. There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.
9. The use or storage of tractor trailers, semi-trucks, or heavy equipment, such as construction equipment used in a commercial business, is prohibited.
10. The home occupation cannot create greater vehicular or pedestrian traffic than is average for a residential area. The home occupation and any related activity must not create any traffic hazards or nuisances in public rights-of-way. Any need for additional parking generated by the home occupation must be met on-site.
11. Only one non-illuminated, affixed wall sign no more than 1.5 square feet in area is permitted in association with the home occupation.
12. Day care homes of any type are not considered a home occupation and are regulated separately by this Ordinance as a principal use in Article 8.
13. Repair and service of any vehicles, any type of heavy machinery, or any type of engine is prohibited. Small electronic repair, such as computers, is allowed.
14. Rental services, where any materials for rent are stored on-site and customers visit the residence to pick-up and return the product, are prohibited
15. Dispatching services, where workers report to the home for dispatching, are prohibited
16. The business of firearm transfers is prohibited.

M. Mechanical Equipment

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, power storage, pool pumps, and similar equipment.

1. Ground-Mounted Equipment

- a. Mechanical equipment is permitted in the interior side or rear yard only.
- b. For multi-family and nonresidential uses, ground-mounted mechanical equipment must be screened from public view by a decorative wall, solid fence, or year-round landscaping that is compatible with the architecture and landscaping of a development site. The wall, fence, or plantings must be of a height equal to or greater than the height of the mechanical equipment being screened.

2. Roof-Mounted Equipment

- a.** For structures 40 feet or more in height, all roof equipment must be set back from the edge of the roof a minimum distance of one foot for every two feet in height.
- b.** For structures less than 40 feet in height and for any building where roof equipment cannot meet the setback requirement of item a above, there must be either a parapet wall to screen the equipment or the equipment must be housed in solid building material that is architecturally integrated with the structure.

3. Wall-Mounted Equipment

- a.** Wall-mounted mechanical equipment is not permitted along the front or corner side façade of the building. Wall-mounted equipment can encroach into the rear and interior side setbacks.
- b.** For multi-family and nonresidential uses, wall-mounted mechanical equipment that protrudes more than 18 inches from the outer building wall must be screened from view by structural features that are compatible with the architecture of the subject building.
- c.** Wall-mounted mechanical equipment that protrudes less than 18 inches must be designed to blend with the primary color and architectural design of the subject building.
- d.** These requirements do not apply to window air conditioning units (see Section 9.5), satellite dishes (item R below), or required public utility meters.

4. Equipment Exhaust

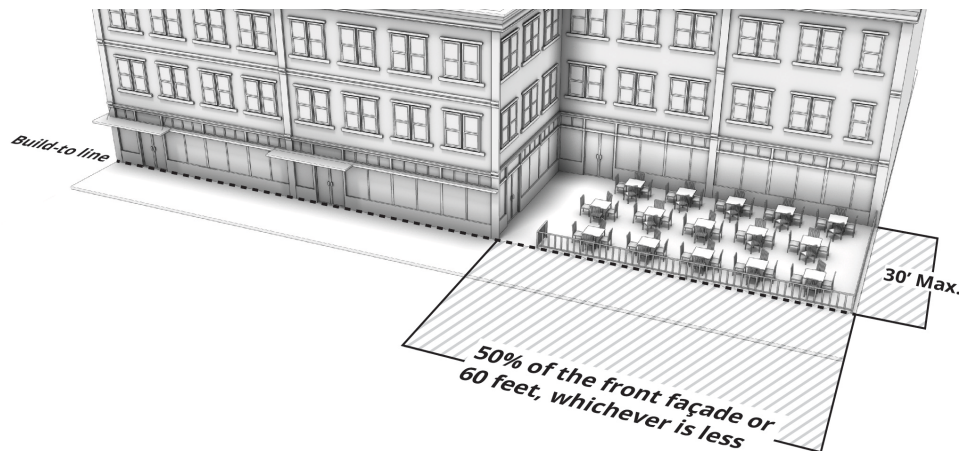
No air conditioners or exhaust fans are permitted to discharge exhausted air unless set back from all lot lines ten feet or equipped with baffles to deflect the discharged air away from the adjacent use.

N. Outdoor Dining

This section regulates outdoor dining that occurs on private property only. Outdoor dining on the right-of-way or on public property is regulated within the City Code.

- 1.** Outdoor dining must be established in conjunction with another principal use, such as an eating and drinking establishment.
- 2.** The maximum number of seats permitted for any outdoor dining cannot exceed 50% of the approved number of indoor seats.
- 3.** If parking is required, no outdoor dining may be located within required parking areas including access aisles.
- 4.** When outdoor dining areas, as measured from the perimeter of the outdoor dining area, are located within 50 feet of a residential district, outdoor dining may only operate between the hours of 8:00am and 12:00am.
- 5.** No music may be played on the premises outdoors between 12 a.m. and 8:00 a.m.
- 6.** When a structure is required to be constructed at a build-to line, the structure may have up to 50% or 60 linear feet of the applicable façade, whichever is less, designated as outdoor dining, which may be setback up to 30 feet from the required build-to line.

PERMITTED OUTDOOR DINING BUILDING SETBACK



O. Outdoor Sales and Display (Accessory)

1. The regulations of this section apply only to outdoor sales and display located entirely on the lot and accessory to the principal use of the site. Outdoor sales and display located on the right-of-way is regulated separately by the City Code.
2. Retail goods establishments and heavy sales, service, and rental establishments in the nonresidential districts are permitted to have accessory outdoor sales and display of merchandise. Such merchandise must be that customarily sold on the premises.
3. All outdoor display of merchandise must be located adjacent to the storefront and not in drive aisles, loading zones, or fire lanes.
4. No display may be placed within five feet of either side of an active door, or within 20 feet directly in front of an active door.
5. A minimum clear width for pedestrian traffic of eight feet must be maintained along any private sidewalk within the lot.

P. Outdoor Storage (Accessory)

1. The regulations of this section apply only to outdoor storage located entirely on the lot and accessory to the principal use of the site. Outdoor storage as a principal use of the site is regulated in Article 8.
2. The following uses are permitted outdoor storage: heavy sales, service, and rental; retail goods establishments that include the growing of plants in the open, vehicle dealerships; vehicle rental establishments; vehicle operation facility; vehicle repair/service; light industrial; and general industrial. The Zoning Officer can also render an interpretation that a use not listed in this paragraph would typically have outdoor storage and allow such use to include related outdoor storage on the site.
3. No outdoor storage is permitted in any public right-of-way or located so that it obstructs pedestrian or vehicular traffic.
4. Outdoor storage is prohibited in a required setback.
5. Outdoor storage may be located in a parking lot so long as the minimum number of required parking spaces remain unobstructed.

Q. Satellite Dish Antennas

1. General Requirements

- a.** Satellite dish antennas must be permanently installed on a building, in the ground, or on a foundation, and cannot be mounted on a portable or movable structure.
- b.** Subject to operational requirements, the dish color must be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider and/or dish manufacturer.
- c.** Antennas no longer in use must be immediately removed.
- d.** Every effort must be made to install satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way. Satellite dish antennas should not be located on the front façade or on the ground floor to the extent practicable.

2. Additional Standards for Large Satellite Dish Antennas

Large satellite dish antennas, which are greater than one meter (approximately 3.28 feet) in diameter, are subject to the general requirements above as well as the following requirements:

- a.** Large satellite dish antenna are permitted only in the rear yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than ten feet from any lot line.
- b.** Roof-mounting is permitted only if the satellite dish antenna is entirely screened from public view along the right-of-way by an architectural feature.
- c.** A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes solid fences or walls or plant materials located to conceal the antenna and its support structure. Plants must be a minimum of five feet tall at the time of installation.

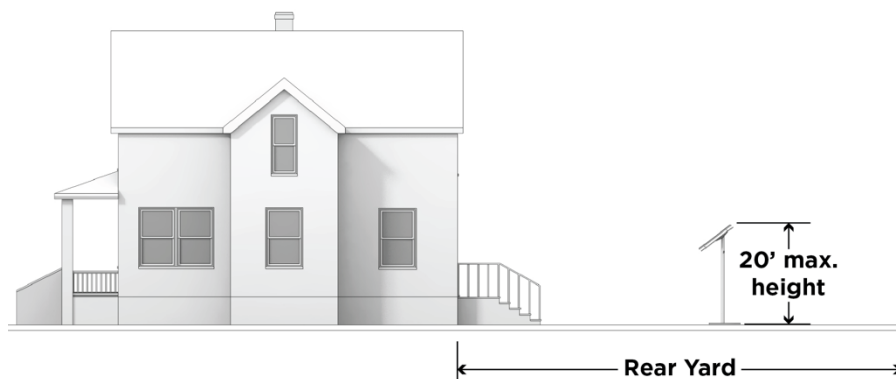
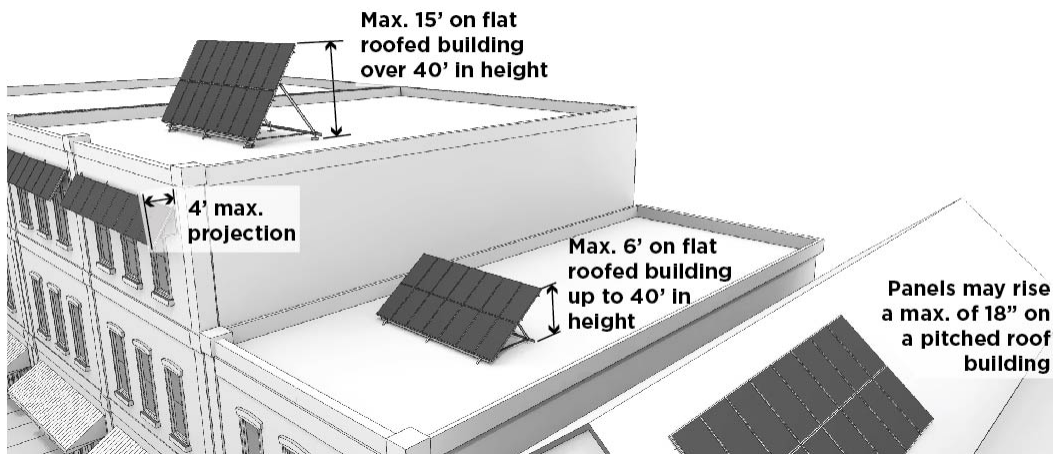
R. Solar Panels

- 1.** Solar panels may be building-mounted or freestanding, subject to the regulations of this section. When solar panels are to be installed in a historic district, approval of a restoration permit by the Landmarks Commission is required.
- 2.** Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.
- 3.** A building-mounted system may be mounted on the roof or wall of a principal building or accessory structure.
 - a.** On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches.
 - b.** On flat roofed buildings up to 40 feet in height, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar panel system is limited to 15 feet above the height of such structure. Roof-mounted solar energy systems are excluded from the calculation of building height.
 - c.** Wall-mounted solar panels may project up to four feet from a building façade and must be integrated into the structure as an architectural feature. Wall-mounted panels cannot encroach more than three feet into a required setback.
- 4.** A freestanding solar energy system is permitted in all yards and must meet the following standards. A freestanding solar energy system may not be the only use on the lot.
 - a.** A freestanding solar energy system must be located ten feet from any lot line.

b. The system is limited to a maximum of 20 feet in height, measured to the highest point of the structure including the solar panel.

c. Freestanding solar panels are excluded from any building coverage and impervious surface coverage calculations.

SOLAR PANELS



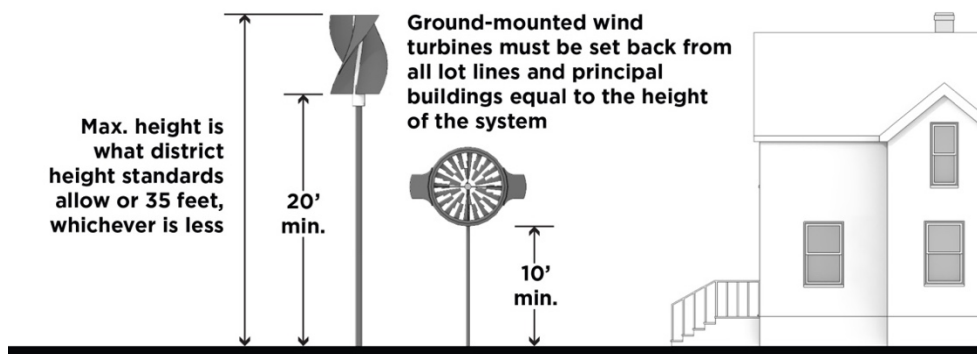
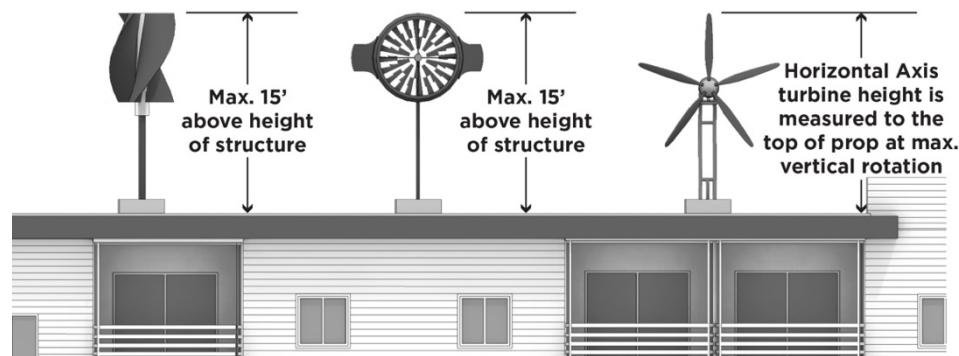
S. Swimming Pools

1. All private residential swimming pools are permitted in the rear yard only.
2. In-ground private residential swimming pools are subject to the following:
 - a. In-ground pools are not permitted in a required setback or six feet from a lot line, whichever is greater.
 - b. In-ground pools must have a fence surrounding the pool deck adjacent to the pool of a minimum of four feet to a maximum of six feet.
3. Aboveground private residential swimming pools are subject to the following:
 - a. Aboveground pools must be located a minimum of three feet from any lot line.
 - b. The lot where an aboveground pool is located must be fenced. The fence must be a minimum of four feet to a maximum of six feet in height.

T. Wind Turbines

1. Wind turbines may be designed as either vertical or horizontal axis turbines or as a design that combine elements of the different types of turbines. When wind turbines are to be installed in a historic district, approval of a restoration permit by the Landmarks Commission is required.
2. Wind turbines are subject to the following height restrictions:
 - a. The maximum height of any ground-mounted wind turbine is the maximum height allowed in the district or 35 feet, whichever is less.
 - b. The maximum height of any wind turbine mounted upon a structure is 15 feet above the height of such structure.
 - c. Maximum height is the total height of the turbine system as measured from the base of the tower to the top. For horizontal axis turbines, the maximum vertical height of the turbine blades is measured as the length of a prop at maximum vertical rotation.
 - d. No portion of exposed turbine blades may be within 20 feet of the ground. Unexposed turbine blades may be within ten feet of the ground.
3. Ground-mounted wind turbines are permitted only in the rear yard. The tower must be set back from all lot lines equal to the height of the system. No principal buildings may be located within this area.
4. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

WIND TURBINES



9.5 PERMITTED ENCROACHMENTS

An encroachment is the extension or placement of an architectural feature or accessory structure into a required setback. Permitted encroachments are indicated in Table 9-2: Permitted Encroachments into Required Setbacks.

A. Section 9.5 above contains regulations on additional accessory structures and architectural features, which may include additional permissions or restrictions on their permitted encroachment into required setbacks.

B. When Table 9-2 allows an encroachment into a required setback, the encroachment must still be setback from a lot line as required by Section 9.4.A for an accessory structure, unless the Table specifically permits a closer encroachment or requires a greater setback from a lot line.

C. When an accessory structure or architectural feature regulated by Table 9-2 is allowed within a yard, it is also allowed within the required setback, subject to any applicable setbacks from lot lines. When an accessory structure or architectural feature regulated by Table 9-2 is prohibited from encroaching in a required setback, it may be allowed within the corresponding yard unless specifically prohibited by the Table.

D. A building permit may be required for the construction of an accessory structure per City Code Chapter 118. When a building permit is not required, a zoning permit per Section 13.13 may be required.

Table 9-2: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	Y	Y	Y	Y
Air Conditioner Window Unit	Y	Y	Y	Y
Arbor	Y	Y	Y	Y
Awning (Non-Sign) <i>Max. of 4' from building wall</i>	Y	Y	Y	Y
Balcony <i>Max. of 3' into setback</i> <i>Min. vertical clearance of 8'</i>	N	N	Y	Y
Basement Stairway <i>Max. of 6" into setback</i>	N	N	Y	Y
Bay Window <i>Max. of 3' into setback</i> <i>Min. of 3' from lot line</i> <i>Min. vertical clearance of 24"</i>	Y	Y	Y	Y
Canopy (Non-Sign) <i>Max. of 5' into setback</i> <i>Max. 15' width or no more than 3' extension on either doorway side, whichever is less</i>	Y	Y	Y	Y
Chimney <i>Max. of 24" into setback</i>	Y	Y	Y	Y
Compost Pile <i>Min. 10' from a lot line</i> <i>Prohibited in front yard</i>	N	N	Y	Y
Decks <i>Max. height of first finished floor</i> <i>A deck may extend directly from the rear wall to a min. 3' from a rear lot line</i> <i>Min. 3' from a rear lot line</i>	N	Y	Y	Y
Eaves and Cornices <i>Max. of 3' into setback</i> <i>Min. 3' from a lot line</i>	Y	Y	Y	Y
Escape Well <i>Max. of 4' into setback</i> <i>Min. of 3' from a lot line</i>	N	Y	Y	Y

Table 9-2: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Exterior Stairwell <i>Max. of 5' into setback</i> <i>Prohibited in front yard</i>	N	N	N	Y
Fire Escape <i>Max. of 5' into setback</i>	N	N	Y	Y
Gazebo or Pergola <i>Prohibited in front yard</i>	N	N	Y	Y
Greenhouse <i>Prohibited in front and corner side yard</i>	N	N	Y	Y
Patio	Y	Y	Y	Y
Personal Recreation Game Court <i>Min. 10' from a lot line</i> <i>Prohibited in front or corner side yard</i>	N	N	N	Y
Playground Equipment <i>Prohibited in front and corner side yard</i> <i>(This does not apply to backstops & portable basketball nets, which are allowed in any yard)</i>	N	N	N	Y
Porch - Unenclosed <i>Max. of 8' into setback</i> <i>(Enclosed porches are considered part of the principal structure)</i>	Y	Y	Y	Y
Shed <i>Prohibited in front yard</i>	N	N	Y	Y
Sidewalk <i>No min. setback from lot lines</i>	Y	Y	Y	Y
Sills and belt courses <i>Max. of 6" into setback</i>	Y	Y	Y	Y
Stoop <i>Max. of 4' into setback</i>	Y	Y	Y	Y

9.6 PERFORMANCE STANDARDS

A. Glare

No use may produce a strong, dazzling light or reflection of a strong, dazzling light, or glare beyond its lot lines. Exterior lighting must be shielded, buffered, and directed so that glare, direct light, or reflection will not become a nuisance to abutting properties, abutting units, abutting districts, or abutting streets.

B. Heat

No use may produce heat perceptible beyond its lot lines. Further, no use is permitted which could cause the temperature to rise or fall in any body of water, except that this provision does not apply to any sewerage treatment plant which has received approval by the New Jersey Department of Environmental Protection.

C. Noise

No use may produce noise levels greater than those permitted by local regulations or those rules established by the New Jersey Department of Environmental Protection, as they may be adopted and amended, whichever is more restrictive.

D. Odor

Odors must not be discernible at the lot line or beyond.

E. Storage and Waste Disposal

No provision may be made for the depositing of materials or waste upon a lot where they may be transferred off the lot by natural causes or forces, where they can contaminate an underground aquifer or otherwise render such an underground aquifer undesirable as a source of water supply or recreation, or where they will destroy aquatic life. Provision must be made for all material or waste which might cause fumes or dust, which constitute a fire or toxic hazard or which may be edible or otherwise attractive to rodents and insects to be enclosed in appropriate containers to eliminate such hazards.

F. Explosive and Inflammable Matter

No use shall create an imminent hazard in regard to explosivity and inflammability. All uses must be in conformance with the City Fire Code.

G. Emissions

All fuel-generated industries must comply with the New Jersey Department of Environmental Protection standards for emissions, and specifically with the standards of the Clean Air Act.

H. Vibration

There must be no vibration which is discernible to the human sense of feeling beyond the immediate lot.

I. Drainage

No stormwater or natural drainage which originated on the property, or water generated by an activity, such as air conditioners or swimming pools, may be diverted across property lines, unless transported in an approved or existing drainage system.

Article 10. Off-Street Parking & Loading

- 10.1 GENERAL REQUIREMENTS**
- 10.2 LOCATION OF OFF-STREET PARKING SPACES**
- 10.3 STANDARDS FOR OFF-STREET PARKING FACILITIES**
- 10.4 OFF-STREET VEHICLE AND BICYCLE PARKING SPACES**
- 10.5 TRANSPORTATION DEMAND MANAGEMENT**
- 10.6 REQUIRED ELECTRIC VEHICLE SPACES**
- 10.7 DRIVEWAY DESIGN**
- 10.8 BICYCLE PARKING STANDARDS**
- 10.9 REQUIRED OFF-STREET LOADING SPACES**
- 10.10 COMMERCIAL AND RECREATIONAL VEHICLE STORAGE**

10.1 GENERAL REQUIREMENTS

A. Existing Facilities

1. Existing off-street parking and loading areas that do not conform to the requirements of this Ordinance, but were in conformance with the requirements of this Ordinance at the time the parking or loading facilities were established, are permitted to continue as a nonconforming site element.
2. If a site plan was approved and/or a development was approved by resolution prior to the effective date of this Ordinance, the number and design of off-street parking and loading spaces must be provided as in the approved site plan or resolution.
3. Where a building permit for a structure was issued prior to the effective date of this Ordinance and is not tied to a site plan approval or resolution, the number of off-street parking and loading spaces must be provided in the amount required at the issuance of the building permit unless the amount of parking exceeds the maximum allowed by this Ordinance, in which case only the maximum number permitted by this Ordinance needs to be installed.

B. Completion of Off-Street Parking and Loading Facilities

All off-street parking and loading facilities must be completed prior to the issuance of the certificate of occupancy for the use.

C. Use of Parking Facilities

1. The sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies is prohibited. The sales and display of goods in off-street parking areas is also prohibited unless otherwise permitted by this Ordinance or zoning permit.
2. The property owner is responsible for ensuring that parking and loading facilities are only used by residents, tenants, employees, visitors, and/or other authorized persons.
3. Space allocated to any off-street loading space may not be used to satisfy the requirement for any off-street vehicle parking space or access aisle or portion thereof. Conversely, the area allocated to any off-street vehicle parking space may not be used to satisfy the replacement for any off-street loading space or portion thereof.

D. Inoperable Vehicles

Inoperable motor vehicles cannot be stored on private property for more than three weeks, except in enclosed garages.

E. Provision of Bike-Share Facilities

Spaces within parking lots and structures may include designated parking spaces for bike-share facilities. When a minimum of 15 bicycles are provided for bike-share, such facilities may be substituted for up to four automobile spaces or 5% of the required parking spaces, whichever is less.

F. Compact Spaces

At part of site plan review, up to 30% of required parking spaces may be designated for compact car use. Compact spaces cannot be less than eight feet wide nor less than 17 feet deep.

10.2 LOCATION OF OFF-STREET PARKING SPACES

A. Residential Uses

1. All parking spaces for residential uses must be located on the same lot as the residential use. Tandem parking is permitted, but both spaces must be allotted to the same dwelling unit and located on the same lot as the dwelling.
2. Parking spaces must be located to the side or rear of the dwelling, a minimum of five feet behind the front building line or within a permitted enclosed structure.
3. Parking of vehicles in the front of the front building line are prohibited. For rowhouses and multi-family dwellings, parking lots and spaces are also prohibited in the corner side yard.
4. Any parking spaces or facilities must be set back a minimum of 20 feet from the lot line where access to the parking is taken.

B. Nonresidential Uses

1. Nonresidential Uses in Residential Districts

All off-street parking spaces for nonresidential uses in residential districts must be located on the same lot as the use served.

2. Nonresidential Uses in Nonresidential Districts

- a. Off-street parking spaces for nonresidential uses in nonresidential districts may be located on the same lot as the use served or on a lot not more than 1,000 feet from the lot served provided. When located on a lot not owned by the business, control may be established by a written agreement, in a form approved by the Planning Board.
- b. Parking spaces for the commercial and mixed-use districts, the I-MU District, and the TOD District must be located to the side or rear of the principal building. Parking lots and spaces in the front of the front building line and within the corner side yard are prohibited.

C. Accessible Spaces

When required, accessible spaces must be closest to the entrance of the structure and connected by a paved surface designed to provide safe and easy access.

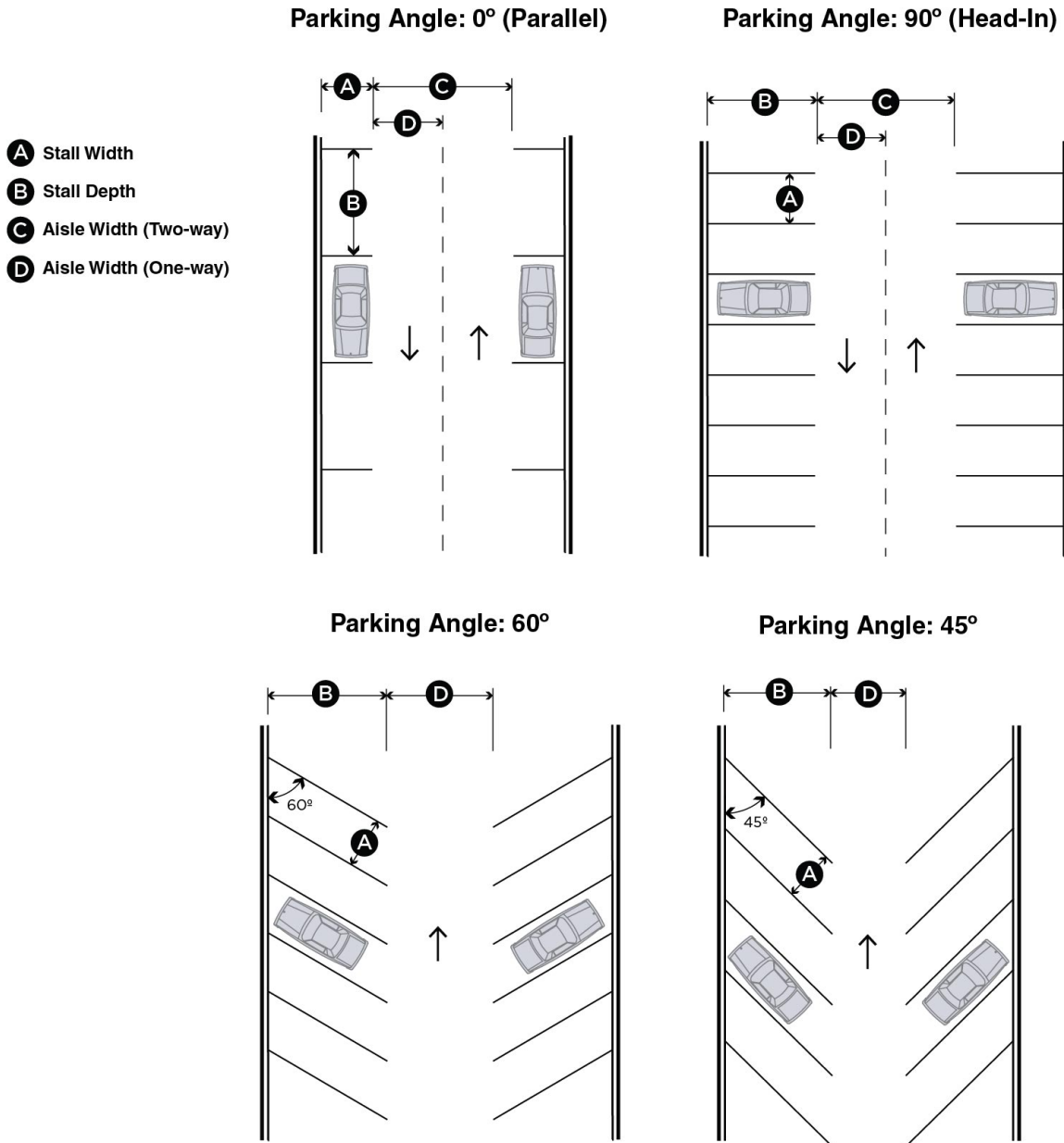
10.3 STANDARDS FOR OFF-STREET PARKING FACILITIES

A. Dimensions

1. Off-street parking spaces and drive aisles within a parking facility must be designed in accordance with the minimum dimensions in Table 10-1: Off-Street Parking Space Minimum Dimensions. Other parking angles other than those described in Table 10-1 are permitted but must be approved by the Zoning Officer and provide evidence of safe and efficient parking configuration and traffic circulation.
2. Motorcycle and scooter parking spaces must measure at least four feet in width by eight feet in length and must be identified or designated through the use of signs or pavement markings.

Figure 10-1: Off-Street Parking Space Minimum Dimensions					
Parking Angle	Stall Width (A)	Stall Depth (B)	Aisle Width Two-Way (C)	Aisle Width One-Way (D)	Vertical Clearance
0° (Parallel)	9'	20'	24'	12'	7' 6"
90° (Head-In)	9'	18'	24'	24'	7' 6"
60°	9'	21'	N/A	18'	7' 6"
45°	9'	17'	N/A	12.5'	7' 6"

OFF-STREET PARKING SPACE MINIMUM DIMENSIONS



B. Access

1. All required off-street parking facilities must have vehicular access from a street, driveway, alley, or cross-access connection.
2. All required off-street parking facilities must have an internal pedestrian circulation system that allows for safe passage between parking areas and any public sidewalk in the adjacent right-of-way and the use it serves. This includes, but is not limited to, interconnected sidewalks, striped walkways, and separated walkways.

3. All parking facilities must be designed with vehicle egress and ingress points that least interfere with traffic movement. Parking facilities must be designed to allow the driver to proceed forward into traffic, rather than back out.

4. All curb cuts must comply with the regulations of the City Code. Rowhouse developments are prohibited from constructing individual curb cuts for each dwelling unit along a public street.

5. Dead end parking lots without a turnaround space are prohibited. A turnaround space must have a minimum depth and width of nine feet, and must be designated with signs stating "No Parking" and painted to indicate parking is prohibited.

C. Surfacing

All parking lots must be improved with a hard surfaced, all-weather dustless material; pervious paving is encouraged and may also be used. Gravel is prohibited.

D. Striping

Off-street parking lots of five or more spaces must delineate parking spaces with paint or other permanent materials, which must be maintained in clearly visible condition.

E. Curbing

1. Curbing is required when a parking space abuts a pedestrian walkway, landscape, structure, or fence. Breaks in curbing may be provided to allow for drainage into landscape areas that can absorb water. Such curbing must be constructed of permanent materials, such as concrete or masonry, a minimum height of four inches to a maximum height of six inches above ground level, and permanently affixed to the paved parking area.

2. Wheel stops are prohibited.

F. Lighting

Parking lot and structure lighting must be in accordance with Section 9.3.

G. Landscape

All parking facilities must be landscaped in accordance with Article 11.

H. Parking Structure Design

1. Parking Structures as a Principal Use

The following design standards apply to parking structures that are the principal use of the lot:

a. On facades that front on public streets, façade design and screening must mask the interior ramps.

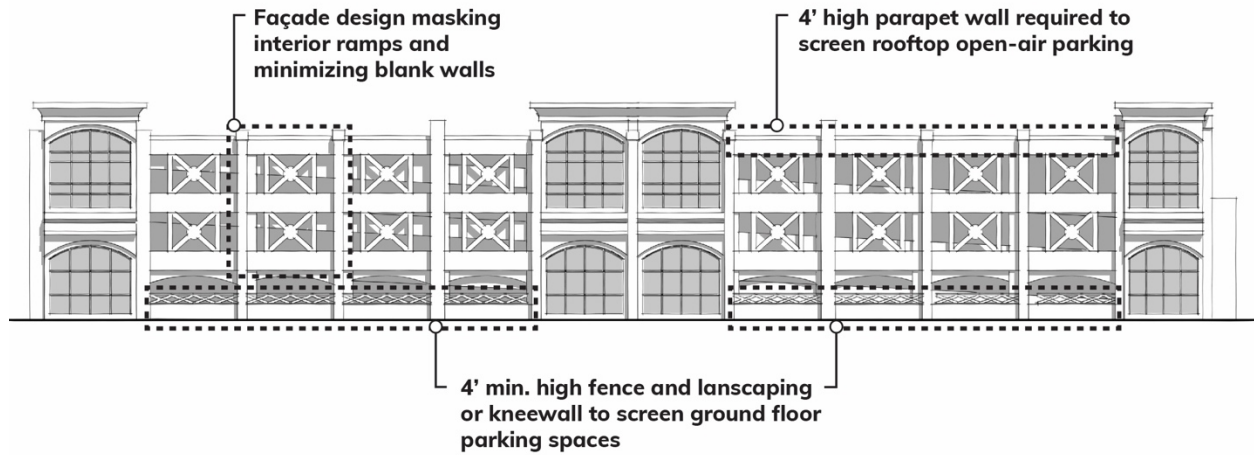
b. Parking structures must be designed to minimize blank facades through architectural detail, public art, and landscape.

c. On portions of the ground floor façade where parking spaces are visible, a decorative fence and landscape or a knee wall is required to screen parking spaces. Such fence or knee wall must be a minimum of four feet in height.

d. For parking structures with rooftop open-air parking, a four foot parapet wall is required for screening.

e. Parking structures must meet any blank wall requirements of the district.

PARKING STRUCTURE: PRINCIPAL USE - DESIGN

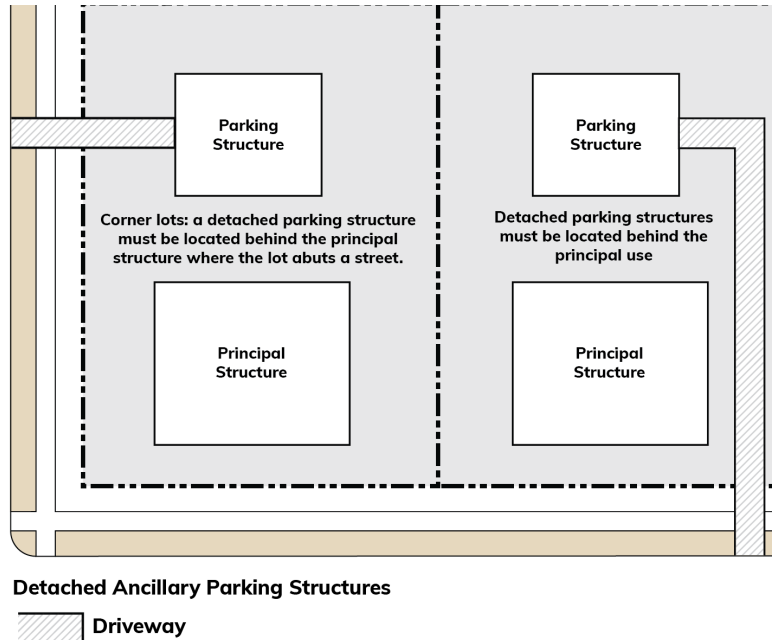


2. Parking Structures as Ancillary to a Principal Use

a. Detached Ancillary Parking Structures

Detached parking structures must be located to the rear of the principal structure containing the principal use. For corner lots, a detached parking structure must be located behind the principal structure where the lot abuts a street.

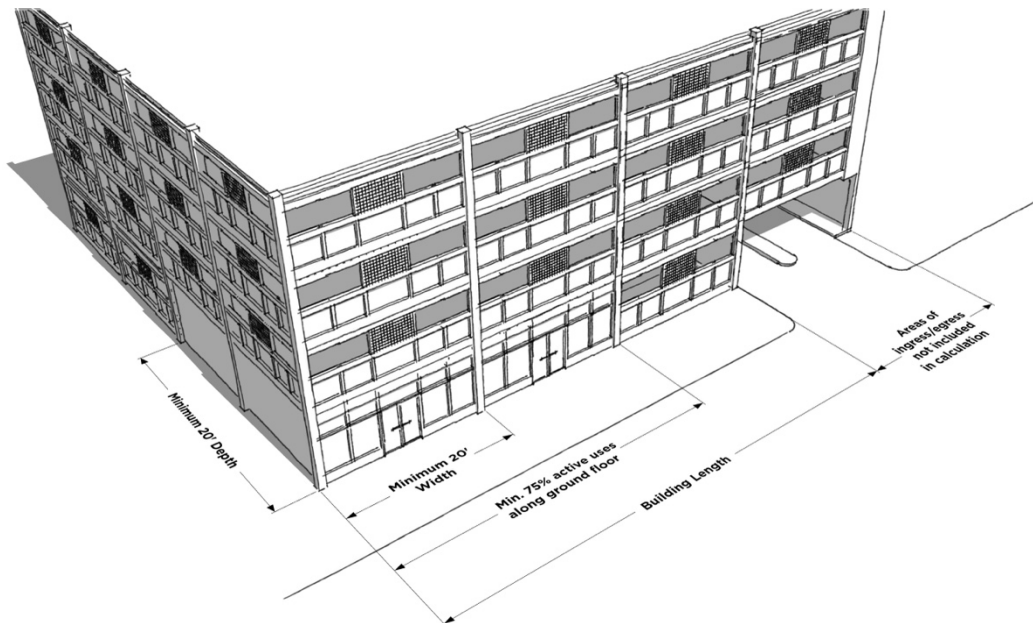
DETACHED ANCILLARY PARKING STRUCTURE LOCATION



b. Integrated Ancillary Parking Structures

- i. Parking structures must include residential or nonresidential active uses along 75% of the ground floor building length along any façade abutting a street. This percentage is calculated as a percentage of the façade length once areas of required vehicular and pedestrian egress, and mechanical or electrical equipment rooms are discounted.
- ii. Nonresidential active use spaces must be a minimum of 20 feet in width and 20 feet in depth.
- iii. Nonresidential active use spaces must meet the design standards of the district.

INTEGRATED ANCILLARY PARKING STRUCTURES

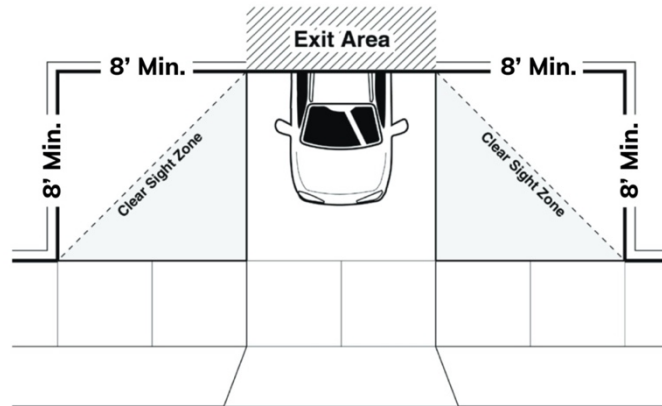


3. Vehicular Clear Sight Zone

A vehicular clear sight zone must be included at vehicular exit areas for all parking structures per the standards of this section. Alternatively, exiting detectors may be used in place of a vehicular clear sight zone so long as such detectors provide signals to both pedestrians and vehicles exiting the structure.

- a. The façade of vehicular exit areas must be set back from any pedestrian walkway along that façade a minimum of eight feet for the portion of the façade that includes the vehicle exit area and eight feet on each side of the exit opening.
- b. A sight triangle is defined by drawing a line from the edge of the vehicular exit area to a point on the property line abutting the pedestrian walkway eight feet to the side of the exit lane.
- c. In the sight triangle (bound by the parking structure wall, pedestrian walkway and vehicular exit lane), groundcover, landscape, or decorative wall must be used to act as a buffer between the exit aisle and the pedestrian walkway. Landscape or a decorative wall must not exceed three feet in height in order to maintain driver sightlines to the pedestrian walkway.
- d. The upper story façade(s) of the parking structure may overhang the vehicular clear sight zone.

PARKING STRUCTURE - CLEAR ZONE



10.4 OFF-STREET VEHICLE AND BICYCLE PARKING SPACES

A. No Minimum Vehicle Parking Spaces Required

The provision of off-street vehicle parking is not required. However, a Transportation Demand Management plan is required for certain development actions and uses, per Section 10.5, which may require off-street parking to be provided on-site. Such determination will be made during site plan review. Based upon review, such required off-street parking may exceed parking maximums.

B. Maximum Vehicle Parking Spaces

1. If the applicant chooses to provide off-street vehicle parking, Table 10-2: Off-Street Parking Maximums and Minimum Bicycle Parking Requirements states the maximum number of off-street parking spaces to be provided for the designated uses. Table 10-2 lists parking maximums for the uses listed within the districts. In some cases, uses that are considered part of a generic use category are listed with specified parking maximums. These specific uses are listed only for the purposes of this section and do not indicate whether such uses are permitted or conditional uses within any district.
2. Spaces reserved for the following are not included in calculating parking maximums:
 - a. Required accessible parking spaces in compliance with Americans with Disabilities Act (ADA) standards.
 - b. EVSE-Installed spaces do not count toward parking maximums.
 - c. The following pick-up/drop-off spaces, which shall be marked as reserved:
 - i. Ride-hailing service vehicles.
 - ii. Delivery driver vehicles.
 - iii. Spaces for exchange of goods
 - d. On-site visitor spaces for multi-family dwellings to a maximum exception of ten spaces or 10% of the total number of on-site dwelling units (in spaces), whichever is greater. All such spaces shall be marked as available for visitor use only.
3. Certain uses listed within the districts do not have parking maximums and are indicated as such.

4. The following standards for computation apply:

a. When calculating the number of off-street spaces results in a requirement of a fractional space, said fraction is rounded up.

b. In places of assembly in which patrons or spectators occupy benches, pews, or similar seating facilities, each 24 inches of such seating facility is counted as one seat for the purpose of calculating the number of off-street spaces. Floor area of a prayer hall is counted as one seat per marked prayer mat space or one seat for every five square feet in the prayer hall if prayer mat spaces are not marked.

5. The maximum number of parking spaces allowed is calculated by the principal use or uses of the lot. When more than one use occupies the same lot or structure, the number of required spaces is the sum of the separate requirements for each use, unless such use is a multi-tenant retail center, which has a separate requirement as described below.

a. Maximum parking for multi-tenant retail centers is calculated as one space required per 200 square feet of gross floor area, rather than by the individual uses. A multi-tenant retail center is defined as a group of three or more commercial establishments, primarily retail, but also including service, restaurant, recreation, office, or medical, that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers and strip retail centers. In addition, multi-tenant retail centers over 20,000 square feet in gross floor area require one bicycle space per 2,500 square feet of gross floor area.

C. Accessible Spaces

Accessible spaces for persons with disabilities are required when parking is provided and must be in compliance with or better than the standards detailed by the State of New Jersey, including quantity of accessible spaces, size, location, and accessibility, and the ADA Standards for Accessible Design and ADA Accessibility Guidelines for Buildings and Facilities published by the United States Access Board.

D. Required Bicycle Parking Spaces

Certain uses listed within Table 10-2 are required to provide bicycle parking spaces. Bicycle parking spaces are required only for new construction as of the effective date of this Ordinance.

1. In all cases where bicycle parking is required, a minimum of two bicycle spaces and no more than a total of 25 required bicycle parking spaces are required. Spaces may be provided in excess of this at the property owner's option.

2. Where bicycle parking space requirements indicate a gross floor area threshold (for example, "Over 50,000sf GFA" or other number threshold), this means that bicycle spaces are required only for structures over a certain gross floor area or lot area. In such case, bicycle parking space requirements are calculated on the basis of the entire gross floor area or lot area.

3. Certain uses are required to provide a minimum number of bicycle spaces designed as long-term spaces. This minimum is set as a percentage of the total number of spaces and indicated within the required bicycle spaces column of Table 10.2 as a percentage within parentheses. The number of long-term spaces may exceed the percentage required, but this does not reduce the number of short-term spaces required. (For example, if 10 bicycle spaces are provided and 20% must be long-term spaces, and four long-term spaces are installed in excess of the two required, eight short-term spaces are still required.)

4. Bicycle spaces must be designed in accordance with Section 10.8.

Table 10-2: Off-Street Parking Maximums and Minimum Bicycle Parking Requirements		
Use	Maximum Vehicle Spaces	Minimum Required Bicycle Spaces (% of Spaces Required As Long-Term Spaces) See Sec. 10.4.D
Adult Use	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Alternative Correctional Facility	1 per room	
Amusement Facility - Indoor	1 per 300sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA (20%)
<i>Indoor Stadium</i>	<i>1 per 15 seats</i>	<i>1 per 100 seats (20%)</i>
Amusement Facility - Outdoor	1 per 1,500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA (20%)
<i>Outdoor Stadium</i>	<i>1 per 15 seats</i>	<i>1 per 100 seats (20%)</i>
Animal Care Facility	1 per 200sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Animal Shelter	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Art Gallery	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Arts and Fitness Studio	1 per 200sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Bed and Breakfast	2 spaces + 1 per guestroom	2 spaces
Body Modification Establishment	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Broadcasting Facility	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA
Cannabis: Class 1 – Cannabis Cultivators	1 per 500sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes outdoor storage area)	Over 10,000sf GFA: 1 per 2,500sf GFA
Cannabis: Class 2 – Cannabis Manufacturers	1 per 500sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes outdoor storage area)	Over 10,000sf GFA: 1 per 2,500sf GFA
Cannabis: Class 3 – Cannabis Wholesalers	1 per 500sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes outdoor storage area)	Over 10,000sf GFA: 1 per 2,500sf GFA
Cannabis: Class 4 – Cannabis Distributors	1 per 500sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes outdoor storage area)	Over 10,000sf GFA: 1 per 2,500sf GFA
Cannabis: Class 5 – Cannabis Dispensaries	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Cannabis: Academic Medical Center/Vocational Training Facility	<i>No maximum</i>	
Car Wash	2 per car wash bay + 3 stacking spaces per bay	
Cemetery	1 per 100sf of GFA of office and/or chapel/parlor	10 spaces
Children's Home	1 per 100sf GFA of office	
Commercial Kitchen (Standalone)	1 per 1,500sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Community Center	1 per 300sf GFA	1 per 2,000sf GFA
Community Garden	1 per 300sf GFA	5 spaces
Community Residence	1 per room	1 per 4 rooms
Conservation Area	<i>No maximum</i>	
Cultural Facility	1 per 300sf GFA	1 per 2,000sf GFA

Table 10-2: Off-Street Parking Maximums and Minimum Bicycle Parking Requirements		
Use	Maximum Vehicle Spaces	Minimum Required Bicycle Spaces (% of Spaces Required As Long-Term Spaces) See Sec. 10.4.D
Day Care Center	1 per 300sf GFA	
Day Care Home	2 additional spaces dedicated for customers (above those for resident use)	
Drug Treatment Clinic	1 per 250sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Dwelling – Above the Ground Floor	3 per du	1 per 2 du (80%)
Dwelling – Multi-Family	3 per du	1 per 2 du (80%)
Dwelling – Rowhouse	No maximum	
Dwelling – Single-Family	No maximum	
Dwelling – Single-Family Attached	No maximum	
Dwelling – Two-Family	No maximum	
Eating and Drinking Establishment	1 per 100sf GFA of indoor + 1 per 300sf floor area of outdoor	Over 5,000sf GFA: 1 per 1,500sf GFA
Educational Facility – College/University	4 per classroom + 4 per office + 1 per 2 students of maximum enrollment	1 per 10 students at maximum enrollment (20%)
Educational Facility – Primary or Secondary		
<i>Educational Facility – Elementary and/or Junior High</i>	6 per each classroom + 4 per office	1 per 4 classrooms (20%)
<i>Educational Facility – High School</i>	10 per classroom + 4 per office	1 per 4 classrooms (20%)
Educational Facility – Vocational	4 per classroom + 4 per office + 1 per 8 students of maximum enrollment	1 per 10 students at maximum enrollment (20%)
Financial Institution	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Financial Institution, Alternative (AFS)	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Food Bank	1 per 300sf GFA of office	
Food Pantry	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Food Truck Park	2 per food truck parking space	2 per food truck parking space
Freight Terminal	1 per 200sf GFA of office	
Funeral Home	1 per 100sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Gas Station	3 per pump island + 1 per 500sf GFA of structure	
Golf Course/Driving Range	6 per golf hole + 6 per tee of driving range	2 per golf hole + 2 per tee of driving range
Halfway House	1 per room	1 per 4 rooms
Heavy Retail, Rental, and Service	1 per 300sf GFA of indoor space + 1 per 1,000sf of outdoor space	
Heliport	1 per 200sf GFA of office	
Hospital	No maximum	1 per 100 beds
Hotel	2 per room	
Impound Lot	1 per 200sf GFA of office	
Industrial - Artisan	1 per 500sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Industrial – General	1 per 500sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes outdoor storage area)	Over 10,000sf GFA: 1 per 2,500sf GFA

Table 10-2: Off-Street Parking Maximums and Minimum Bicycle Parking Requirements		
Use	Maximum Vehicle Spaces	Minimum Required Bicycle Spaces (% of Spaces Required As Long-Term Spaces) See Sec. 10.4.D
Industrial – Light	1 per 500sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes outdoor storage area)	Over 10,000sf GFA: 1 per 2,500sf GFA
Industrial Design	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Live Entertainment - Secondary Use	<i>Subject to the primary use of the site</i>	
Live Performance Venue	1 per 3 persons based on maximum capacity	Over 5,000sf GFA: 1 per 1,500sf GFA
Live/Work	6 spaces	Over 5,000sf GFA of commercial area: 1 per 1,500sf GFA
Lodge/Meeting Hall	1 per 200sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Medical/Dental Office/Clinic	1 per 200sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Micro-Production of Alcohol	1 per 500sf GFA of production facility + 1 per 300sf GFA of public space	Over 5,000sf GFA: 1 per 2,500sf GFA
Movie Studio	1 per 500sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes outdoor storage or staging area)	Over 10,000sf GFA: 1 per 2,500sf GFA (20%)
Needle Exchange Facility	1 per 300sf GFA	
Neighborhood Commercial Establishment	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Nightclub	1 per 3 persons based on maximum capacity	Over 5,000sf GFA: 1 per 1,500sf GFA
Office	1 per 200sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Outdoor Storage Yard	1 per 300sf GFA of office	
Park	<i>No maximum</i>	Over 5,000sf of open space area: 1 per 1,000sf GFA
Parking Lot (Principal Use)	<i>No maximum</i>	1 per 2,500sf of lot area
Parking Structure (Principal Use)	<i>No maximum</i>	1 per 2,500sf GFA
Passenger Terminal	1 per 1,000sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA
Personal Service Establishment	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Place of Worship	1 per 8 seats	1 per 25 seats
Private Recreation Club	1 per 300sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA
Private Social Club	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Public Safety Facility	<i>No maximum</i>	
Public Works Facility	<i>No maximum</i>	
Reception Facility	1 per 200sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA
Research and Development	1 per 300sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA
Residential Care Facility	<i>To be calculated on the type of facility or combination of facilities provided below:</i>	Over 10,000sf GFA: 1 per 2,500sf GFA (20%)
Independent Living Facility	<i>2 per dwelling unit</i>	
Assisted Living Facility	<i>1.5 per dwelling unit or room</i>	

Table 10-2: Off-Street Parking Maximums and Minimum Bicycle Parking Requirements		
Use	Maximum Vehicle Spaces	Minimum Required Bicycle Spaces (% of Spaces Required As Long-Term Spaces) See Sec. 10.4.D
Nursing Home or Hospice	1.5 per patient room	
Residential Addiction Treatment Facility	1 per patient room	Over 10,000sf GFA: 1 per 2,500sf GFA (20%)
Retail Goods Establishment	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Retail Sales of Alcohol	Subject to the primary use of the site	
Rooming House – Senior Citizen Owner Only	2 spaces + 1 per room	
Self-Service Storage Facility: Enclosed	1 per 25 storage units	
Shelter, Domestic Violence	1 per 200sf GFA of office	
Shelter, Homeless	1 per 200sf GFA of office	
Single Room Occupancy	2 per unit	1 per 4 units (50%)
Social Service Center	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Solar Farm	1 per 200sf GFA of office	
Specialty Food Service	1 per 300sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA
Vehicle Dealership	1 per 300sf of indoor sales and display area + 6 per service bay	
Vehicle Operation Facility	1 per 2,000sf of lot area	
Vehicle Rental	1 per 300sf GFA of office	
Vehicle Repair/Service	6 per service bay	
Warehouse	1 per 300sf of office area + 1 per 25,000sf GFA of warehouse	Over 10,000sf GFA: 1 per 2,500sf GFA
Wholesale	1 per 300sf of office area + 1 per 10,000sf GFA of warehouse	Over 10,000sf GFA: 1 per 2,500sf GFA
Wind Energy System	1 per 200sf GFA of office + 1 per turbine	
Wireless Telecommunications	1 per tower or facility	

10.5 TRANSPORTATION DEMAND MANAGEMENT

A. Transportation Demand Management (TDM) Plan Applicability

1. TDM Required

- a. A transportation demand management (TDM) plan is required for development projects and uses as follows:
 - i. A TDM plan is required for new construction of a principal building with a gross floor area of 10,000 square feet or more.
 - ii. A TDM plan is required for substantial renovation of a principal building with a gross floor area of 25,000 square feet or more that includes a change of use.
 - iii. A TDM plan is required for any multi-family dwelling or mixed-use development with six or more dwelling units.

b. If a development proposes to construct on-site parking spaces in excess of the maximum number of spaces allowed by Table 10-2, a TDM plan per this Section is required and justification must be provided as to why additional spaces are needed. Such justification must include an analysis that provides an estimate of baseline vehicle trips for the proposed use based on current ITE trip generation rates, and why strategies in Table 10-3: TDM Strategies do not apply. Approval of the TDM by the Planning Board may allow parking in excess of Table 10-2 up to the full amount requested.

2. TDM Exemptions

a. A TDM plan is not required in the following districts:

- i. DT Downtown Trenton District
- ii. R-MX Riverfront Mixed-Use District
- iii. TOD Transit-Oriented Development District
- iv. OS-R Open Space and Recreation District

b. If a development is proposed to include at least the minimum number of on-site parking spaces required by the baseline analysis below (item C.1), and not in excess of the parking maximums of Table 10-2, a TDM plan is not required.

B. TDM Plan Review

1. A TDM plan must be approved by the Planning Board as part of site plan review. No building permit or certificate of occupancy may be granted prior to approval of a required TDM plan.

2. The Planning Board will review the TDM plan for compliance with this section.

3. The Planning Board will assess whether the proposed development minimizes single-occupancy vehicle trips and maximizes the utilization of transportation alternatives, considering the opportunities and constraints of the development site, and the nature of the proposed development. The development must be determined to meet anticipated transportation demand without placing an unreasonable burden on public infrastructure, including on-street parking facilities, and the surrounding neighborhoods.

C. TDM Plan Requirements

A TDM plan must be prepared by a qualified professional with demonstrated experience in transportation planning or traffic engineering.

1. Baseline Parking Demand

A baseline number of required parking spaces associated with the proposed development must be estimated, using the ITE Parking Generation Manual (*most recent edition*). The land use for the proposed project should be matched with most similar land use contained within the ITE Parking Generation Manual. The TDM plan must indicate which ITE land use category was used and provide the reasoning for using that category. The number of parking spaces calculated by the ITE Parking Generation Manual is then discounted by 15% to achieve the final number of spaces for the baseline parking demand.

2. Existing Local Transportation Options

Maps and tables must be provided as a component of the TDM plan, showing existing local transportation options within 1/4 mile (1,320 feet) of the proposed project as follows:

- a. Location of transit routes, stops, and stations.
- b. Location and description of bicycle infrastructure, including existing and planned bicycle lanes, bicycle-share locations and number of bicycles, and publicly available bicycle parking facilities.

3. TDM Strategies to Be Employed

- a.** A completed checklist must be provided, demonstrating the strategies from Table 10-3: TDM Strategies that will be employed to reduce parking demand and promote transportation alternatives such as walking, cycling, ridesharing, and transit.
- b.** The TDM plan must include a narrative describing how each of the TDM strategies will be documented or implemented.

D. TDM Strategies

- 1.** Development may implement any combination of the measures in Table 10-3: TDM Strategies to achieve points towards reducing the baseline parking demand.
- 2.** Points are allocated for each strategy implemented or applicable. The total points equate to a percentage reduction of the baseline parking demand. For example:

*80 points achieved through Table 10-3
Baseline parking requirement: 40 spaces (item C.1. above)
40 spaces X 80% = 32 spaces
40 spaces – 32 spaces = 8 spaces required*

- 3.** Where the total number meets or exceeds 100 points, that indicates no minimum parking is required.
- 4.** The Planning Board must confirm that each strategy identified as part of the development meets the goals of the TDM plan and this section. The Planning Board may increase or decrease the points allocated for each strategy as part of the TDM review.

Table 10-3: TDM Strategies	
Strategy	Maximum Points
On-street public parking spaces located directly adjacent to the front and/or side lot lines with spaces that can be used by the development (minimum of two spaces) <i>Where on-street parking spaces are unmarked, the number of parking spaces is calculated by dividing the length of the on-street parking area located parallel to the lot line of the property under consideration divided by 22, where a fraction of less than one-half is disregarded, and a fraction of one-half or more is counted as one space.</i> <i>Where on-street parking spaces are marked, each marked space counts as one required parking space, including any space where at least 75% of the width is located along the lot line of the property under consideration.</i>	5 points for each parking space
Availability of off-street parking facilities located within 1/4 mile (1,320 feet) that can be used by the development	Based on the number of minimum baseline parking spaces that can be accommodated – The percentage of spaces accommodate equal the number of points (rounded up) (i.e., if 25% of spaces can be accommodated, allocated 25 points)
Shared parking facilities	40 points
A commuter rail station within 1/4 mile (1,320 feet)	50 points
Bike-share stations located within 1/4 mile (1,320 feet)	20 points
Free or subsidized transit passes for residents and/or tenants	20 points
Parking cash-out programs (i.e., employees cash out the value of employer-provided parking, forgo parking, and receive the taxable cash value of the parking or receive a tax-free transit benefit)	20 points
Designated pick up and drop off areas for ride share users	20 points
Installation of bicycle lanes in locations indicated per adopted plans and policies of the City	30 points
For nonresidential uses (as applicable), alternative work schedules, such as: Compressed work week: Allow employees or require tenants to allow employees to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite. Staggered shift: Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours Work from home: Provide or require tenants to provide opportunities and the ability for employees to work off site at least two days a week.	40 points

10.6 REQUIRED ELECTRIC VEHICLE SPACES

A. Purpose

The purpose of these requirements is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.

3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

B. Approvals and Permits

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance.
2. EVSE and Make-Ready Parking Spaces installed pursuant to item C below in development applications that are subject to site plan approval are considered a permitted accessory use as described in item 1 above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local permit and inspection requirements.
4. The Zoning Officer will enforce all signage and installation requirements described in this section. Failure to meet the requirements is subject to the same enforcement and penalty provisions as other violations of these land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief, or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the Zoning Officer, provided the application meets the following requirements:
 - a. The proposed installation does not violate district requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building.
 - b. All other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met.
 - c. The proposed installation complies with the construction codes adopted in or promulgated pursuant to the State Uniform Construction Code Act, P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to item 5 above is deemed complete if:
 - a. The application, including the permit fee and all necessary documentation, is determined to be complete.
 - b. A notice of incompleteness is not provided within 20 days after the filing of the application.
 - c. A one-time written correction notice is not issued by the Zoning Officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building are subject to applicable local inspection requirements.
8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use is not subject to review based on parking requirements.

C. Requirements for New Installation of EVSE and Make-Ready Parking Spaces

1. As a condition of preliminary site plan approval, for each application involving a multi-family dwelling with five or more units of dwelling space, which includes a multi-family dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, must:

- a. Prepare as Make-Ready parking spaces at least 15% of the off-street parking spaces, and install EVSE in at least one-third of the 15% of Make-Ready parking spaces.
 - b. Within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15% of Make-Ready parking spaces.
 - c. Within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15% of Make-Ready parking spaces.
 - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least 5% of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in item 1 above shall:
- a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
 - e. Install at least 4% of the total parking spaces as Make-Ready parking spaces, at least 5% of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
 - f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
 - g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
 - h. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

D. Minimum Parking Requirements

- 1. All parking spaces with EVSE and Make-Ready equipment are included in the calculation of any minimum required parking spaces.
- 2. A parking space prepared with EVSE or Make-Ready equipment count as at least two parking spaces for the purpose of complying with any minimum parking space requirement. This shall result in a reduction of no more than 10% of the total required parking.
- 3. All parking space calculations for EVSE and Make-Ready equipment must be rounded up to the next full parking space.
- 4. Additional installation of EVSE and Make-Ready parking spaces above what is required in item C above may be encouraged, but is not required in development projects.

E. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

Location and layout of EVSE and Make-Ready parking spaces may vary based on the design and use of the primary parking area. Standards and criteria below are considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.

1. Installation

- a.** Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
- b.** Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than nine feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
- c.** To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- d.** Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

2. EVSE Parking

- a.** Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.
- b.** Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

3. Public Parking

Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It is a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE is subject to fines and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code. Signage indicating the penalties for violations shall comply with item 6 below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.

4. Private Parking

The use of EVSE shall be monitored by the property owner.

5. Safety

- a.** Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 6. below.
- b.** Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with this Ordinance.
- c.** Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be three to four feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.

d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and must contain a cord management system as described below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.

e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle must be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.

f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

g. Publicly-accessible EVSEs must be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it.

6. Signs

a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.

b. All regulatory signs must comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.

c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage must be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with item b above.

d. In addition to the signage described above, the following information must be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:

- i. Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the City or owner.
- ii. Usage fees and parking fees, if applicable.
- iii. Contact information (telephone number) for reporting when the equipment is not operating or other problems.

10.7 DRIVEWAY DESIGN

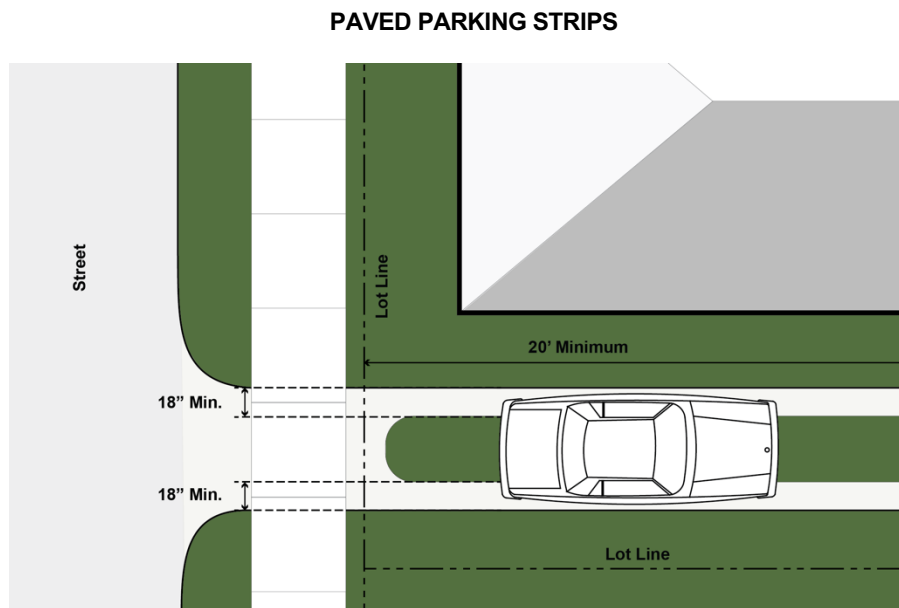
A. General

1. At the intersection of streets, no driveway providing access to parking for five or fewer dwelling units may be located closer than 20 feet to the intersection of two curb lines.

2. Any driveway providing access for more than five dwelling units or for any nonresidential use may be located no closer than 100 feet to the intersection of two curb lines.

B. Residential Development: Single-Family, Single-Family - Attached, Two-Family, Rowhouse

1. Driveways located in a side yard must extend at least 18 feet beyond the front building line if such driveway does not lead to a garage.
2. Driveways are encouraged to be located at the rear of the lot, taking access from an alley.
3. The maximum width of a driveway is 12 feet in the front and side yards. When a site plan is prepared for development of more than one residential unit, the plan must place driveways in such a manner to minimize curb cuts and the loss of on-street spaces.
4. A parking space may consist of two parallel paved parking strips, each of which is at least 18 inches in width and 20 feet long. Gravel is prohibited as fill material between the parking strips. Parking strips must extend into the lot so that the parking space is located behind the building line.



10.8 BICYCLE PARKING SPACES

A. Required Bicycle Spaces

Where off-street parking facilities are provided, bicycle parking spaces must be provided as indicated in Table 10-2. Bicycle parking spaces are defined as follows:

1. Bicycle Parking Spaces, Long-Term

Bicycle parking spaces where bicycles will be stored for longer periods of time within a weatherproof storage area.

2. Bicycle Parking Spaces, Short-Term

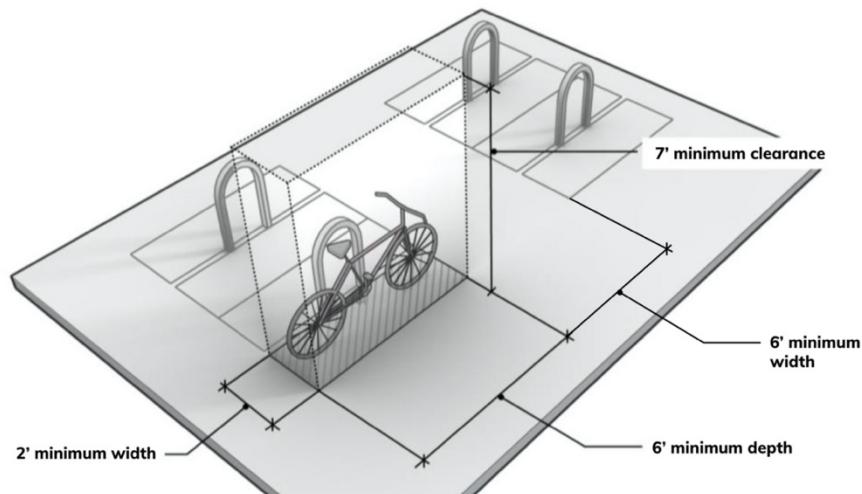
Bicycle parking spaces available to visitors to the site where bicycles are stored for short stops, requiring a high degree of convenient access.

B. Design

1. Required bicycle spaces must provide each bike space within a row of bicycle parking a minimum of two feet in width by six feet in length, with a minimum vertical clearance of seven feet. Each required bicycle parking space must be accessible without moving another bicycle. There must be an aisle at least five feet wide between each set of bicycle parking to allow room for bicycle maneuvering. Additional bicycle space designs indicated as "recommended" in the New Jersey Department of Transportation's "Complete Streets Design Guide" are also acceptable.

2. The area devoted to bicycle parking must be surfaced as required for vehicle parking areas.
3. All long-term bicycle parking spaces must be located indoors or fully covered, such as by the use of an overhang or covered walkway, weatherproof outdoor bicycle lockers, or an indoor storage area. Where bicycle parking is not located within a building or locker, the cover design must be of permanent construction, designed to protect bicycles from rainfall, snow, and inclement weather, and with a minimum vertical clearance of seven feet.
4. Bicycle parking racks must permit the bicycle frame and one wheel to be locked to the rack and support the bicycle in a stable position. Structures that require a user-supplied locking device must be designed to accommodate U-shaped locking devices. All lockers and racks must be securely anchored to the ground or a structure to prevent the racks and lockers from being removed from the location.
5. If required bicycle parking facilities are not visible from the street or principal building entrance, signs must be posted indicating their location.

BICYCLE PARKING DESIGN



C. Location

1. The bicycle parking area must be convenient to building entrances and street access, but may not interfere with normal pedestrian and vehicle traffic. Bicyclists must not be required to travel over stairs to access parking.
2. Short-term bicycle parking spaces must be conveniently located no more than 50 feet from the principal building entrance and at the same grade as the sidewalk or an accessible route.
3. The property owner may also make arrangement with the Department of Public Works to place required bicycle parking spaces in the public right-of-way. When such spaces are located within the right-of-way they must be grouped in clusters. A minimum distance of 300 feet between clusters is recommended.
4. Required bicycle parking for residential uses may be provided in garages, storage rooms, and other resident-accessible, secure areas. Spaces within dwelling units or on balconies do not count toward satisfying bicycle parking requirements.

10.9 REQUIRED OFF-STREET LOADING SPACES

A. Design

1. All off-street loading spaces must be located on the same lot as the use served.
2. With the exception of the I-L, I-G, and I-MU Districts, no off-street loading space is permitted in a front or corner side yard or in front of a front building line. Loading spaces should be located opposite any abutting residential district lot line.
3. All required off-street loading spaces must be at least ten feet in width and at least 25 feet in length, exclusive of aisle and maneuvering space, and must have a minimum vertical clearance of at least 14 feet.
4. All off-street loading spaces must be improved with a hard surfaced, all-weather dustless material.
5. Loading berths must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of seven feet in height.

B. Existing Structures

1. Existing structures, as of the effective date of this Ordinance, that do not meet these requirements are not required to install loading spaces and are not considered nonconforming in this regard. These structures may expand their footprint or gross floor area so long as the expansion is on the same lot and no additional lot area is added, and any existing loading located on the site is maintained. Once the principal building is demolished, this exemption is no longer valid. In addition, if the lot area is expanded (e.g., an adjoining lot is purchased or leased), this exemption is no longer valid.
2. When an existing building without loading spaces or with an insufficient amount of loading spaces chooses to install new spaces, newly constructed loading areas and service doors should be located to minimize any impact on surrounding streets. Existing loading areas and services doors should be screened to the extent feasible from view from streets or any adjacent residential district.

C. Required Number of Off-Street Loading Spaces

Off-street loading spaces must be provided in accordance with Table 10-4: Off-Street Loading Requirements. In the case of multi-tenant buildings or mixed-use developments, required loading spaces are calculated on the basis of each individual tenant (for example, if only one non-residential use tenant of a multi-tenant building is over 10,000 square feet, only one loading space is required; if all tenants are under 10,000 square feet, no loading is required).

TABLE 10-4: OFF-STREET LOADING REQUIREMENTS	
Use Type	Minimum Number of Spaces Required
Multi-Family Dwelling	
50 dwelling units or more	1 loading space or a site plan that illustrates sufficient area for ingress/egress for moving trucks and fire apparatuses
Commercial & Institutional Use	
20,000 - 100,000sf GFA	1 loading space
100,001 - 200,000sf GFA	2 loading spaces
200,001sf and above GFA	3 loading spaces
Industrial Use	
10,000 - 40,000sf GFA	1 loading spaces
40,001 - 100,000sf GFA	2 loading spaces
100,001 and above GFA	3 loading spaces

10.10 COMMERCIAL AND RECREATIONAL VEHICLE STORAGE

A. Commercial Vehicles

1. Residential Lots

a. No commercial vehicle may be parked outdoors on a residential lot, with the following exceptions:

i. Vehicles engaged in loading or unloading or current work being done to the adjacent premises.

ii. Commercial vehicles that are standard size passenger motor vehicles including, but not limited to, vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks, may be stored or parked outdoors overnight on lots in residential districts in a permitted parking area. Such permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.

b. All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, flatbed trucks, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outdoors overnight on a residential lot.

2. Nonresidential Lots

On nonresidential lots, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable condition.

B. Recreational Vehicles

1. No recreational vehicle or trailer licensed to transport recreational vehicles or equipment may be stored outdoors within the front yard, including on a residential driveway, for more than five days.

2. Recreational vehicles must be stored within the side yard behind the front building line or in the rear yard. If a recreational vehicle and any trailer that is more than six feet in height as measured to the highest point of the vehicle, it must be located at least ten feet from any lot line.

3. The area devoted to recreational vehicle storage must be on a hard surfaced, all-weather dustless material; pervious paving is encouraged and may also be used. Gravel is prohibited.

4. There is no limit on the storage of recreational vehicle within fully enclosed structures. Temporary storage tents do not meet the requirement of a fully enclosed structure.

5. No recreational vehicle may be used for living, sleeping, or housekeeping purposes in any district and may not be hooked up to any public utilities.

6. All recreational vehicles must be maintained in mobile condition. No recreational vehicle may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where it is parked or stored. If the recreational vehicle is parked or stored, whether loaded or not, so that it may tip or roll, it is considered to be a dangerous and unsafe condition.

Article 11. Landscape

- 11.1 LANDSCAPE PLAN**
- 11.2 ENFORCEMENT OF LANDSCAPE PLAN**
- 11.3 SELECTION, INSTALLATION AND MAINTENANCE**
- 11.4 LANDSCAPE DESIGN STANDARDS**
- 11.5 REQUIRED SITE LANDSCAPE**
- 11.6 REQUIRED PARKING LOT LANDSCAPE ABUTTING A STREET**
- 11.7 REQUIRED PARKING LOT INTERIOR LANDSCAPE**
- 11.8 BUFFER YARD REQUIREMENTS**
- 11.9 CURB LAWN AND ON-SITE TREES**
- 11.10 TREE CONSERVATION**

11.1 LANDSCAPE PLAN

A. Landscape Plan Required

A landscape plan is required for any development of a rowhouse development, multi-family development, nonresidential and mixed-use development, or parking lot of 15 or more spaces, and must be approved as part of site plan review.

B. Content of Landscape Plan

The following is required within the landscape plan, unless waived as part of site plan review:

1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, and drainage facilities.
2. The location, quantity, size, name, and condition, both botanical and common, of all existing plant materials on-site, indicating plant material to be retained and removed.
3. The location, quantity, size, and name, both botanical and common, of all proposed plant material.
4. The existing and proposed grading of the site indicating contours at one foot intervals. Proposed berming must also be indicated using one foot contour intervals.
5. Elevations of all proposed fences, stairs, and retaining walls.
6. Any other details as determined necessary during review.

C. Changes to Approved Landscape Plans

Changes to the landscape plan that do not result in a reduction in the net amount of required plant material may be approved by the Zoning Officer.

11.2 ENFORCEMENT OF LANDSCAPE PLAN

A. No certificate of occupancy will be issued until all the requirements of this Article and the landscape plan have been fulfilled. Failure to implement the landscape plan, or to maintain the lot in conformance with the landscape plan, may result in the application of fines and penalties, as established in this Ordinance. All landscape is subject to periodic inspection.

B. If weather prohibits the installation of landscape at the time a final certificate of occupancy is applied for, a temporary certificate of occupancy may be issued for a six month period with provision of a security bond or security for 125% of the estimated amount, including installation.

11.3 SELECTION, INSTALLATION, AND MAINTENANCE

A. Selection

1. All plants must meet minimum quality requirements and be free of defects, of normal health, height, leaf density, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1, latest available edition, American Horticulture Industry Association (AmericanHort). All plant materials must be capable to withstand the seasonal temperature variations of Central New Jersey, as well as the individual site microclimate and the urban environment. The use of native species is encouraged.
2. All plants must be planted in accordance with appropriate planting details and notes, to ensure the proper installation, survival, and growth of all plants.
3. Tree varieties must exhibit desirable characteristics, such as full symmetrical form, deep noninvasive root system and tolerance of potential drought and road salt, should be utilized.
4. No tree can interfere with utilities, roadways, sidewalks, street or parking lot lighting, sight distances, driveway aprons or fire hydrants.

B. Installation

All landscaping must be installed according to sound horticultural practices in a manner designed to encourage quick establishment, healthy growth, and long-term viability.

C. Species Diversity

Diversity among required plant material is required for visual interest and to reduce the risk of losing a large population of plants due to disease. Table 11-1: Plant Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used. (For example, if a development requires 45 shade trees, no more than 18 trees (40%) can be of one species, and there must be a minimum of five different species within the 45 trees.) When the calculation of plant diversity requirements results in a fraction, the fraction is rounded up.

TABLE 11-1: PLANT DIVERSITY REQUIREMENTS		
Total Number of Plants per Required Plant Type	Maximum Number of One Species	Minimum Number of Species
1-4	100%	1
5-10	60%	2
11-15	45%	3
16-75	40%	5
76-500	25%	8
500-1,000	30%	10
1,000+	15%	15

D. Maintenance

1. Trees and vegetation, irrigation systems, fences, walls, and other landscape elements are considered elements of a development in the same manner as parking, building materials, and other site details. The applicant, developer, landowner, or successors in interest are jointly and severally responsible for the regular maintenance of all landscaping elements in good condition.
2. All landscaping must be maintained free from disease, pests, weeds, and litter. All landscape structures such as fences and walls must be repaired and replaced periodically to maintain them in a structurally sound and aesthetically pleasing condition.
3. Any landscape element that dies, or is otherwise removed or seriously damaged, must be removed and replaced within 30 days of the beginning of the growing season.

E. Stormwater Management Areas

Stormwater management areas include bioretention systems, constructed stormwater wetlands, detention and infiltration basins, drainage ditches and swales, and wet ponds. Stormwater management areas and plantings must be designed in accordance with New Jersey Stormwater Best Management Practices Manual (BMP). Sensitively designed basins and swales can be visually pleasing and benefit public health, welfare, and safety. The general design concept of these areas should be to deemphasize their function creating aesthetic landscape features.

1. The perimeter, side slopes, and bottoms of stormwater management areas must be planted with shade trees at the rate of one tree for 1,000 square feet of area, subject to approval of the board engineer. Of this quantity, 10% must be 2 inch caliper trees, 20% must be 1.5 inch caliper trees, and 70% must be 1 inch caliper trees.
2. Additional shrub and herbaceous plant material should be planted in accordance with the New Jersey Stormwater Best Management Practices Manual, Chapter 7, Landscaping. Special preference should be given to those species of trees and plants which have known pollutant-removal abilities. When other ornamental plants are used, they must be types compatible with the natural environment.

11.4 LANDSCAPE DESIGN STANDARDS

A. Minimum Planting Sizes

1. Shade trees must have a minimum trunk size of 2.5 inches in caliper at planting.
2. Evergreens trees must have a minimum height of six feet at planting.
3. Single stem ornamental trees must have a minimum trunk size of two inches in caliper at planting. Multiple stem ornamental trees must have a minimum height of seven feet at planting.
4. Shrubs must have minimum height of 18 inches.

B. Energy Conservation

Plant material placement should be designed to reduce the energy consumption needs of the development.

1. Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.
2. Evergreens and other plant materials should be concentrated on the north and east sides of buildings to dissipate the effect of winter winds.

11.5 REQUIRED SITE LANDSCAPE

A. Generally

1. All portions of a lot not covered by structures or paved surfaces must be landscaped with trees, shrubs, live groundcover, and other plantings.
2. All existing plantings that are maintained on a site may be counted toward any required on-site landscape.

B. Building Foundation Landscape

1. Where a structure is setback 15 feet or more from a front or corner side lot line, and no parking and/or loading is located in front of the building line, the setback area, excluding any areas of ingress/egress, must be planted in accordance with this section. This does not apply to single-family, two-family, and rowhouse dwellings.
2. The landscaped area must be improved as follows:
 - a. One shade tree or two ornamental trees must be planted for every 25 linear feet, excluding any areas of ingress/egress.
 - b. One shrub must be planted every 3 linear feet, excluding any areas of ingress/egress.
 - c. The remaining area outside of shrub and tree masses must be planted with perennials, live groundcover, native grasses, and other plantings. Alternatively, green infrastructure and stormwater management landscape techniques are permitted that meet the standards of the New Jersey Developers Green Infrastructure Guide.
 - d. As part of the landscape plan approval, trees and shrubs may be spaced at various intervals based on building and site design, but the total number of trees and shrubs must be no less than that required by this section.

BUILDING FOUNDATION LANDSCAPE

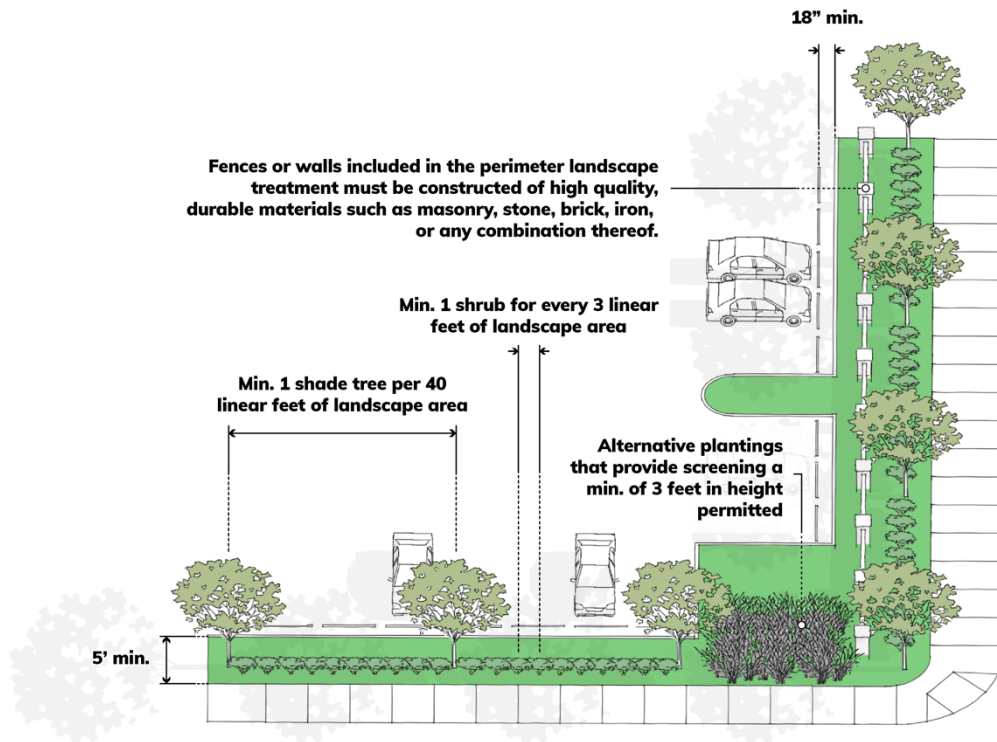


11.6 REQUIRED PARKING LOT LANDSCAPE ABUTTING A STREET

Landscape is required along all edges of all parking lots of 15 or more spaces that abut a right-of-way (excluding alleys) or open space, whether the parking lot is a principal use of the site or ancillary to a principal use. The landscape treatment must run the full length of that edge, except for required access points. The landscaped area must be improved as follows:

- A. The landscape area must be a minimum of five feet in width.
- B. There must be a minimum linear distance of 18 inches between a curb and a wheelstop to accommodate vehicle bumper overhang. This area is not included in the minimum landscape area of item A above.
- C. One shrub, which must reach a minimum of three feet in height at maturity, must be planted for every three linear feet of landscape area, spaced linearly. This may be supplemented by an open fence or wall. Any one or combination of the following alternatives to shrub plantings are also permitted:
 - 1. The landscape area may be planted with a mix of shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of three feet in height.
 - 2. Green infrastructure and stormwater management landscape techniques are permitted that provide screening of a minimum of three feet in height. Such plantings must meet the standards of the New Jersey Developers Green Infrastructure Guide.
- D. Landscape areas outside of shrub masses must be planted in live groundcover, perennials, grass, or trees.
- E. Fences or walls included in the perimeter landscape treatment must be constructed of high quality, durable materials such as masonry, stone, brick, iron, or any combination thereof.

PARKING LOT LANDSCAPE ABUTTING A STREET



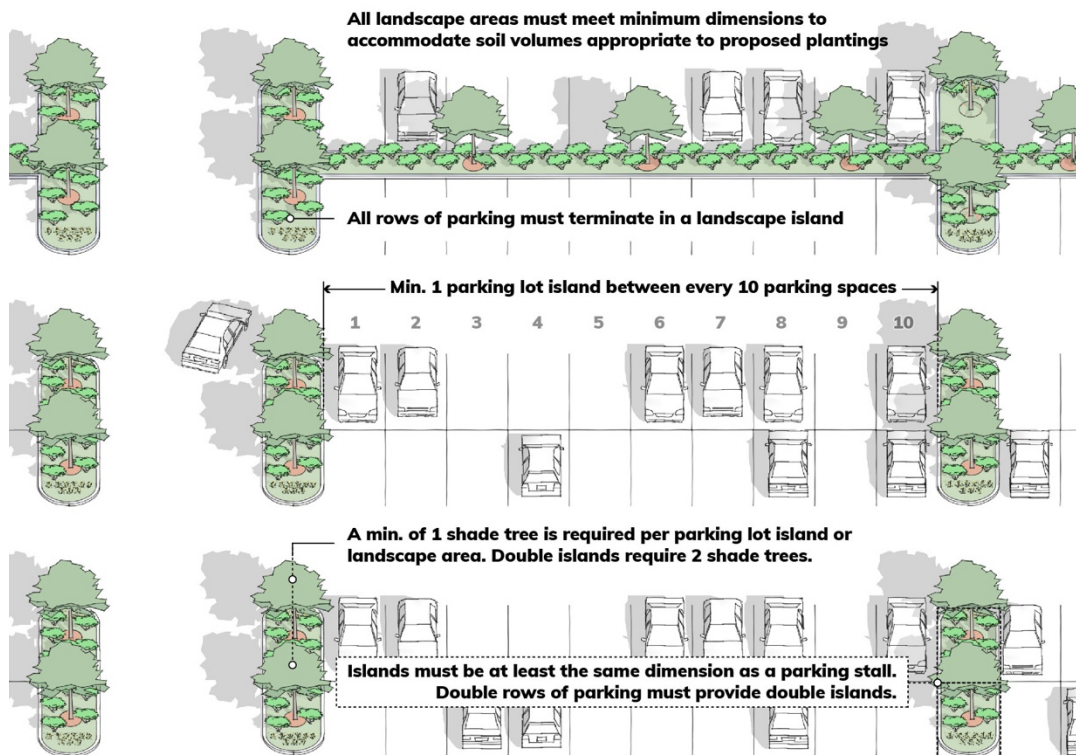
11.7 REQUIRED PARKING LOT INTERIOR LANDSCAPE

Interior parking lot landscape is required within all parking lots of 15 or more spaces, whether the parking lot is a principal use of the site or ancillary to a principal use. The landscaped area must be improved as follows:

- A.** One parking lot island must be provided between every ten parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every ten spaces.
- B.** The minimum total landscape area of a parking lot, including parking lot islands, must be 10% of the total parking lot area. Parking lot landscape area along a lot line, as required in Section 11.6, is excluded from the calculation of total parking lot area and total parking lot landscape.
- C.** All rows of parking spaces must terminate in a landscape area.
- D.** Parking lot islands must be the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
- E.** A minimum of one shade tree must be provided for every parking lot island or landscape area. Where a parking lot island is the same dimension as a double row of parking, two shade trees are required. The remaining area of a parking lot island must be planted in ornamental trees, live groundcover, native plantings, shrubs, perennials, or grass.
- F.** The use of stormwater management elements, such as sunken islands, perforated curbs, rain gardens and bioswales, is encouraged in landscape areas. When a parking lot island is designed for stormwater management, the tree requirement may be exempted as part of landscape plan approval when it is determined that trees may not thrive as part of such design. Stormwater management elements must meet the standards of the New Jersey Developers Green Infrastructure Guide.

G. Interior parking lot landscape is encouraged to coordinate with the design of parking lot lighting, to avoid conflicts between lighting and plant material that may result in the need for pruning or topping of required plant material.

PARKING LOT INTERIOR LANDSCAPE



11.8 BUFFER YARD REQUIREMENTS

Buffer yards are located within rear and interior side setbacks, and must be reserved for planting material and screening as required by this section. No parking spaces or accessory structures are permitted within the required buffer yard.

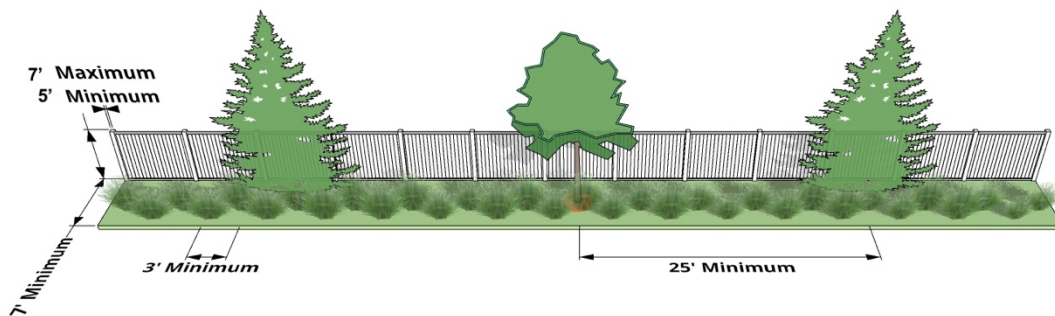
A. Interior Side Setback Buffer Yards

1. Interior side setback buffer yards are required in the following situations:
 - a. Where a multi-family dwelling abuts a single-family, two-family, or rowhouse dwelling. The interior side setback must be increased to a minimum of seven feet if the district minimum is less than the buffer yard requirement.
 - b. Where a nonresidential use is located within a residential district. This does not include parks. The interior side setback must be increased to a minimum of seven feet if the district minimum is less than the buffer yard requirement.
 - c. Where a nonresidential district abuts a residential district. This does not include the OS-R District. The interior side setback must be increased to a minimum of seven feet if the district minimum is less than the buffer yard requirement.
2. The minimum size and improvement of interior side setback buffer yards is as follows:
 - a. The buffer yard must be a minimum of seven feet in width.
 - b. A solid fence or wall a minimum of five feet and a maximum of seven feet in height must be erected along 100% of the interior side lot line.

c. One evergreen shrub, which must reach a minimum of three feet in height at maturity, must be planted for every three linear feet of landscape area, spaced linearly. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.

d. The remainder of the buffer yard must be planted in live groundcover, perennials, native landscaping, or trees.

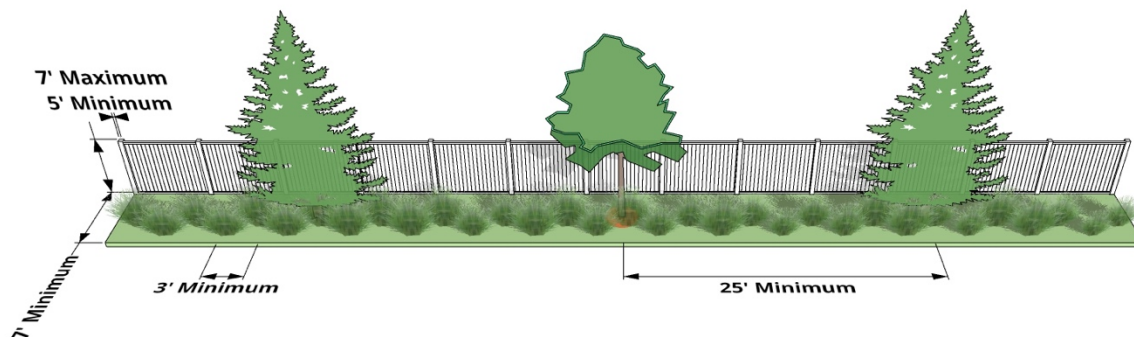
INTERIOR SIDE SETBACK BUFFER YARDS



B. Rear Setback Buffer Yards

1. Rear setback buffer yards are required in the following situations:
 - a. Where a multi-family dwelling abuts a single-family, two-family, or rowhouse dwelling.
 - b. Where a nonresidential use is located within a residential district. This does not include parks.
 - c. Where a non-residential district abuts a residential district. This does not include the OS-R District.
2. Lots with more than 90 feet of lot depth are required to provide a landscaped rear setback buffer yard as follows:
 - a. A buffer yard must be a minimum of seven feet in width.
 - b. One tree is required for every 25 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 25 linear feet of buffer yard length. A minimum of 30% of required trees must be evergreen; the remainder may be shade or evergreen.
 - c. A solid fence or wall a minimum of five feet and a maximum of seven feet in height must be erected along 100% of the yard length.
 - d. One evergreen shrub, which must reach a minimum of three feet in height at maturity, must be planted for every three linear feet of landscape area, spaced linearly. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.
 - e. The remainder of the buffer yard must be planted in live groundcover, perennials, grass, or native landscaping.
3. For lots with 90 feet or less of lot depth, the rear buffer yard may be reduced to a solid fence or wall a minimum of five feet and a maximum of seven feet in height, erected along 100% of the rear setback buffer yard length and located at the rear lot line. Plantings are encouraged to soften the effect of the fence or wall but are not required.

REAR SETBACK BUFFER YARDS



11.9 CURB LAWN AND ON-SITE TREES

In order to preserve, restore, and enhance the urban tree canopy, trees are required to be planted both on-site and/or in the curb lawn of rights-of-way as per Table 11-2: Required Tree Planting.

A. Applicability

1. The curb lawn and on-site tree requirements of Table 11-2 are applicable to all new construction.
2. Tree planting will be approved as part of site plan review as part of the required landscape plan. However, where site plan review is not required, the zoning permit or building permit application must indicate where the required trees will be planted.
3. The requirement for trees within the curb lawn may be exempted as part of site plan review or through permit approval by the Zoning Officer, as applicable, if one or more of the following criteria is met:
 - a. The tree would be planted too close to existing structures, such that it would either damage or has the clear potential to damage the structures.
 - b. The roots of the tree would cause irreparable damage to paved areas or sewer and plumbing lines.
 - c. The area of the curb lawn and sidewalk is too narrow or has other topographic issues that cannot accommodate a tree without creating hazards or difficulties for pedestrians and/or access to the lots.
4. Existing trees on-site and/or in the curb lawn are counted toward the applicable required trees of Table 11-2.

B. Trees in the Curb Lawn

1. Trees in the curb lawn must be shade trees. Shade trees must be of the appropriate species for planting in the curb lawn so that they will not cause damage to the right-of-way elements (sidewalk, street, etc.) or interfere with any infrastructure or utilities.
2. Trees in the curb lawn must be planted by the developer. Once planted, the trees will be maintained by the City.
3. Nothing prohibits the planting of other live plant materials within the curb lawn. Other plantings cannot violate any sight visibility requirements. Such plantings must be maintained by property owner.

C. On-Site Trees

1. On-site trees may be shade trees or evergreens.
2. On-site trees must be planted by the developer. Once the individual lots are sold, the trees are the responsibility of the property owner.
3. Trees required to be planted as part of the landscape requirements of this Article are counted toward the required on-site trees of Table 11-2.

TABLE 11-2: REQUIRED TREE PLANTING		
District	On-Site Trees	Shade Trees in Curb Lawn per Linear Feet of Lot Abutting the Curb Lawn
Residential Districts	Single-Family (Detached and Attached) and Two-Family - Lots of 6,000sqft or more in area: 1 tree Rowhouse - None Multi-Family - 2 trees Nonresidential Use: Sites of 2 acres or more - 2 per acre	1 per 40' linear feet
C-MS	None	1 per 40' linear feet
C-CC	None	1 per 40' linear feet
C-MX	Sites of 2 acres or more - 2 per acre up to a maximum required total of 10 trees	1 per 40' linear feet
MU-T	Sites of 2 acres or more - 2 per acre up to a maximum required total of 10 trees	
DT	None	1 per 40' linear feet
I-L	Sites of 1 acre or more: 2 per acre up to a maximum required total of 10 trees	1 per 40' linear feet
I-G	Sites of 1 acre or more: 2 per acre up to a maximum required total of 10 trees	1 per 40' linear feet
I-MU	Sites of 1 acre or more: 2 per acre up to a maximum required total of 10 trees	1 per 40' linear feet
TOD	None	1 per 40' linear feet
INST	Sites of 1 acre or more: 2 per acre up to a maximum required total of 10 trees	1 per 40' linear feet
OS-R	None	1 per 40' linear feet

11.10 TREE CONSERVATION

A. Intent

Existing mature trees should be preserved to the maximum extent feasible to act as buffers between adjoining developments and as site amenities in common areas and open spaces. Where preservation is not feasible, trees that are removed should be replaced on-site with a comparable native tree that will reach the same size at maturity.

B. Applicability

These standards apply to all multi-family developments, and nonresidential and mixed-use developments and will be reviewed as part of site plan review. Trees that are dead or dying, or species deemed to be undesirable by the City, or found to be a threat to public safety are exempt from these provisions.

C. Site Plan Review: Tree Survey or Plan Requirement

As part of site plan review, a tree survey depicting the species, size, location, and condition of any existing mature trees on the site by a land surveyor or registered arborist is required, including a preservation and replacement plan to demonstrate compliance with these standards. An applicant may use an aerial survey to estimate canopy coverage of the site, including the use of randomly selected sample plots within the survey area, to determine typical canopy coverage. The aerial survey may include species for the area covered by the aerial survey.

D. Landscape Credit

Existing mature trees preserved on a site that are of good health are credited towards fulfillment of the landscape requirements of this Ordinance with the exception of required parking lot islands. Every significant tree that is preserved within a required landscape area is credited as two required trees. A tree may only be credited once.

E. Permitted Tree Removal

Any person wishing to remove a mature tree must indicate such intent on the site plan review per item C above and such tree is required be replaced in accordance with this section. As part of the landscape plan submittal, a certified arborist must certify the reasons for the removal of the tree. The Zoning Officer has the authority to grant permission to remove a mature tree. In order to receive permission to remove a mature tree, the Zoning Officer may consider the following factors among others:

1. The tree poses a hazard. In order to verify that a hazard exists, the Zoning Officer may require a tree hazard assessment to be performed by a qualified arborist.
2. The tree is planted too close to an existing structure, such that it is either damaging or has the clear potential to damage the structure.
3. The roots of the tree are causing irreparable damage to paved areas, including sidewalks, or sewer and plumbing lines.
4. The tree has an incurable disease or pest infestation that cannot be eliminated. The Zoning Officer may require this condition to be verified by a qualified arborist.
5. The tree has been damaged to the point that it cannot recover and grow properly, or it will grow in a misshapen or unsightly manner.
6. The Zoning Officer determines that the removal of the tree is necessary to carry out construction in compliance with approved plans.

F. Tree Replacement or Mitigation

1. If a mature tree is removed according to an approved landscape plan in accordance with this section, or is removed or damaged during clearing, grading, or construction, the applicant must replace the removed or damaged trees. Replacement trees must be a comparable native tree that will reach the same size at maturity. The tree may be replaced in the same location as the removed tree, or within the required landscape areas as approved as part of site plan review.
2. The Zoning Officer may allow trees to be replaced with other types of landscape if one or more of the following conditions are met:
 - a. The property includes other trees that provide sufficient shade so that additional trees are not necessary.
 - b. If a replacement tree would be out of character in conjunction with an approved landscape plan.
 - c. If there is no suitable location on the property for a replacement tree.

G. Construction Protection

The following standards must be followed during construction to protect mature trees:

1. Within the drip line of any protected tree, there may be no cut or fill over a four inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.
2. Prior to and during construction, temporary barriers must be erected around all protected trees a minimum of four feet in height, and at the drip line. There may be no storage or movement of equipment, material, debris, or fill within the fenced, tree-protection zone.
3. During construction, the applicant must prevent the cleaning of equipment or material or the storage and disposal of waste material, such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material, potentially harmful to the tree within the drip line of any protected tree. Nothing within this section is interpreted as an authorization to ignore or violate applicable federal or state hazardous waste laws.
4. No damaging attachment, wires, signs, or permits may be fastened to any protected tree.

H. Clear-Cutting Prohibited

Clear-cutting, which is the felling and removal of all trees from a given tract of land, is prohibited unless specifically permitted as part of site plan approval.

I. Protecting Trees on Public Property

Trees located on public property, including the curb lawn, may not be cut, damaged, or removed without first obtaining permission from the Zoning Officer, and must be protected during construction in accordance with the standards set forth in this section.

Article 12. Signs

- 12.1 PURPOSE**
- 12.2 GENERAL STANDARDS**
- 12.3 HISTORIC DISTRICT STANDARDS**
- 12.4 ILLUMINATION**
- 12.5 PROHIBITED SIGNS**
- 12.6 EXEMPT SIGNS**
- 12.7 ZONING PERMIT REQUIRED**
- 12.8 SUMMARY OF SIGN PERMISSIONS**
- 12.9 BILLBOARDS**
- 12.10 CLASSIC SIGNS**

12.1 PURPOSE

The purpose of this Article is to establish a comprehensive system of sign controls regarding the construction, installation, and maintenance of signs that will:

- A.** Promote and protect the health, safety, and welfare of the City by ensuring the compatibility of signs with surrounding structures and land uses.
- B.** Create a more attractive economic climate by enhancing and protecting the orderly and effective display of signs, and by discouraging sign clutter.
- C.** Protect the public from hazardous conditions that result from the indiscriminate use and placement of signs, structurally unsafe signs, signs that obscure the vision of pedestrians or motorists, and signs that compete or conflict with necessary traffic signals, government signs, and warning signs.

12.2 GENERAL STANDARDS

All signs constructed, erected, modified, or altered must comply with the following standards.

A. Exceptions

All signs constructed, erected, modified, or altered must comply with the standards of this Article, whether such signs do or do not require a zoning permit, with the exceptions listed in this section. The following signs are not regulated by this Ordinance:

1. Signs within a building or enclosed space within a development that are not visible from a public right-of-way.
2. Signs installed by federal, state, or local governments.
3. Logos and labels on mechanical equipment, recycling bins, trash containers, and similar equipment, which are part of the equipment as manufactured and/or installed.
4. Flags of nations, states, and cities, or fraternal, religious, and civic organizations.

B. Location Restrictions

1. No sign may be erected in a location that violates the building code, fire code, and/or other applicable City codes or ordinances.
2. No sign is permitted within ten feet of an intersection of a street and a driveway as measured along the back of curb or edge of roadway pavement, as applicable, or along the driveway edge.
3. Only signs that have been placed or authorized by federal, state, or city governments may be installed on public property. Any sign installed on public property, including rights-of-way, without prior authorization, will be removed by the City without notice and disposed of.
4. No permanent sign may be erected on private property without the consent of the property owner or his/her authorized agent. Any sign installed on private property without authorization may be removed by the property owner without notice and disposed of.

5. No sign may be erected in a manner that obstructs access to any ingress or egress, fire escapes, fire hydrants, fire department connections, standpipes, and/or similar fire safety connections.

C. Tree Protection

Sign placement, including projections from a building facade, must protect all trees. Existing trees cannot be removed or significantly trimmed in order to install a sign or create more visibility for a sign.

D. Audio Components

Audio components are prohibited as part of any sign, except for the following:

1. Drive-through sign: For drive-through signs, the audio component is limited to communication between the customer and service window.
2. Signs owned and/or operated by a government agency.
3. Permitted gas station pump video screens.

E. Construction Standards

1. Supports and braces must either be designed as an integral part of the overall sign or obscured from public view to the extent feasible.
2. All signs attached to a building must be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials.
3. All signs must be designed and constructed in compliance with the building code, electrical code, and all other applicable codes and ordinances.
4. Glass comprising any part of a sign must be safety glass.
5. All letters, figures, characters, or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign must be safely and securely built into or attached to the sign structure.
6. All electrical fixtures, devices, circuits, conduits, raceways, or similar features must be installed and maintained in compliance with the current City electrical code.
7. Conduits, raceways, and other components of a sign illumination system must be designed as an integral part of the overall sign structure and obscured from public view to the extent technically feasible.

F. Permitted Materials for Signs

1. Permanent sign structures must be constructed of brick, wood or simulated wood, stone, concrete, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. Solid awnings and structural canopies must be constructed of permanent building materials.
2. Awning, canopy, projecting, light pole banner, banners, and wall signs may also be constructed of durable weather resistant material such as canvas, nylon, or vinyl-coated fabric.
3. Wall, awning, canopy, projecting, and light pole banner signs constructed of material must be mounted within a frame so that they are held taut between all support posts.

G. Required Maintenance

1. All signs must be kept in a safe and well-maintained condition and appearance, and must be repainted or otherwise maintained by the property owner or business owner to prevent corrosion or deterioration caused by the weather, age, or any other condition.
2. All signs must be maintained to prevent any kind of safety hazard, including faulty or deteriorated sign structures, a fire hazard, or an electrical shock hazard.
3. All unused sign hardware or wiring must be removed.

4. No sign frame may remain unfilled or allow any internal part or element of the sign structure to be visible.
5. If a sign is maintained in an unsafe or unsecured condition, it must be removed or the condition corrected. If the sign is not removed or the condition is not corrected within the required time period, the City may enforce this order through permitted enforcement procedures.
6. The City may remove any sign that is an immediate public peril to persons or property summarily and without notice. The owner of such sign is responsible for all costs of removal.
7. Where possible by the design of a sign structure, a permanent sign that becomes obsolete after the associated activity or use is discontinued or abandoned must remove all sign copy from the sign structure and the panels must be removed and replaced with a blank panel. This requirement is not satisfied by reversing (i.e., turning such copy so that it faces inward), painting over, covering with vinyl or other fabric, or other means of obfuscating such copy.
8. The following maintenance activities are exempt from requiring a zoning permit. All other maintenance and alterations to a sign require a permit.
 - a. Painting, cleaning, or other normal maintenance and repair of a sign. This does not include any structural changes or any changes in the electrical components of the sign, including the removal or replacement of electrical components. Any activity that increases the sign area, sign height, or any sign dimension, or moves the location of a sign, requires a zoning permit. The changing of a sign face requires a zoning permit.
 - b. Changing the copy of a changeable message sign.

12.3 HISTORIC DISTRICT STANDARDS

Historic districts and sites, as shown on the City's Historic Landmarks and Districts Map, are subject to the additional requirements of Article 15. Prior to the issuance of a zoning permit, signs will be reviewed for historic compatibility by the Landmarks Commission. The Construction Official must immediately refer such application to the Landmarks Commission for a written report on the permit application.

12.4 ILLUMINATION

- A. Any sign illumination, including gooseneck reflectors, external illumination, and internal illumination, must be designed, located, shielded, and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, and prevent the distraction of motor vehicle operators or pedestrians in the public right-of-way.
- B. The sign face of internally illuminated signs must function as a filter to diffuse illumination. The sign face must cover all internal illumination components so that no exposed bulbs are visible.
- C. All external illumination of a sign must concentrate the illumination upon the printed area of the sign face.
- D. The use of bare bulbs as external illumination is only permitted for marquee signs.
- E. No sign illumination may be combined with reflective materials, such as mirrors, polished metal, or highly-glazed tiles, which would increase glare.
- F. The maximum allowable foot-candle at the lot line is one foot-candle unless such signs are allowed to extend over the lot line, where the maximum of one foot-candle is measured at the back of curb or edge of pavement.
- G. For electronic message signs, the maximum brightness is limited to 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset. The sign must have an ambient light meter and automatic or manual dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise.

12.5 PROHIBITED SIGNS

All signs not expressly permitted by this Ordinance are prohibited. In addition, the following sign types are specifically prohibited.

- A.** Banners wrapped around a permanent sign structure, such as a freestanding sign or projecting sign.
- B.** Balloon signs. Inflatable advertising displays designed to inflate or move by use of a fan or blower are considered a balloon sign.
- C.** Feather flags/sails.
- D.** Flashing signs.
- E.** Moving signs, including any sign that rotates, revolves, or has any visible moving part, or any sign that gives the appearance of movement, including signs designed to be moved by wind or other natural elements. This excludes analog clocks up to 24 square feet in area and barber poles.
- F.** Portable signs, including portable readerboard signs.
- G.** Strobe lights, moving or fixed spotlights, floodlights/searchlights.
- H.** Signs that constitute a traffic hazard, including signs that:
 - 1. Interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color, including signs illuminated in red, green, or amber color.
 - 2. May be confused with any public safety lighting, including signs illuminated in red and blue colors.
 - 3. Mislead, interfere with, or confuse traffic.
- I.** Temporary off-premise signs. Also known as push signs, bandit signs, and snipe signs.
- J.** Vehicle signs. Signs placed, mounted, installed, or painted on a vehicle for the primary purpose of attracting attention to an occupant's presence within a building at which the vehicle is being parked. This prohibition does not include signs painted on or applied to vehicles, trucks, or buses that are being operated and stored in the normal course of business, such as signs located on delivery trucks, moving vans, and rental trucks, provided that the primary purpose of such vehicles is not the display of such sign, and that they are properly parked or stored in areas related to their use as vehicles and all such vehicles are in operable condition. This does not include vehicle for-sale signs.
- K.** Video display screens.

12.6 EXEMPT SIGNS

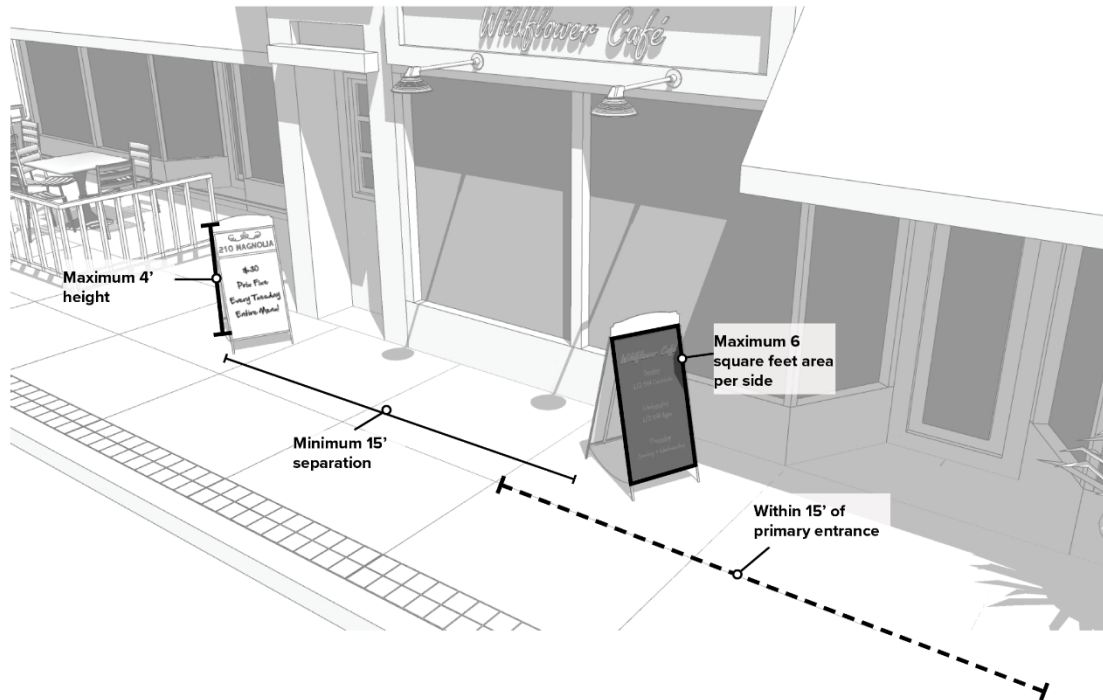
Billboards, also known as off-premise signs, are permitted only in accordance with Section 12.9.

A. A-Frame Sign

- 1. A-frame signs are permitted for nonresidential uses in the commercial and mixed-use districts and the I-MU, and TOD Districts.
- 2. One A-frame sign is permitted per establishment, including one for each tenant in a multi-tenant development. A minimum 15 foot separation is required between all A-frame signs.
- 3. An A-frame sign must be placed within 15 feet of the primary entrance of the business, and must not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes.
- 4. A-frame signs are limited to six square feet in area per side and four feet in height.
- 5. The placement of A-frame signs outdoors is limited to business hours only. A-frame signs must be stored indoors at all other times.

6. A-frame signs must not be used outdoors when high winds, heavy rain, snow, or other weather conditions exist.
7. Illumination of A-frame signs is prohibited.
8. No A-frame sign may have any type of electronic component.

A-FRAME SIGN



B. Address and Nameplate

1. Residential Use

The street address, number, and/or nameplate must be installed as follows:

- a. Mounted on a wall, mailbox, or lamp post.
- b. A maximum area of one square foot.
- c. Cannot be illuminated unless installed on lamp post.

2. Nonresidential Use

The street address or number must be installed as follows:

- a. Mounted on a wall.
- b. A maximum area of four square feet.
- c. May be illuminated.

C. Banner

1. A banner is permitted for nonresidential uses in the nonresidential districts.
2. Banners are limited to the following display periods:
 - a. When a banner is related to an event that has a specific start and end time: A total display period of 30 days prior to the start of the event, the time period of the event, and three days following the end of the event.
 - b. All other banners (non-time specific): 21 days.
 - c. A maximum of four display periods per year per establishment is permitted with a minimum of 30 days between displays.
3. One banner is permitted per business with frontage on the ground floor.
4. Banners are limited to a maximum area of 32 square feet.
5. Banners must be securely attached to a building wall. No banner may extend above the first floor of a building.

D. Construction Activity

On a developed lot where active construction is taking place to improve the structure or site, a temporary sign is permitted subject to the following.

1. Such signs are permitted in all districts on all sites with such activity.
2. One sign is permitted per street frontage.
3. Signs may be constructed as either freestanding signs, wall signs, or a sign installed on a fence. Freestanding signs must be located five feet from any lot line.
4. Signs are limited to 32 square feet in area and five feet in height.
5. Signs may not be illuminated.
6. In lieu of a freestanding sign, wall sign, or sign installed on a fence, a wrap sign may be used to wrap the fence or the structure under construction. A wrap sign requires review and approval during site plan review. Such wrap sign must be made of mesh or similar material that is not completely opaque. There is no maximum square footage limitation.
7. Such temporary signs may be installed only after approval of a building permit for such activity. Signs must be removed once construction is complete or the building permit expires, whichever occurs first.

E. Culturally or Historically Significant Sites

1. A site or building with cultural or historical significance is permitted a permanent sign. Such signs are permitted in any district.
2. Signs on culturally or historically significant sites or buildings may be constructed as either freestanding or wall signs, subject to the following:
 - a. Signs on culturally or historically significant sites or buildings are limited to six square feet.
 - b. Freestanding signs are limited to four feet in height and must be located five feet from any lot line.
 - c. Wall mounted signs must be placed so as to be an integral part of the structure, cut into stone or masonry, or be a permanently affixed plaque of metal or other durable material.
 - d. Signs may be externally illuminated.
3. Signs on culturally or historically significant sites or buildings are limited to one per street frontage.

F. Garage or Yard Sale

For garage or yard sale with a valid permit from the City, the following signs are permitted:

1. Such temporary signs are permitted in all districts on sites where private owners are selling merchandise in a garage sale or yard sale.
2. Such temporary signs are permitted 48 hours before the time of the sale and must be removed within 24 hours of the end of the sale.
3. Such temporary signs may be constructed as either freestanding signs, wall signs, or installed on fences. Signs are limited to six square feet in area and freestanding signs are limited to five feet in height.

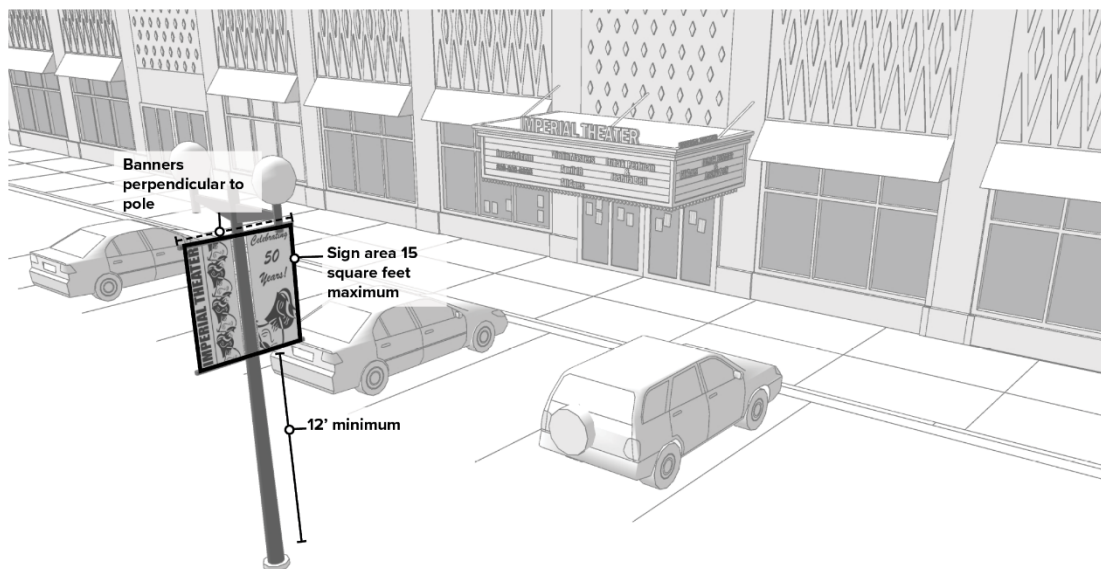
G. Gas Pump Island

A maximum of one sign mounted on each gas station pump island is permitted and is limited to two square feet in sign area. All such signs must be oriented to face the vehicle fueling.

H. Light Pole Banner

1. Light poles located entirely on private property are permitted to mount banners in all districts. Light pole banners cannot be used as off-premise signs.
2. Light pole banners are limited to a maximum area of 15 square feet.
3. Light pole banners must maintain a minimum vertical clearance of 12 feet from grade to the bottom of the banner.
4. Light pole banners must be mounted to project perpendicular from light poles.

LIGHT POLE BANNER



I. Multiple Tenant Building Entryway

Multi-family dwellings and nonresidential and mixed-use developments with multiple tenants, are permitted a permanent sign at the entryway subject to the following:

1. Signs may be constructed as either freestanding or wall signs.
2. Signs are limited to six square feet in area.

3. Freestanding signs are limited to five feet in height, and must be located within five feet of the building entry and a minimum of five feet from any lot line.
4. Wall-mounted signs must be installed at the building entryway.
5. Freestanding signs must be installed so that they are primarily viewable at the building entryway.
6. Signs are limited to one per building entry.

J. Noncommercial - Sign Structures

Sign structures used for the expression of noncommercial messages are permitted in all districts. Examples include but are not limited to signs advocating a public issue, recommending a candidate for public office, alerts, or warnings.

1. Sign structures are permitted in all districts.
2. Sign structures may be freestanding, wall, and window structures. There is no limit on the number of sign structures permitted.
3. Freestanding and wall-mounted sign structures must be constructed for a maximum six square feet in area.
4. Window-mounting must meet any applicable coverage limitations of window signs.
5. Freestanding sign structures must be located at least five feet from any right-of-way line.
6. Sign structures may not be illuminated.
7. Such sign structures cannot be used for any on-premise or off-premise advertising.

K. On-Site Repair or Rehabilitation Activity

For structures where on-site repair or rehabilitation is taking place, a temporary sign is permitted. Such temporary signs are subject to the following:

1. One temporary sign per lot is permitted.
2. Such temporary signs are permitted in all districts on sites with active repair or rehabilitation projects.
3. Such temporary signs may be installed only after approval of a building permit for such activity. Signs must be removed once the repair or rehabilitation is complete.
4. Such temporary signs may be constructed as freestanding signs, subject to the following:
 - a. Signs are limited to four square feet in area.
 - b. Freestanding signs are limited to two feet in height.
 - c. Freestanding signs must be located a minimum of five feet from any lot line.
 - d. Signs may not be illuminated.

L. Parking Lot and Parking Structure Circulation Point

1. Parking lots and structures in all districts are permitted permanent signs at parking lot and/or structure circulation points in accordance with this section.
2. Circulation points include, but are not limited to, entrances/exits, driveway intersections, drive-through lanes, fire zones, and parking lot drive aisles.
3. Signs for parking lot and structure circulation points may be internally or externally illuminated.
4. Signs are limited to four square feet in area and four feet in height.
5. A freestanding sign must be five feet from any right-of-way line.

M. Real Estate Activity

When a structure or lot is offered for sale, lease, or rent, such lot is permitted a temporary sign as follows:

1. Such signs are permitted in all districts. Signs must be located on the site of the property for sale, lease, or rent.
2. Signs are limited to one per street frontage.
3. Signs may be constructed as either freestanding, wall, or window signs.
4. Signs are limited to the following maximum sign areas:
 - a. Residential districts: Six square feet
 - b. Commercial and mixed-use districts and special purpose districts: 20 square feet
 - c. Industrial districts: 40 square feet
5. Freestanding signs are limited to six feet in height and must be located within five feet from any lot line.
6. Such signs may not be illuminated.
7. Signs must be removed within five days of final closing, lease, or rental. If such signs are used in conjunction with a promotional activity related to the sale, lease or rent, such signs must be installed no earlier than 48 hours prior to event and must be removed within 24 hours of the end of the event.
8. Signs may be installed only after approval of a building permit for such activity and must be removed within 72 hours once construction is complete.

N. Window Sign

1. Window signs are permitted for all nonresidential uses in all districts.
2. All window signs, whether temporary or permanent, are limited to no more than 30% of the surface of each window area. Window area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.
3. An illuminated window sign is permitted but limited to a maximum area of six square feet. This is included in the maximum 30% calculation. Such sign cannot flash.
4. Window displays of items sold in the store are not considered window signs.

WINDOW SIGN



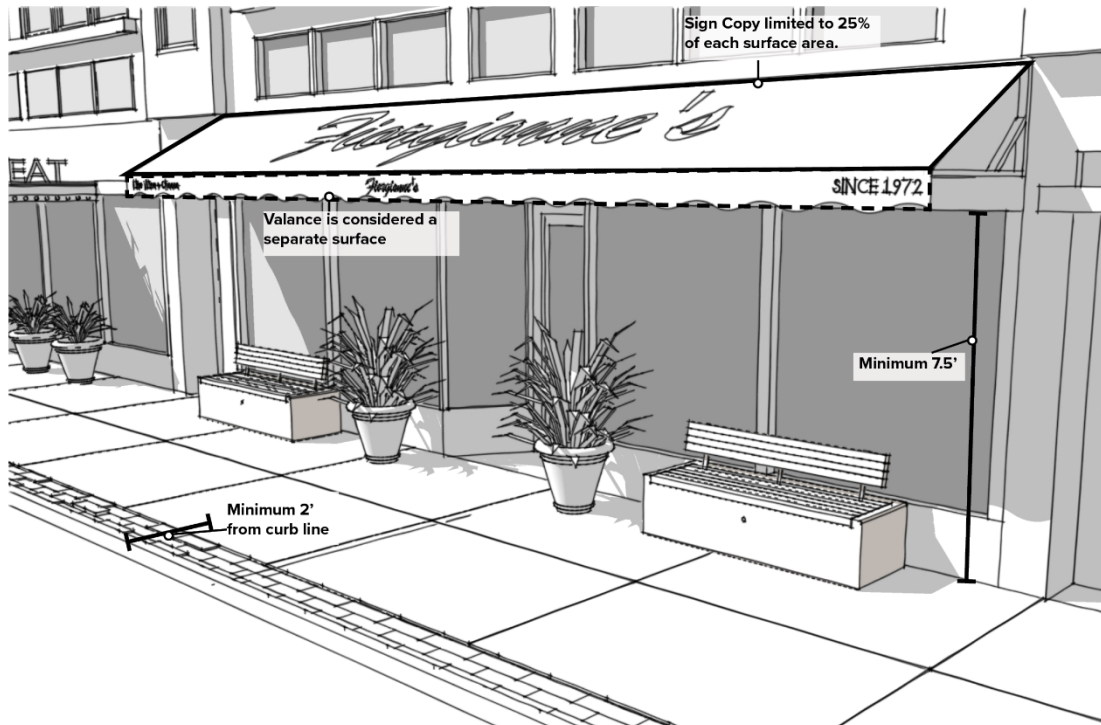
12.7 ZONING PERMIT REQUIRED

This section describes the types of signs allowed with a zoning permit. Specific regulations on each sign type may include further restrictions on which districts and/or uses within a district may utilize these sign types. Billboards, also known as off-premise signs, are permitted only in accordance with Section 12.9.

A. Awning Sign

1. Awning signs are permitted for multi-family dwellings and nonresidential uses in any district.
2. Awning signs must maintain a minimum vertical clearance of 7.5 feet.
3. Awning signs may encroach into the public right-of-way but must be located at least two feet from the curb line.
4. Awning signs must be made of a durable, weather-resistant material such as canvas, canvas-like material, nylon, vinyl-coated fabric, or permanent building material such as metal.
5. Sign copy on any awning sign surface is limited to 25% of each surface area. A valance is considered a separate surface area.
6. Solid awnings are permitted lettering attached to and located either above or below the awning to a maximum height of 18 inches. If attached below the awning, the minimum vertical clearance of 7.5 feet must be maintained from the bottom of such lettering.
7. Awning signs may be externally illuminated and lighting must be focused on the printed area.
8. Back-lit awnings are prohibited.

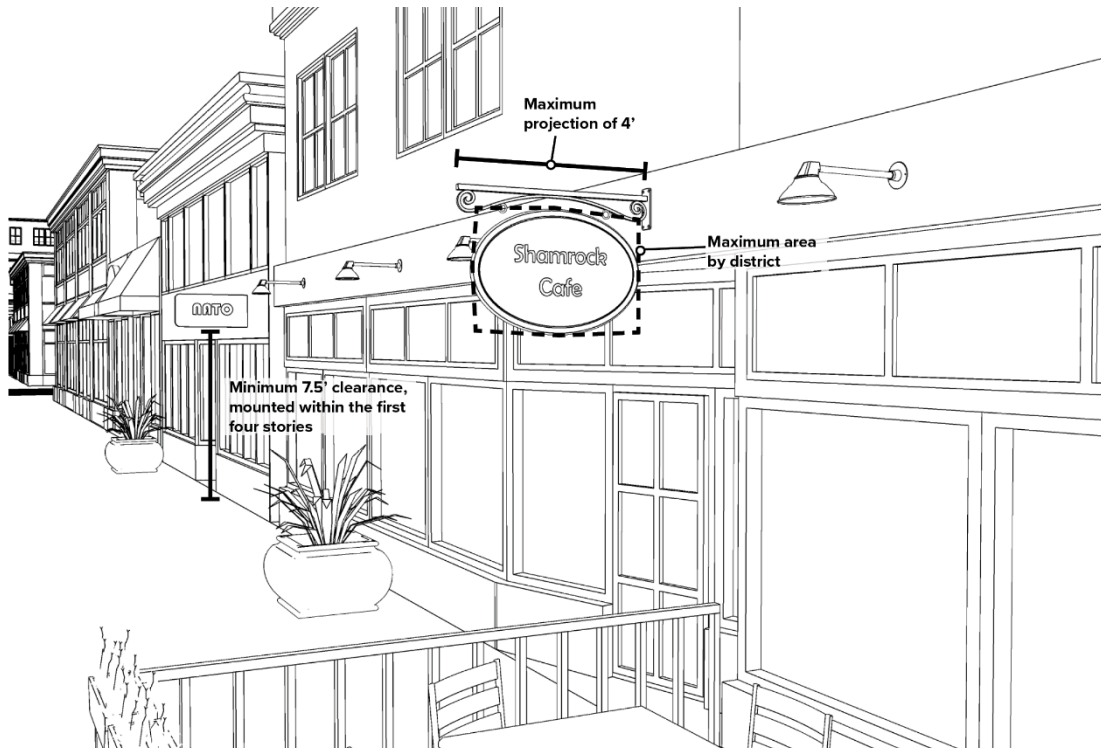
AWNING SIGN



B. Blade Signs

1. Blade signs are permitted in the commercial and mixed-use districts and the I-MU and TOD Districts.
2. Blade signs are limited to 32 square feet in all districts except the C-MS and CA Districts. In the C-MS and CA Districts, blade signs are limited to 12 square feet.
3. One blade sign is permitted per establishment with frontage on a street. For a corner lot, one blade sign is permitted for each street frontage.
4. Blade signs may project a maximum of four feet from the façade.
5. Blade signs must maintain a minimum vertical clearance of 7.5 feet. Blade signs must be mounted within the first four stories of the structure.
6. Blade signs may be internally or externally illuminated. If externally illuminated, all lighting must be directed onto the sign face from above.

BLADE SIGN



C. Canopy Sign

Canopy signs are divided into two types: non-structural and structural.

1. Non-Structural Canopy Signs

- a. Non-structural canopy signs are permitted for multi-family dwellings and nonresidential uses in all districts.
- b. Non-structural canopy signs must maintain a minimum vertical clearance of 7.5 feet.
- c. Non-structural canopy signs may encroach into the public right-of-way but must be located at least two feet from the curb line. Support posts must maintain a minimum separation of five feet between posts and five feet between the posts and any building wall.
- e. Sign copy on any canopy sign surface is limited to 25% of each surface area.
- f. Non-structural canopy signs may be externally illuminated and lighting must be focused on the printed area. Back-lit canopies are prohibited.

2. Structural Canopy Signs

a. Permissions for Structural Canopy Signs

Structural canopy signs are permitted as follows:

- i. Structural canopy signs attached to the principal structure are permitted for multi-family dwellings and nonresidential uses in all districts.
- ii. Freestanding structural canopy signs are permitted for gas stations and drive through facilities in any district.

b. Structural Canopy Signs Attached to Principal Structure

Structural canopy signs attached to the principal structure are subject to the following:

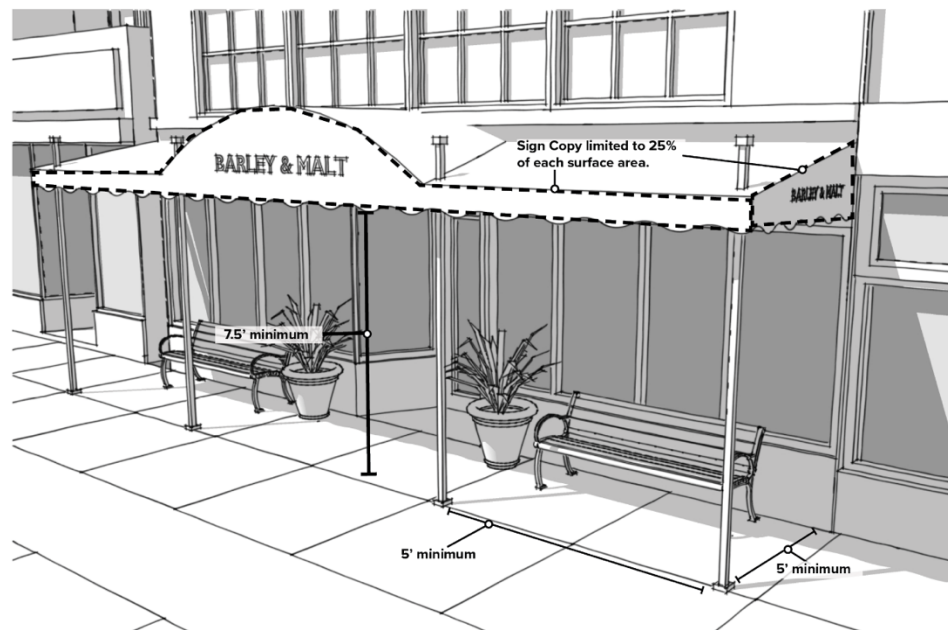
- i. Canopy signs attached to the principal structure may encroach into the public right-of-way but must be located at least two feet from the curb line.
- ii. Support posts must maintain a minimum separation of five feet between posts and five feet between the posts and any building wall.
- iii. Canopy signs attached to a building must maintain a minimum vertical clearance of 7.5 feet.
- iv. For structural canopies attached to a principal building, sign copy is limited to 25% of each surface area. Such signs are permitted lettering attached to and located either above or below the canopy to a maximum height of 18 inches. If attached below the canopy, the minimum vertical clearance of 7.5 feet must be maintained from the bottom of such lettering.
- v. Structural canopy signs may be internally or externally illuminated. If externally illuminated, the lighting must be focused on the sign.

c. Freestanding Structural Canopy Signs

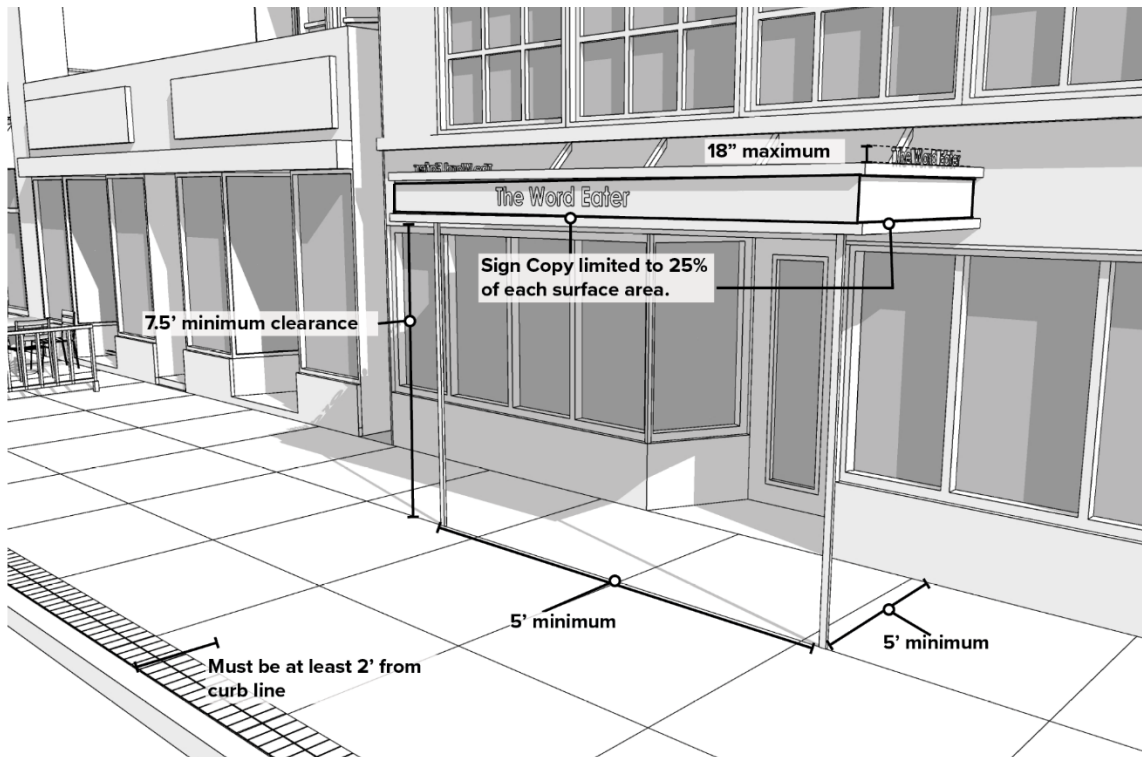
Freestanding structural canopy signs are subject to the following:

- i. Freestanding structural canopy signs are subject to the setback requirements of the district where they are located or ten feet from a lot line, whichever is greater.
- ii. Freestanding structural canopy signs are limited to a maximum height of 25 feet. Height is measured to the top of a flat roof or in the case of a pitched roof to the mean between the eaves and peak.
- iii. For freestanding structural canopies, sign copy is limited to a maximum of 25% of the area of each façade. No sign may be mounted above the top of the roof of the structural canopy, but a sign mounted on the structural canopy façade may extend a maximum of six inches above the roofline.
- iv. Freestanding structural canopy signs may be internally or externally illuminated. If externally illuminated, the lighting must be focused on the sign. Freestanding structural canopies are permitted an illuminated band along each facade of the canopy, which is limited to 10% of the overall height of the facade of the canopy.

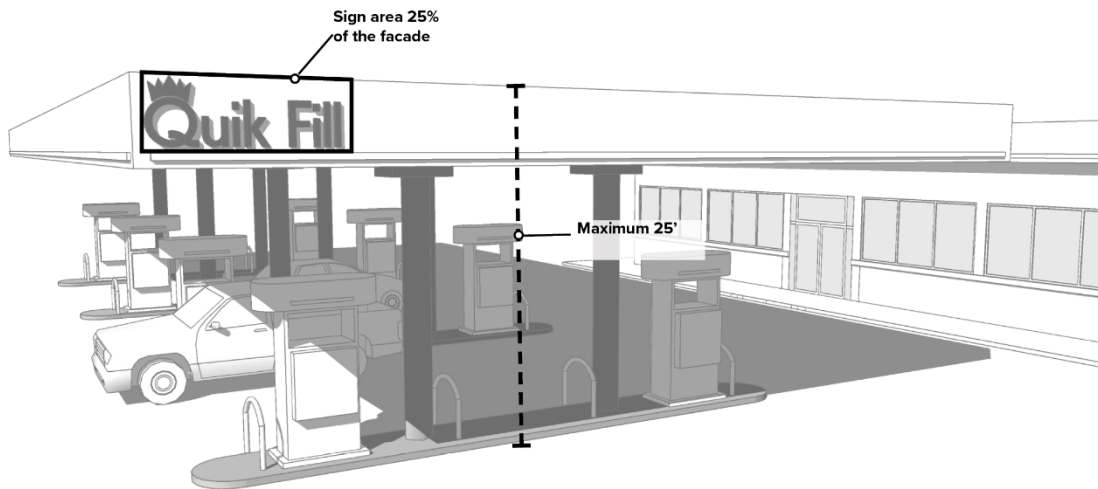
CANOPY SIGN - NON-STRUCTURAL



CANOPY SIGN - STRUCTURAL



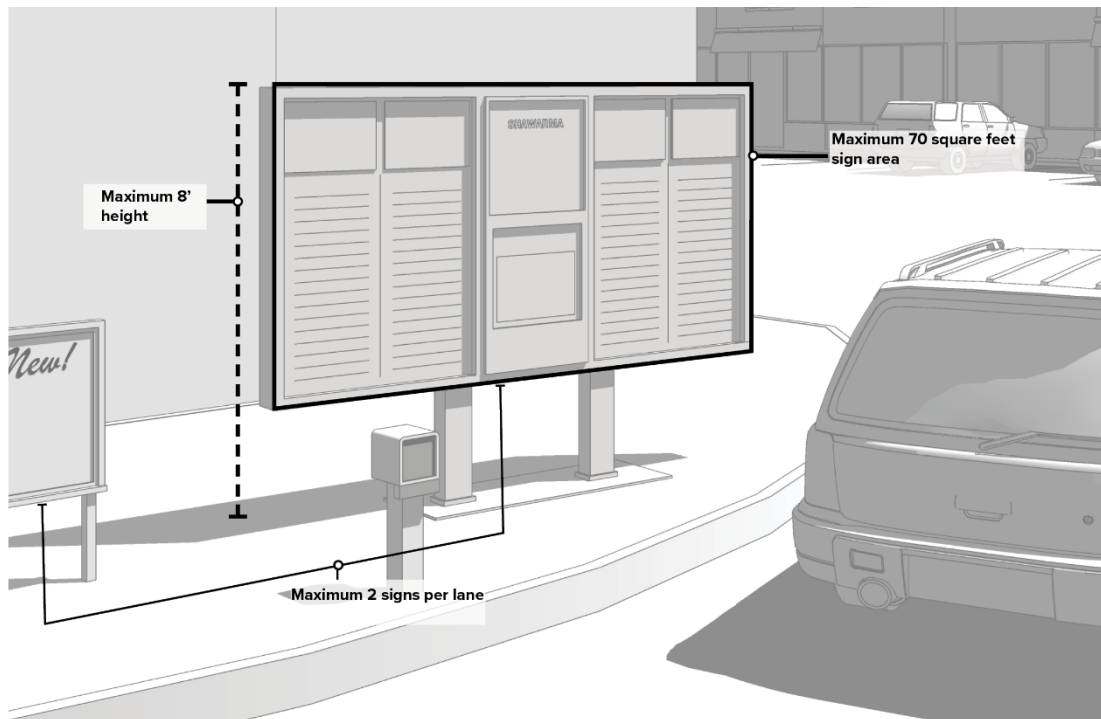
CANOPY SIGN - FREESTANDING



D. Drive-Through Sign

1. Drive-through signs are permitted for all drive-through facilities in any district.
2. Drive-through signs are limited to a maximum of two per drive-through lane.
3. Drive-through signs are limited to 70 square feet in sign area and eight feet in height. The drive-through sign may be designed as separate freestanding signs grouped together and may include the use of preview boards designed as separate freestanding signs installed a distance earlier in the drive-through lane, however the total area of all signs must not exceed 70 square feet.
4. Drive-through signs are permitted an additional ten square feet of sign area for temporary signs attached to the top or sides of the drive-through sign.
5. Drive-through signs must be located a minimum of 15 feet from any residential district lot line. This is measured from sign face to lot line, including any public right-of-way.
6. Drive-through signs may be internally illuminated. Drive-through signs may also contain an electronic screen for interaction with each customer.

DRIVE-THROUGH SIGN

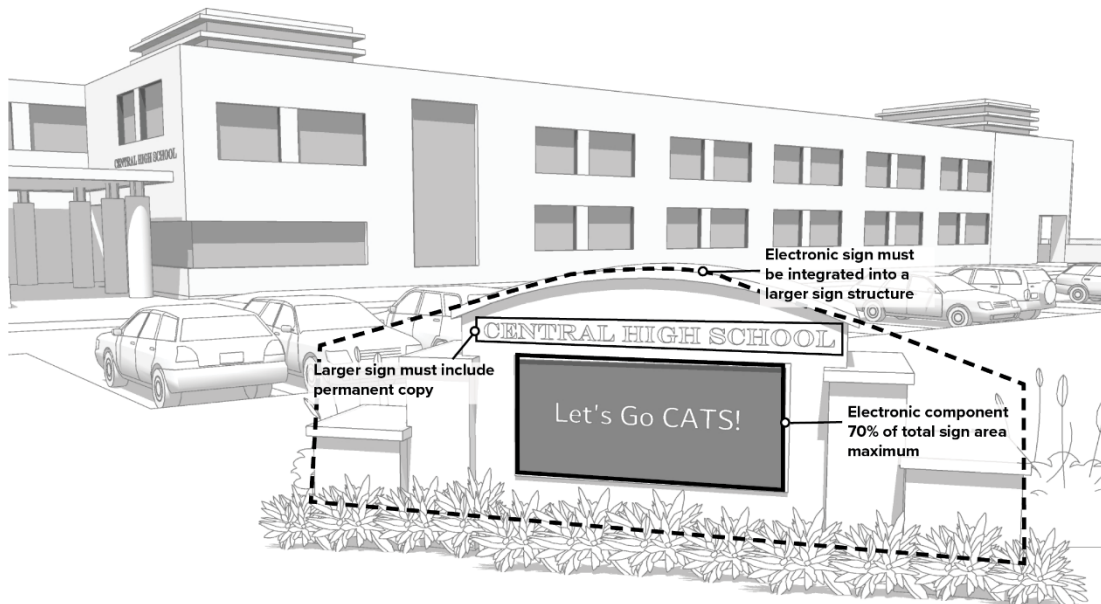


E. Electronic Message Signs

1. Electronic message signs are permitted as follows:
 - a. In the C-MX, MU-T, I-L, I-G, and I-MU Districts.
 - b. The following uses in any district: conservation area, cultural facility, educational facility - college/university, educational facility - primary or secondary, park, place of worship.
 - c. Gas stations in any district are permitted an electronic message sign to display copy graphic that is required to be displayed by law, such as fuel prices.

2. Electronic message signs are permitted as part of a freestanding, marquee, or blade sign, and are subject to the requirements for that sign type within the district.
3. Electronic message signs must be integrated into a larger sign structure. The electronic component is limited to a maximum of 70% of the total area of a sign. The larger sign structure must contain additional permanent copy; it cannot be a blank sign structure once the electronic message sign component is discounted.
4. Only one electronic message sign per lot is permitted. For the purposes of this regulation, a multi-tenant development where the development as a whole is comprised of separate lots of record, the entire development, including outlot parcels and inline development, is considered one lot.
5. Each message or image displayed on an electronic message sign must be static for a minimum of six seconds. Electronic message signs must display static text messages only, with no animation or effects simulating animation or video. Any scrolling, flashing, spinning, revolving, or shaking animation, or movement of the message or any component of the sign is prohibited. Any message change sequence must be accomplished immediately by changing from one screen to another without transition by means of, for example, fade or dissolve mode. Video display screens are prohibited.
6. Electronic message signs cannot operate as a commercial off-premise sign. This does not include public service messages.

ELECTRONIC MESSAGE SIGN

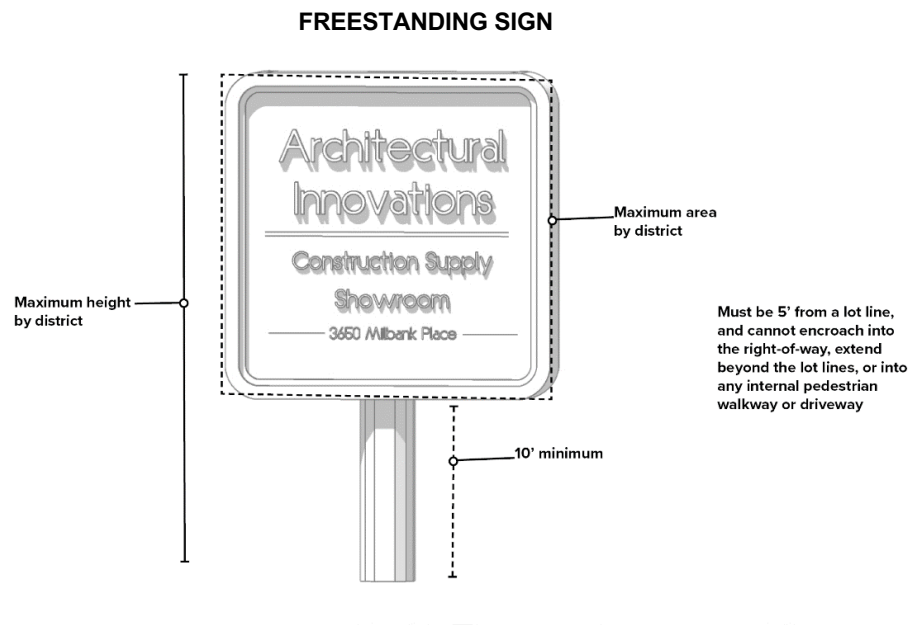


F. Freestanding Sign

1. Freestanding signs are permitted as follows:
 - a. In the I-L and I-G Districts, subject to the following:
 - i. Maximum height: 20 feet
 - ii. Maximum sign area: 48 square feet
 - iii. Minimum vertical clearance: 10 feet
 - b. In the INST and OS-R Districts, subject to the following:
 - i. Maximum height: Six feet
 - ii. Maximum sign area: 16 square feet

c. The following uses in any district: conservation area, cultural facility, educational facility - college/university, educational facility - primary or secondary, multi-family dwelling, park, place of worship. Such uses are subject to the following:

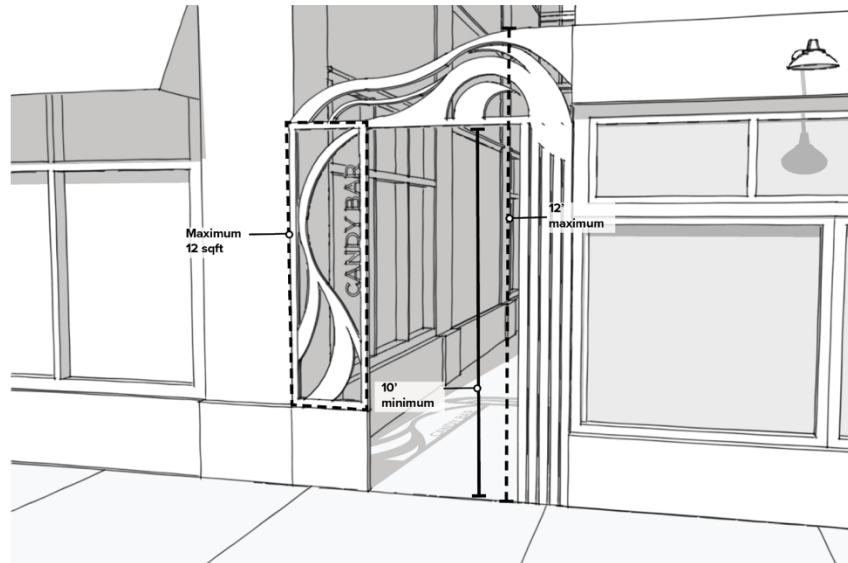
- i. Maximum height: 6 feet
 - ii. Maximum sign area: 16 square feet
2. One freestanding sign is permitted per street frontage.
 3. A freestanding sign must be located five feet from a lot line, and cannot encroach into the right-of-way or extend beyond the lot lines. Freestanding signs cannot encroach into any internal pedestrian walkway or driveway.
 4. Freestanding signs must have a minimum ten foot vertical clearance from the ground.
 5. Freestanding signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.



G. Gateway Signs

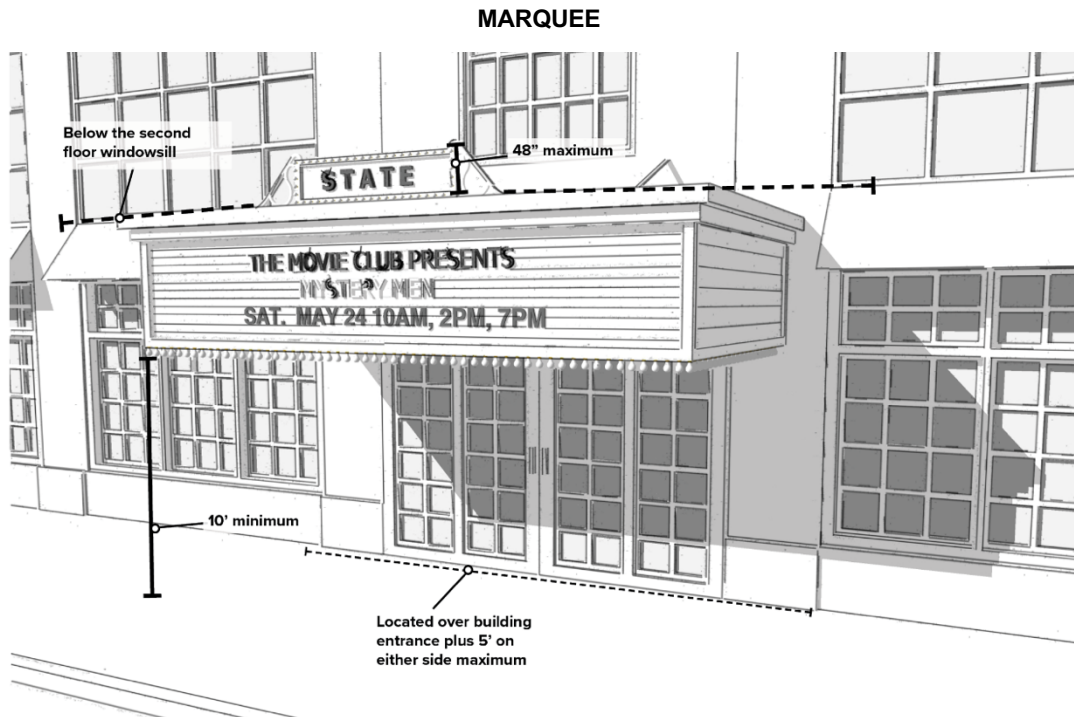
1. Gateway signs are permitted in all commercial and mixed-use districts and the I-MU and TOD Districts.
2. One gateway sign is permitted per street frontage. Gateway signs must be located over a main pedestrian entryway.
3. Gateway signs cannot encroach into the right-of-way or extend beyond the lot lines. Gateway signs are prohibited above driveways or any other vehicle drive aisles.
4. Gateway signs are limited to a maximum of 12 square feet in area and 12 feet in height. A ten foot vertical clearance is required.
5. Gateway signs may only be externally illuminated.

GATEWAY SIGN



H. Marquee

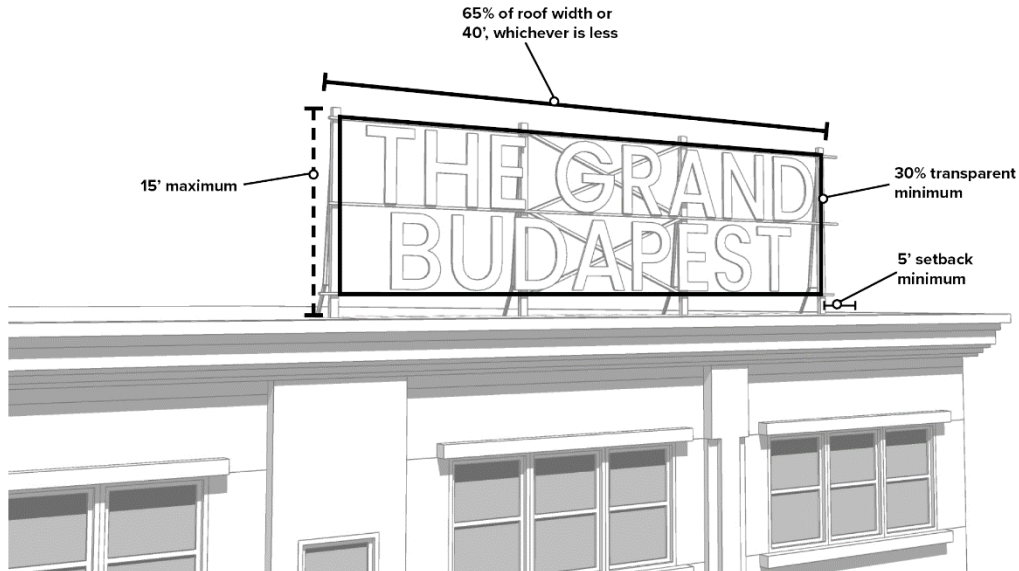
1. Marquees are permitted for commercial uses in DT District.
2. Marquees must be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports.
3. The roof of a marquee may not be used for any purpose other than to form and constitute a roof and must be constructed of noncombustible material.
4. Water from the roofs of a marquee may not drain, drip, or flow onto the surface of a public right-of-way. Sufficient downspouts, drains, and gutters must be installed as part of each marquee to prevent water from the roof of the marquee from flowing onto the surface of a public right-of-way.
5. Marquees must be erected over a building entrance and are limited to the width of the building entrance plus an additional five feet on each side of the entrance doors covered by the marquee.
6. All marquees must maintain a minimum vertical clearance of ten feet, and the roof of the marquee structure must be erected below the second floor windowsill, and must not conceal any significant architectural features or ornamentation of the building.
7. Marquees may encroach into the public right-of-way but must be located at least two feet from the curb line.
8. Marquees are permitted lettering attached to and located above the roof of a marquee to a maximum height of four feet.
9. Marquees are permitted an electronic message component if the district allows electronic message signs. Marquees are also permitted a changeable message board as part of the marquee structure. However, the marquee may only have either a changeable message board sign or an electronic message sign.
10. Marquees may be internally or externally illuminated.



I. Roof Signs

1. Roof signs are permitted only for nonresidential and mixed-use structures and multi-family dwellings of 80 feet or more in height in the DT and I-MU District.
2. The size of the roof sign is limited to a height of 15 feet above the roof, including the support structure. The width of a roof sign is limited to 65% of the roof level width or 40 feet, whichever is less.
3. Roof signs must be designed with channel letters/icons and the overall area shall be a minimum of 30% transparent.
4. A maximum of one roof sign is permitted per building. Roof signs may only be installed only on a flat roof.
5. If a roof sign is erected on a building, a skyline sign (item J below) is prohibited.
6. A roof sign must be set back a minimum of five feet from the edge of a roof.
7. Roof signs must be safely and securely attached to the roof structure and cannot interfere with any roof access points.
8. Roof signs may be internally illuminated only.

ROOF SIGNS



J. Skyline Signs

1. Skyline signs are permitted only for nonresidential and mixed-use developments of 80 feet or more in height in the commercial and mixed-use, industrial, and special purpose districts.
2. The size of the skyline sign is limited to one square foot per linear foot of the facade width where it is mounted or 200 square feet, whichever is less.
3. One skyline sign is permitted per façade.
4. Skyline signs must be placed within the top 15 feet of the structure and cannot cover any fenestration or architectural features.
5. Skyline signs cannot project above the roofline or parapet and must be designed as a wall-mounted sign. A skyline sign cannot be supported by structures installed on the roof.
6. If a skyline sign is erected on a building, a roof sign (item I above) is prohibited.
7. Skyline signs may be internally illuminated only.

SKYLINE SIGNS



K. Wall Sign

This section includes regulations for three types of wall signs. When permitted in a district, each façade is allowed one type of wall sign that meets the standards for that specific type in this section.

1. Standard Wall Signs

- a. Standard wall signs are permitted for all nonresidential uses in any district.
- b. Wall signs are permitted on all facades of a structure. On a site consisting of multiple structures, each structure is permitted wall signs per the regulations of this section. The square footage from different structures cannot be combined to create a larger sign on any one structure.
- c. For a single tenant structure, the maximum total wall sign area is one square feet per one linear foot of building wall where the wall sign(s) will be mounted or 40 square feet, whichever is greater. The square footage from different facades cannot be combined to create a larger sign on any single facade.
- d. For a structure that contains multiple tenants, each tenant that has exterior business façade area is permitted a total wall sign area of one square feet per one linear foot of business frontage or 40 square feet, whichever is greater, along their individual frontage(s).
- e. The number of individual wall signs on a façade is not limited, however the cumulative sign area of all signs on a facade cannot exceed the maximum allowable total wall sign area per facade.
- f. Wall signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.
- g. Wall signs must be safely and securely attached to the building wall. Wall signs may project 18 inches or less from the building wall.
- h. No wall sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall or higher than the roofline of the structure to which it is attached. Where a sign band is part of the building design, wall signs should be placed within the sign band.
- i. On existing buildings, a parapet wall must not be constructed for the sole purpose of increasing the allowable height of a wall sign. For new buildings, when a sign is mounted on a parapet wall, that parapet wall must be consistent with the architectural design of the building, including building materials.

2. Painted Wall Sign

- a.** Painted wall signs are permitted for all nonresidential uses in the nonresidential districts.
- b.** Painted wall signs are permitted on each facade of a structure.
- c.** Painted wall signs are limited to 50% of the building wall or 300 square feet, whichever is less.
- d.** Painted wall signs cannot be painted on or obscure architectural features such as windows, doors, pilasters, or cornices.
- e.** Painted wall signs may be externally illuminated. If externally illuminated, all light must be directed onto the sign face.
- f.** Painted wall signs cannot project more than 0.25 inch from a building wall.
- g.** The property owner, or their authorized representative, is responsible for ensuring that a permitted painted wall sign is maintained in good condition and is repaired in the case of vandalism or accidental destruction.

3. Projected Wall Sign

- a.** Projected wall signs are permitted for all nonresidential uses in the nonresidential districts.
- b.** Projected wall signs are limited to 50% of the building wall.
- c.** Projected wall signs must remain static and cannot flash, rotate, or move. No projected wall sign can project an electronic video.
- d.** Projected wall signs cannot glare onto adjacent properties.
- e.** Projected wall signs cannot be projected past the wall onto which it is projected.
- f.** Projected wall signs cannot be projected over any other permanent or temporary sign, which includes painted wall signs.

WALL SIGN - STANDARD



12.8 SUMMARY OF SIGN PERMISSIONS

Table 12-1: Summary of Sign Permissions catalogs the types of permitted signs, both permanent and temporary, and indicates whether such sign requires a zoning permit. This table is provided for reference purposes. In the case of any conflict with the regulations of this table and this Article and/or Ordinance, the specific sign regulations control over this table. Billboards are not included in this table, and are regulated by Section 12.9.

Table 12-1: Summary of Sign Permissions			
Sign Type	No Permit Required Section 12.6	Zoning Permit Required Section 12.7	Permissions
A-Frame Sign	✓		Nonresidential uses in the commercial and mixed-use districts, and the I-MU, TOD, and CA Districts
Address and Nameplate	✓		All districts
Awning Sign		✓	All districts for multi-family dwellings and nonresidential uses
Banner	✓		Nonresidential uses in the nonresidential districts
Blade Signs		✓	Commercial and mixed-use districts, and the I-MU and TOD Districts
Canopy Signs - Non-Structural		✓	All districts for multi-family dwellings and nonresidential uses
Canopy Signs - Structural		✓	Attached: All districts for multi-family dwellings and nonresidential uses Freestanding: All districts for gas stations and drive through facilities
Construction Activity	✓		All districts on sites with construction activity
Culturally or Historically Significant Sites	✓		All districts on sites or buildings with cultural or historical significance
Drive-Through Sign		✓	All districts for drive through facilities

Table 12-1: Summary of Sign Permissions			
Sign Type	No Permit Required Section 12.6	Zoning Permit Required Section 12.7	Permissions
Electronic Message Signs		✓	MU-C, MU-F, MU-T, I-L, I-G, and I-MU Districts The following uses in any district: conservation area, cultural facility, educational facility - college/university, educational facility - primary or secondary, park, place of worship Gas stations in any district to display copy graphic that is required to be displayed by law
Freestanding Sign		✓	I-L, I-G, INST, and OS-R Districts The following uses in any district: conservation area, cultural facility, educational facility - college/university, educational facility - primary or secondary, multi-family dwelling, park, place of worship
Garage or Yard Sale	✓		All districts on sites where private owners are selling merchandise in a garage sale or yard sale
Gas Pump Island	✓		Gas stations in any district
Gateway Signs		✓	All commercial and mixed-use districts and the I-MU and TOD Districts
Light Pole Banner	✓		All districts on light poles located entirely on private property
Marquee		✓	DT District
Multiple Tenant Building Entryway	✓		All districts for multi-family dwellings and nonresidential and mixed-use developments with multiple tenants
Noncommercial - Sign Structures	✓		All districts
On-Site Repair or Rehabilitation Activity	✓		All districts on sites or structures where on-site repair or rehabilitation is taking place
Parking Lot and Parking Structure Circulation Point	✓		All districts for parking lots and structures
Real Estate Activity	✓		All districts when a structure or lot is offered for sale, lease, or rent
Roof Signs		✓	Mixed-use structures and multi-family dwellings of 80 feet or more in height in the DT and I-MU District
Skyline Signs		✓	Nonresidential and mixed-use structures of 80 feet or more in height in the commercial and mixed-use, industrial, and special purpose districts
Wall Sign - Standard		✓	All districts for nonresidential uses
Wall Sign - Painted		✓	Nonresidential uses in the nonresidential districts
Wall Sign - Projected		✓	Nonresidential uses in the nonresidential districts
Window Sign	✓		All nonresidential uses in all districts

12.9 BILLBOARDS

A. All billboards require a zoning permit. In addition:

1. Any billboard within 500 feet of a residential district or a commercial and mixed-use district requires a conditional use.
2. Any billboard of more than 300 square feet in area, as allowed in item C below, requires a conditional use.

B. Billboards up to 300 square feet in area are subject to the following standards. Billboards that exceed 300 square feet in area are subject to item C below.

1. The maximum sign area, including advertising area and trim, is 300 square feet and the maximum sign height is 20 feet.
2. Billboards are permitted only in the I-L and I-G Districts.

3. Billboards are prohibited within 1,000 feet of the D&R Canal.
 4. Billboards must meet the requirements of item D.
- C. Billboards that exceed 300 square feet, including any trim, are subject to the following standards.
1. The billboard must be located in an I-L or I-G District to show only toward a limited-access highway, per NJ DOT outdoor advertising standards.
 2. The maximum sign area, including advertising area and trim, is 672 square feet.
 - a. The maximum vertical length of the billboard cannot exceed 14 feet.
 - b. The maximum horizontal length of the billboard cannot exceed 48 feet.
 3. Billboards cannot exceed 30 feet in height.
 4. Billboards must meet the requirements of item D.
- D. All billboards are subject to the following:
1. Billboards must be located a minimum of 300 feet from residential districts.
 2. No billboard can extend over a public sidewalk or other public area.
 3. No billboard can be stacked over or placed next to any other billboard.
 4. No billboard may be placed on top of a building.

12.10 CLASSIC SIGNS

A. Eligibility

1. Any person may apply for designation of an existing sign as a classic sign. Classic signs are exempt from area, setback, height, lighting, movement, flashing, placement, type, content, placement and construction materials requirements of this Ordinance.
2. To qualify for designation as a classic sign, the sign must:
 - a. Be a minimum of 50 years old. This also includes a sign that, due to age or damage, was replicated exactly, and together the age of the original sign and the replica is a minimum of 50 years old.
 - b. Possess unique physical design characteristics, such as configuration, design, message, color, texture, etc.
 - c. Be of significance to the City, regardless of the use identified by the sign.
3. A sign designated a classic sign may remain on the premises even if the original use to which the sign relates is no longer located on the premises.
4. Billboards cannot be designated a classic sign. No designated classic sign may be converted into a billboard.

B. Application

1. A sign owner may file an application for classic sign designation. An application for classic sign designation must include plans for sign maintenance, renovation, or possible reconstruction.
2. Application for classic sign status must be made to the Zoning Officer, who will schedule a public meeting, where the applicant presents classic sign recommendations to the Landmarks Commission.

3. The Landmarks Commission may approve or deny the application.

4. The applicant may appeal a decision of the Landmarks Commission to the City Council within 30 days of notification of the decision.

C. Maintenance

The owner of a classic sign must ensure that the sign is not structurally dangerous, a fire hazard, an electrical shock hazard, or any other kind of hazard. Classic signs may be rebuilt if damaged.

D. Designated Classic Signs

1. Designated classic signs are deemed to be of special significance in the City and are, therefore, designated classic signs and exempt from the provisions of this Ordinance. The Zoning Officer will keep a record of signs designated classic signs by the Landmarks Commission.

2. After designation as a classic sign, nothing in this Section prohibits the property owner from removing the classic sign. Once so removed, the classic sign designation is null and void.

Article 13. Land Development Applications

- 13.1 SUMMARY OF APPLICATIONS
- 13.2 GENERAL APPLICATION PROCEDURES
- 13.3 APPROVAL PROCESS GENERAL PROCEDURES
- 13.4 REQUIRED NOTICE FOR PUBLIC HEARINGS
- 13.5 OFF-TRACT IMPROVEMENTS
- 13.6 CONDITIONAL USE
- 13.7 C VARIANCE
- 13.8 D VARIANCE
- 13.9 SITE PLAN REVIEW
- 13.10 SUBDIVISION
- 13.11 ZONING APPEALS OF ZONING OFFICER DECISIONS
- 13.12 ZONING PERMIT
- 13.13 CONSTRUCTION PERMIT
- 13.14 CERTIFICATE OF OCCUPANCY

13.1 SUMMARY OF APPLICATIONS

A. Table 13-1: Summary of Land Development Applications summarizes the approval authority of the land development applications of this Article. All land development applications must be filed as indicated in Table 13-1. The application must be on forms provided by the City and filed in such quantity and with such submittals as required by the instructions.

B. Amendments to the text of this Ordinance or to the Zoning Map are regulated by Article 14.

C. Applications related to the historic districts are regulated by Article 15.

Table 13-1: Summary of Land Development Applications		
Application	Submittal Body	Approval
Conditional Use	Division of Planning Staff	Planning Board
<i>Conditional use includes D Variance</i>	<i>Zoning Officer</i>	<i>Zoning Board of Adjustment</i>
<i>Conditional use includes C Variance</i>	<i>Division of Planning Staff</i>	<i>Planning Board</i>
C Variance	Zoning Officer	Zoning Board of Adjustment
<i>C Variance includes Conditional Use</i>	<i>Zoning Officer</i>	<i>Planning Board</i>
<i>C Variance includes Site Plan</i>	<i>Division of Planning Staff</i>	<i>Planning Board</i>
<i>C Variance includes Subdivision</i>	<i>Division of Planning Staff</i>	<i>Planning Board</i>
D Variance	Zoning Officer	Zoning Board of Adjustment
<i>D Variance includes Conditional Use</i>	<i>Zoning Officer</i>	<i>Zoning Board of Adjustment</i>
<i>D Variance includes Site Plan Review</i>	<i>Zoning Officer</i>	<i>Zoning Board of Adjustment</i>
Site Plan Review	Division of Planning Staff	Planning Board
<i>Site Plan Review includes D Variance</i>	<i>Zoning Officer</i>	<i>Zoning Board of Adjustment</i>
Subdivision	Division of Planning Staff	Planning Board
<i>Subdivision includes D Variance</i>	<i>Zoning Officer</i>	<i>Zoning Board of Adjustment</i>
Zoning Determination	Zoning Officer	Zoning Officer
Zoning Appeals of Zoning Officer Decisions	Division of Planning Staff	Zoning Board of Adjustment
Zoning Permit	Zoning Officer	Zoning Officer
Construction Permit	Construction Official	Construction Official
Certificate of Occupancy	Construction Official	Construction Official

13.2 GENERAL APPLICATION PROCEDURES

A. Informal Review/Concept Plan

1. At the request of the developer, the Project Application Review Committee (PARC) may grant one informal review of a concept plan for a development for which the developer intends to prepare and submit an application for development.
2. At the request of the developer, the Division of Planning Staff may grant one informal review of a concept plan for a development for which the developer intends to prepare and submit an application for development.
3. The developer is not required to submit any fees for one informal review.
4. The developer is not bound by any concept plan for which review is requested, and the subsequent approval body is not bound by any such review.

B. Development Checklist and Fees, Completeness Review, and Staff Report

1. Applications, as applicable, must complete the development checklist in Article 20.
2. Fees are required per Article 19.
3. The submittal body in Table 13-1 will review land development applications for the purpose of determining, within 45 days of submission, whether the application is complete.
4. If the application contains all the information required by the application, the submittal body will certify that the application is complete.
5. If the application is found to lack information required by the application, the submittal body will either:
 - a. Notify the applicant, in writing, that the application is incomplete, specifying the deficiencies in the application; or
 - b. If the submittal body reasonably concludes that the missing items of information are necessary to make an informed decision on the application but are not of such significance to cause the application to be deemed incomplete, the submittal body may declare the application complete, conditioned upon the submission of the missing items of information within 10 days.
6. An applicant who has been notified that the application is incomplete may request a waiver of one or more of the submission requirements. Such request must be granted or denied by the applicable Board within 45 days.
7. In the event the submittal body fails to act within 45 days of the date of submission, the application will be deemed complete on the 46th day following its submission.
8. On the date the application is certified complete, the applicable time period within which the applicable Board must act upon the application will commence.
9. The applicable board may subsequently require correction of any information found to be in error, may require submission of additional information not specified in this Ordinance, or may require revisions to the application documents as are reasonably necessary to make an informed decision, provided that the application is not deemed incomplete for lack of any such additional information or revisions.
10. Following a determination of completeness, the staff will review the land development applications to determine conformity with Ordinance requirements. The staff will prepare a report of its recommendations to be forwarded to the applicable board.

C. Withdrawal of Application

1. Applicant Withdrawal of Application

An applicant has the right to withdraw an application at any time prior to the final decision on the application by a board or official, including the ability to withdraw the application if it has been tabled by a board or official. The applicant must submit a request for withdrawal in writing or on the record. There will be no refund of fees.

2. Default Withdrawal of Application

Following a request for an applicant to submit a revised application when under review by the applicable Board, if the applicant has not submitted a revised application within six months, and he/she has not asked for an extension of time, the application will be considered withdrawn by default. There will be no refund of fees.

3. Acting Upon Submitted Application

The applicable Board may act upon the information available to them at any time once an application comes before them. This includes acting upon applications where a revision has been requested by the Board but not yet submitted.

D. Consideration of Successive Applications (Res Judicata)

The same application, once denied, cannot be resubmitted unless the applicant can show there is substantial new evidence available or that changed circumstances exist.

13.3 APPROVAL PROCESS GENERAL PROCEDURES

The following apply to the land development application approval processes of this section.

A. Other Governmental Agency Review

1. In the event that an application for development requires an approval by a governmental agency other than the applicable City Board, the Board must, in such circumstances, condition approval upon the subsequent approval of such governmental agency, provided that the City must make a decision on any application for development within the time period required by this Ordinance, unless extended by mutual consent of the applicant and the Board. However, the decision timeframe may be exceeded if the City is prevented or relieved from so acting by operation of law.

2. The failure to fulfill any such required condition from other governmental agencies is grounds for the issuance of a stop-work order and withholding of any zoning permit, construction permit, certificate of occupancy, or any other approval until such condition is fulfilled.

B. Decisions

1. Each decision on any application for development must be reduced to writing by the Board and include findings of facts and conclusions of law thereon.

2. The Board must provide the findings and conclusions of law through:

a. A resolution adopted at a meeting held within the time period provided in this chapter for action by the Board on the application for development; or

b. A memorializing resolution adopted at a meeting held no later than 45 days after the date of the meeting at which the Board voted to grant or deny approval. Only the members of the Board who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption will be sufficient to adopt the resolution. If only one member who voted for the action attends the meeting at which the resolution is presented for adoption, the resolution may be adopted upon the vote of that member. An action pursuant to N.J.S.A. 40:55D-9, resulting from the failure of a motion to approve an application, must be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution.

3. The vote on any memorializing resolution must be deemed to be a memorialization of the action of the Board and not to be an action of the Board; however, the date of the adoption of the resolution constitutes the date of the decision for purposes of the mailings, filings and publications required.

4. If the Board fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the Board to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorney's fees, will be assessed against the City.

C. Notice of Decision

Any decision of the Planning Board or the Zoning Board of Adjustment when acting on an application, and any decision of the City Council when acting on an appeal must give notice as follows:

1. Copy to Applicant, Interested Parties

A copy of the decision must be mailed, by the City, within ten days of the date of decision to the applicant or appellant, or, if represented, to his/her attorney, without separate charge. A copy of the decision shall also be filed by the municipal agency in the office of the administrative officer. The administrative officer shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at his office during reasonable hours. A copy of the decision must also be mailed within ten days to any interested party per Section 13.4.D who has requested notice and has paid the designated fee.

2. Published Notice

A brief notice of every final decision must be published in the City of Trenton's official newspaper. Such publication must be arranged by the applicant unless a particular City officer is designated to do so by ordinance. The City may make a reasonable charge for its publication. The notice must be sent to an official newspaper for publication within ten days of the date of any such decision.

3. Appeal to a Court of Competent Jurisdiction

The period of time in which an appeal to a court of competent jurisdiction may be made runs from the first publication, whether arranged by the municipality or the applicant, or the mailing of notice to the applicant in the case of a denial or modification.

13.4 REQUIRED NOTICE FOR PUBLIC HEARINGS

A. Notice for Public Hearings

Public notice of public hearings must be provided for the following applications. The Division of Planning will set the date, time, and place for the public hearing and inform the applicant of this at least 21 days prior to such hearing date.

1. Ordinance text and Zoning Map amendments (Article 14)
2. Conditional use approvals
3. C variances
4. D variances
5. Preliminary site plan, unless the requirement is waived by the Planning Board for a minor site plan
6. Preliminary plat, unless the requirement is waived by the Planning Board for a minor subdivision
7. Extension of site plan or subdivision approval for five or more years
8. Modification or elimination of a significant condition or conditions in a memorializing resolution in any situation wherein the original application required public notice

B. Notice Contents

A notice must contain the following:

1. The name of the applicable board (Planning Board or Zoning Board of Adjustment).
2. The date, time, and place of the public hearing.
3. The street address of the subject property or by reference to lot and block numbers as shown on the current tax duplicate in the City Tax Assessor's Office. This is not required for Ordinance text amendments (Article 14); however, it is required for a Zoning Map amendment.

4. A description of the application to be considered.
5. The location and times where the application, including any maps and supporting documents, can be viewed by the public.

C. Types of Notice

Notice must be provided at least ten days prior to the date of the public hearing by:

1. Published

Publication once in the City of Trenton's official newspaper.

2. Mailed

Notice of a hearing requiring public notice must be given by the applicant by personal service or certified mail. An affidavit of proof of the giving of the required notice must be filed by the applicant with the applicable Board at or prior to the hearing. It is not required that a return receipt be obtained. Notice is deemed complete upon mailing. Mailed notice does not apply to text amendments.

a. Upon the written request of an applicant, the City Engineer's office will, within seven days, make and certify a list from current tax duplicates of the names and addresses of owners within the City to whom the applicant is required to give mailed notice. In addition, the names, addresses, and positions of those persons will be included who, not less than seven days prior to the date on which the applicant requested the list, have registered to receive notice. The applicant will be charged a fee per the City's fee schedule for this list and is entitled to rely upon the information contained within the list. Failure to give notice to any lot owner, to any public utility, cable television company, or local utility or to any military facility commander not on the list does not invalidate any hearing or proceeding. The applicant remains responsible for giving proper notice to any property owners outside the City who are required to receive notice per this section.

b. Personal service or certified mail to all owners of property within 200 feet of the subject property, including property owners in any abutting municipality if the property in question is located within 200 feet of any of the City's boundary lines. This does not apply to text amendments.

i. This requirement is satisfied when notice is sent to the condominium association, in the case of any unit owner whose unit has a unit above or below it, or to the horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice must be given either by personal service to the property owner, as shown on the said current tax duplicate, or the agent in charge of the property, or by certified mail to the property owner at his address as shown on the said current tax duplicate.

ii. Notice to a partnership owner may be made by service upon any partner.

iii. 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.

iv. Notice to a condominium association, horizontal property regime, community trust, or homeowners' association, due to ownership of common elements or areas located within 200 feet of the subject property may be made in the same manner as a corporation without further notice to unit owners, co-owners, or homeowners because of such common elements or areas.

c. Personal service or certified mail to the clerk of any municipality located within 200 feet of the subject property.

d. Personal service or certified mail to the Mercer County Planning Board when the application involves property adjacent to an existing county road or proposed road as shown on the County Official Map or County Master Plan, adjoining other county land or situated within 200 feet of a municipal boundary.

e. Personal service or certified mail to the New Jersey Commissioner of Transportation if the subject property abuts a State highway.

f. Personal service or certified mail to the State Planning Commission if the application exceeds 150 acres or 500 dwelling units.

D. Additional Notice for Major Subdivision or Major Site Plan

Notice of public hearings on major subdivision or major site plan application require the following additional notice:

1. In the case of 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.
2. In the case of a military facility which has registered with the City and is situated within 3,000 feet in all directions of the subject property by:
 - a. Serving a copy of the notice on the military facility commander whose name appears on the registration form; or
 - b. Mailing a copy thereof by certified mail to the military facility commander at the address shown on that form.

E. Notice for Continuations

If an application is continued to a subsequent hearing on a date certain, an announcement of such continuation and the date of continuation of the hearing must be made at the time of continuation. In such case, no additional notice by personal service or certified mail is required.

13.5 OFF-TRACT IMPROVEMENTS

A. Required improvements

As a condition of approval for a subdivision, site plan, or conditional use, the applicant may be required to pay his/her pro rata share of the cost of providing reasonable and necessary street improvements or water, sewer, and drainage facility improvements, and any necessary easements located outside the property limits of the subject property, but indicated in the Master Plan and necessitated or required by the construction or improvements within such subdivision or development. The following criteria shall be utilized in determining the developer's proportionate pro rata monetary share for the necessary off-tract developments:

1. Improvements are to be constructed at the expense of the developer. In cases where the need for an off-tract improvement is created by the proposed subdivision or development and where no other property owners receive a special benefit thereby, as opposed to a mere incidental benefit, the applicant may be required, as a condition of approval and at the applicant's sole expense, to acquire or improve lands outside the tract and dedicate such lands to the City of Trenton or County of Mercer, or, in lieu thereof, require the subdivider or developer to deposit with the City a sum of money sufficient to allow the City to acquire or improve such lands, on conditions it may deem appropriate under the circumstances.
2. In cases where the need for any off-tract improvement to be implemented now or in the future is necessitated by the proposed development application, and where it is determined that properties outside the development will also be benefited by the improvement, the following criteria, together with the provisions or rules and regulations of the City or any department, may be utilized in determining the developer's proportionate share of such improvements:
 - a. **Sanitary Sewers**
For distribution facilities, including the installation, relocation, or replacement of collector, trunk, and interceptor sewers and the installation, relocation, or replacement of other appurtenances associated therewith, the applicant's proportionate share is computed as follows:
 - i. The capacity and the design of the sanitary sewer system must be based on the rules and regulations for the preparation and submission of plans for sewerage systems, New Jersey State Department of Environmental Protection, and City sewer design standards, including infiltration standards.

ii. The developer's pro rata share is calculated as follows: The capacity of the existing system to serve the entire improved drainage area must be computed. If the system is able to carry the total development drainage basin, no improvement or enlargement cost will be assigned to the developer, although some charges including, but not limited to, capacity charges, may be imposed. If the existing system does not have adequate capacity for the total development drainage basin, the prorated enlargement or improvement share is computed as follows:

$$\text{Pro rata share} = \frac{\text{Flow from development}}{\text{Capacity of off-tract facility}}$$

iii. If it is necessary to construct a new system in order to develop the subdivision or development, the prorated enlargement share is calculated as follows:

$$\text{Pro rata share} = \frac{\text{Flow from development}}{\text{Capacity of off-tract facility}}$$

iv. The plans for the improved system or the extended system must be prepared by the developer's engineer. All work must be calculated by the developer and approved by the City Engineer.

b. Roadways

For street widening, alignment, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements uncovered elsewhere, the construction or reconstruction of new or existing streets, and other associated street or traffic improvements, where improvements will provide additional capacity that is in excess of what is necessary to accommodate the applicant's proposed development and/or the additional traffic to be generated as a result of such development, the applicant's proportionate cost is determined as follows:

i. The applicant's engineer must provide the Department of Public Works and the Department of Traffic with the existing and anticipated peak-hour volumes which impact the off-tract acres in question, which volumes must analyze pedestrian, bicycle, and motor vehicle traffic.

ii. The applicant must furnish a plan for the proposed off-tract improvements, which must include the estimated peak-hour traffic generated by the proposed development. The ratio of the peak-hour traffic generated by the proposed development to the future peak-hour traffic forms the basis of the proportionate share. The prorated share is computed as follows:

A/B x Cost, where:

"A" equals the additional traffic to be generated as a result of the applicant's proposed development

"B" equals the total traffic design capacity of the installed off-tract street improvements less the traffic currently using the streets and intersections required to be improved.

c. Drainage Improvements and Stormwater Management

Stormwater management must meet both state regulations (N.J.A.C. 7:8, Stormwater Management) and the local regulations of Chapter 254 (Stormwater Management) of the City Code, as well as any other applicable regulations.

B. Escrow Accounts

Where the proposed off-tract improvement is to be undertaken at a future date, funds required for the improvement must be deposited to the credit of the City in a separate account until such time as the improvement is constructed. In lieu of a cash escrow account, developers may present irrevocable letters of credit for the term required, in a form acceptable to the City Attorney. If the off-tract improvement is not begun within ten years of the deposit, all monies and interest must be returned to the applicant or the letter of credit, as the case may be, surrendered. An off-tract improvement is considered "begun" if the City has taken legal steps to provide for the design and financing of such improvements.

C. Implementation of Off-Tract Improvements

1. In all cases, developers are required to enter into an agreement or agreements with the City in regard to off-tract improvements, in accordance with this Ordinance and any other ordinances, policies, rules, and regulations of the City of Trenton, County of Mercer and State of New Jersey, and any other departments, authorities, or agencies with jurisdiction.
2. Where properties outside the subject tract will be benefited by the improvements, the City Council may require the applicant to escrow sufficient funds, in accordance with item B above, to secure the developer's pro rata share of the eventual cost of providing future structural improvements based upon the standards expressed herein.
3. Where there is benefit to properties outside subject tract:
 - a. Where properties outside the subject tract will benefit by the improvements, the City Council may determine that the improvement or improvements are to be installed by the City as a general improvement, the cost of which is to be borne as a general expense.
 - b. If the City Council determines that the improvement or improvements must be constructed or installed as a general improvement, the City Council may direct the Planning Board to estimate, with the aid of the Department of Public Works, or such other persons who have pertinent information or expertise, the amount, if any, by which the total cost thereof will exceed the total amount by which all properties, including the subject tract, will be specifically benefited thereby, and the subdivider or developer is liable to the City for such expense.
4. If the City Council determines that the improvement or improvements must be constructed or installed as a local improvement, all or a part of the cost of which is to be assessed against properties benefited thereby in proportion to the benefits conferred by the improvements, in accordance with N.J.S.A. 40:56-1 et seq., the developer may be required to sign an agreement acknowledging and agreeing to this procedure, and in addition, the City Council may require that the developer to be liable to the City, in addition to the amount of any special assessments against the subject property for benefits conferred by the improvement or improvements, for the difference between the cost actually incurred and the total amount by which all properties, including the subject tract, are specially benefited by the improvement, as the same may be determined by the Board of Improvement Assessors.
5. If the City Council determines that the improvements are to be constructed or installed by the applicant, such agreement may contain provisions, consistent with the standard in this Ordinance and any other rules, regulations, or policies of the City of Trenton, County of Mercer, and State of New Jersey, and any departments, authorities or agencies with jurisdiction, whereby the applicant must be reimbursed by the City, or otherwise, as a result of any participation fees, connection charges, charges paid in regard to developer's agreements with other applicants and the like, all in accordance with an agreement between the City Council and the applicant.
6. In determining the procedures to be followed in the event of the submission of a list and request from the Planning Board, the City Council will be guided by the following standards and considerations:
 - a. The local trends in regard to the probability of development within the drainage or circulation area in question and the intensity of such development.
 - b. The risk and exposure that neighboring areas are subject to in the event that the improvements to be required are delayed.
 - c. The extent to which temporary measures may sufficiently alleviate the condition or conditions requiring the off-tract improvement and the likelihood that larger regional or subregional facilities will be required in the future to serve the development tract and the general area of the City in which the same is located.
 - d. The extent to which the public health, safety and welfare of the residents, both current and future, depend upon the immediate implementation of the off-tract improvement.

D. Performance and Maintenance Guarantees

1. In cases of an application for development involving public improvements to be carried out by the developer, a performance and maintenance guarantee with the Department of Public Works, pursuant to N.J.S.A. 40:55D-53, is required to insure the installation and initial maintenance of such public improvements on or before a specified date or before a specified phase of the development project. The Planning Staff may recommend waiving such requirement and the Planning Board or the Zoning Board of Adjustment approves such waiver of a guarantee.
2. A required guarantee estimate must be prepared by the applicant's engineer and submitted to the Department of Public Works for review and approval, setting forth all requirements for improvements, as fixed by the applicable Board, and their estimated cost. As a condition of final approval by the Board of the application for development, the City Council must pass a resolution either approving or adjusting this guarantee.

13.6 CONDITIONAL USE

A. Purpose

This Ordinance is based upon the division of the City into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Accordingly, some conditional uses are provided for in certain districts.

B. Initiation

A property owner in the City, or his/her designee, may file an application to use his/her land for a conditional use authorized within the zoning district. A property owner, or his/her designee, may only propose a conditional use for property under his/her control.

C. Authority

The Planning Board will take action on conditional use applications.

D. Procedure

1. Upon receipt of a complete application, the Planning Board will consider the conditional use at a public hearing.
2. The Planning Board must evaluate the application based upon the evidence presented at the public hearing, pursuant to any specific use standards in Article 8 and the standards of Section 8.1.B, which apply to all conditional uses.
3. Site plan review is required as part of conditional use approval.
 - a. The Planning Board will conduct site plan review concurrent with conditional use approval. Separate applications and fees are required for site plan review.
 - b. The Planning Board, as part of site plan review related to the conditional use application, has the power to grant reasonable exceptions from the requirements for site plan approval and that are within the general purpose and intent of the provisions for site plan review if the literal enforcement of one or more regulations is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. The Planning Board cannot grant such waivers, deviations or variances from any requirements that are conditions of the conditional use, in which case the applicant must seek a Use D Variance from the Board of Adjustment.
 - c. In cases where a conditional use application does not include alteration of the exterior of a building and does not have an impact on required parking, the Planning Board may waive site plan review.
4. Within 95 days of receipt of a complete application, unless extended by mutual consent of the applicant and Planning Board, the Planning Board will render its decision on the conditional use. The Planning Board must either approve, approve with conditions, or deny of the conditional use.

5. However, the Planning Board may also approve a conditional use simultaneously with a subdivision application per Section 13.10. The longest time period for action by the Planning Board, either subdivision or conditional use applies.

6. As a condition of approval for a conditional use, the applicant may be required to pay his/her pro rata share of the cost of providing reasonable and necessary off-tract improvements per Section 13.5.

E. Modifications to Approved Conditional Uses

Any modification to an approved conditional use must follow the application, hearing, and approval process required for a new conditional use.

F. Expiration

A conditional use approval expires if any one of the following conditions occurs and no request for an extension of the conditional use approval and/or associated site plan or subdivision approval is pending.

1. When an approved conditional use is changed to another use.
2. For conditional uses approved in conjunction with new construction or additions or enlargements to an existing structure, the conditional use approval expires within two years of the date of approval if a building permit has not been issued.
3. For conditional uses approved in conjunction with an existing structure or on a lot where no structure is planned, the conditional use approval expires within two years of the date of approval if the licenses or permits required for the operation or maintenance of the use have not been obtained.
4. When the conditional use has been abandoned for two years or more.

G. Conditional Uses and Relation to C and D Variances

1. Conditional Use Includes C Variance - Planning Board Approval

a. The Planning Board has the power to grant C variances pursuant to N.J.S.A. 40:55D-70c in lieu of the Zoning Board of Adjustment when requested as part of a conditional use, other than those bulk standards that specifically pertain solely to the conditional use. The C variance is subject to the same extent and restrictions of the Zoning Board of Adjustment within Section 13.7.

b. Whenever relief by variance is requested, public notice must include reference to the requested variance(s).

2. Conditional Use Includes D Variance - Zoning Board of Adjustment Approval

a. If the conditional use approval deviates from a conditional use specification or standard, it requires approval of a D variance by the Zoning Board of Adjustment to allow such deviation. In such cases, the Zoning Board of Adjustment will approve or deny the conditional use with D variances, in lieu of the Planning Board.

b. Whenever relief by variance is requested, public notice must include reference to the requested variance(s).

H. Appeals

An appeal of any decision granting or denying a conditional use may be filed by way of an action in lieu of prerogative writ in the New Jersey Superior Court, Law Division, within 45 days of first publication of the resolution memorializing the Board's decision, whether arranged by the municipality or the applicant, or the mailing of notice to the applicant in the case of a denial or modification.

13.7 C VARIANCE

A. Purpose

When the purposes of this Ordinance would be advanced by a deviation from the zoning requirements for a specific lot and the benefits of the deviation would substantially outweigh any detriment, a C variance may be granted from the strict application of Ordinance regulations so as to relieve difficulties or hardship.

1. C variances must qualify under the criteria of item D.5 below.

B. Initiation

A property owner in the City, or his/her designee, may file an application for a C variance. A property owner, or his/her designee, may only request a C variance for property under his/her control.

C. Authority

The Zoning Board of Adjustment will take action on C variance applications except in the following circumstances:

1. The Planning Board has the power to grant C variance when part of a conditional use.
2. The Planning Board has the power to grant C variance when part of a site plan.
3. The Planning Board has the power to grant C variance when part of a subdivision.

D. Procedure

1. Applications for a C variance must be filed at least 15 days prior to the next regularly scheduled meeting of the Zoning Board of Adjustment. This does not apply to C variance applications related to a conditional use, site plan, or subdivision approval which are approved by the Planning Board per item C above.
2. The Zoning Board of Adjustment must act upon a C variance application within 120 days of the date the application is deemed complete, unless extended by mutual consent of the applicant and the Board.
3. An application may be referred to any appropriate person or agency for a report, provided the referral does not extend the timeframe within which the Zoning Board of Adjustment must act.
4. The Zoning Board of Adjustment must find that the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, by reason of one or more of the following:
 - a. Exceptional narrowness, shallowness, or irregular shape of a specific piece of property.
 - b. Exceptional topographic conditions or physical features uniquely affecting a specific piece of property.
 - c. An extraordinary and exceptional situation uniquely affecting a specific piece of property or the lawful existing structures.
5. Alternatively, the Board of Adjustment may grant a C variance where it finds that the purposes of this Ordinance and the MLUL would be advanced by a deviation from the zoning Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.
6. No C variance may be granted by the Zoning Board of Adjustment, including an inherently beneficial use, without showing that the variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of this Ordinance.
7. The Zoning Board of Adjustment, in granting a C variance, has the authority to impose such reasonable conditions and restrictions as are directly related, and incidental, to the proposed development of the property. Such conditions must be consistent with the spirit and intent of this Ordinance and are imposed for the purpose of minimizing any adverse impact such C variance may have on the neighborhood or community.

E. Expiration of C Variance

The C variance approval expires within two years of the date of approval if a building permit has not been issued, except as may be extended if approved in connection with a subdivision, site plan, or conditional use.

F. Appeals

An appeal of any decision granting or denying a C variance may be filed by way of an action in lieu of prerogative writ in the New Jersey Superior Court, Law Division, within 45 days of first publication of the resolution memorializing the Board's decision, whether arranged by the municipality or the applicant, or the mailing of notice to the applicant in the case of a denial or modification.

13.8. D VARIANCE

A. Purpose

A D variance allows for variances from conditional use standards, permitted uses and major specific bulk variances. In particular cases and for special reasons, a D variance may be approved to allow departure from the zoning regulations to permit:

1. A use or principal structure in a district restricted against such use or principal structures.
2. An expansion of a nonconforming use.
3. A deviation from a particular specification or standard pertaining solely to a conditional use.
4. An increase in the permitted floor area ratio as defined in this Ordinance.
5. An increase in the permitted density, as defined in this Ordinance. This does not apply to the regulations for lot area for a lot or lots for single-family, single-family attached, or two-family dwellings, which are either an isolated undersized lot or lots resulting from a minor subdivision; a C variance is required per Section 13.8.
6. The height of a principal structure which exceeds by ten feet or 10% the maximum height permitted in the district for a principal structure.

B. Initiation

A property owner in the City, or his/her designee, may file an application for a D variance. A property owner, or his/her designee, may only request a D variance for property under his/her control.

C. Authority

The Zoning Board of Adjustment will take action on D variance applications. The Zoning Board of Adjustment may also grant C variances in connection with a D variance application per the procedures and requirements of Section 13.8.

1. A conditional use approval that the Planning Board determines does not meet the conditions for approval of such use requires approval as a D variance before the Zoning Board of Adjustment.
2. If site plan approval requires approval of a D variance, the Zoning Board of Adjustment will approve or deny the site plan in lieu of the Planning Board. Site plan review is subject to the same extent and restrictions of the Planning Board of Section 13.9.
3. If subdivision approval requires approval of a D variance, the Zoning Board of Adjustment will approve or deny the subdivision in lieu of the Planning Board. Subdivision is subject to the same extent and restrictions of the Planning Board of Section 13.10.

D. Procedure

1. The Zoning Board of Adjustment must act upon a D variance application within 120 days of the date the application is deemed complete, unless extended by mutual consent of the applicant and the Board.
2. An application may be referred to any appropriate person or agency for a report, provided the referral does not extend the timeframe within which the Zoning Board of Adjustment must act.

3. A D variance can only be granted by an affirmative vote of at least five members of the Zoning Board of Adjustment.

4. No D variance may be granted by the Zoning Board of Adjustment, including an inherently beneficial use, without showing that the variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of this Ordinance.

5. In respect to any airport safety zones delineated under the Air Safety and Zoning Act of 1983, P.L. 1983, c. 260 (N.J.S.A. 6:1-80 et seq.), no D variance may be granted allowing the creation or establishment of a nonconforming use that would be prohibited under standards promulgated pursuant to that Act, except upon issuance of a permit by the New Jersey Commissioner of Transportation.

6. The Zoning Board of Adjustment, in granting a D variance, has the authority to impose such reasonable conditions and restrictions as are directly related, and incidental, to the proposed development of the property. Such conditions must be consistent with the spirit and intent of this Ordinance and are imposed for the purpose of minimizing any adverse impact such D variance may have on the neighborhood or community.

E. Expiration of D Variance

1. The D variance approval expires within two years of the date of approval, unless extended in connection with extension of a site plan or subdivision approval, if any of the following occur:

a. If a building permit has not been issued.

b. If licenses or permits required for the operation or maintenance of the use allowed by the D variance have not been obtained.

2. The D variance approval expires when the use allowed by the D variance has been abandoned for 12 months or more

F. Appeals

1. Any interested party may appeal a final decision of the Zoning Board of Adjustment on a D variance by way of an action in lieu of prerogative writ in the New Jersey Superior Court, Law Division, within 45 days of first publication of the resolution memorializing the Board's decision, whether arranged by the municipality or the applicant, or the mailing of notice to the applicant in the case of a denial or modification.

13.9 SITE PLAN REVIEW

A. Purpose

The City finds that a safe, well-planned, and attractive environment is essential to the economic health of the community and to the public health, safety, and welfare. The intent of site plan review is to set forth the process by which to review the site characteristics to ensure consistency with the goals and objectives of the City's Master Plan and to ensure efficient use of City resources.

B. Applicability

No permit will be issued for any new structure, for any modification to an existing structure, or for any addition to an existing structure, and no certificate of occupancy will be issued for any change of use of an existing structure until the site plan has been reviewed and approved by the Planning Board.

1. The following are exempt from site plan review:

a. Additions to any existing building of 1,000 square feet or less of floor area.

b. A single-family, single-family attached, or a two-family dwelling and/or their accessory building(s) on one lot.

2. The Planning Board may waive site plan review and approval for a change of use if the change of use will not result in an increase in the intensity of use on the site.

C. Authority

The Planning Board has the authority to approve site plans. However, if a site plan requires approval of a D variance, the Zoning Board of Adjustment will approve or deny the site plan in lieu of the Planning Board. Site Plan review is subject to the same extent and restrictions of the Planning Board within this section.

D. Exceptions to Site Plan Review Requirements

The Planning Board, as part of preliminary site plan review, has the power to grant reasonable exceptions from the requirements for site plan approval and that are within the general purpose and intent of the provisions for site plan review if the literal enforcement of one or more regulations is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

E. Types of Site Plans

1. Minor Site Plan

A development consisting of one or more lots where the lot or lots each meet all of the following criteria:

- a. Each lot will not contain more than four off-street parking spaces.
- b. Each lot will contain a building or lot area consisting of less than 3,000 square feet of gross floor area.
- c. Each lot does not involve a planned development, any new street, or extension of any off-tract improvement.
- d. Each lot is not situated within a flood hazard area.

2. Major Site Plan

All site plans not defined as minor site plans.

F. Procedure

1. Approvals Generally

- a. For a minor site plan, only preliminary site plan approval is required.
- b. For a major site plan, both preliminary and final site plan approval is required.
- c. As a condition of approval for a site plan, the applicant may be required to pay his/her pro rata share of the cost of providing reasonable and necessary off-tract improvements per Section 13.5.

2. Preliminary Site Plan

- a. For both minor and major site plans, an applicant must submit a preliminary site plan with the application. The Planning Board will hold a public hearing on a preliminary site plan 45 days after the application is deemed complete, unless extended by mutual consent of the applicant and the Board. However, the Board may waive the public hearing requirement for a minor site plan. The following exceptions apply:
 - i. Any preliminary site plan which includes a C variance must be acted upon within 120 days, unless extended by mutual consent of the applicant and the Planning Board.
 - ii. Any preliminary site plan application involving more than ten acres of land or more than ten dwellings units must be acted upon within 95 days after the application has been certified complete, unless extended by mutual consent of the applicant and the Planning Board.
 - iii. The Zoning Board of Adjustment must act upon any preliminary site plan which includes a D variance within 120 days, unless extended by mutual consent of the applicant and the Zoning Board of Adjustment.
- c. The Planning Board will approve or deny the preliminary site plan. The Planning Board may grant preliminary approval subject to specified conditions. Receipt of revised plans that show such specified conditions is required within 60 days from the date of approval. If major revisions are required, the Planning Board must require that an amended plan be submitted and acted upon as a new preliminary site plan.

d. If the Planning Board denies the preliminary site plan, a notation will be made by the Chairperson of the Board to that effect on the site plan, and a resolution adopted setting forth the reasons for such rejection. One copy of the site plan and the resolution will be returned to the applicant within 30 days of the adoption of the resolution.

e. Preliminary site plan approval confers upon the applicant the following rights for a three year period from the date of preliminary approval:

1. That the general terms and conditions on which preliminary approval was granted will not be changed, including, but not limited to, use requirements, layout and design standards for streets, curbs and sidewalks, lot size, yard dimensions, and off-tract improvements.
- ii. That the applicant may apply for, and the Board may grant, extensions on such preliminary approval for additional periods of at least one year, not to exceed a total extension of two years, provided that if the design standards have been revised, such revised standards may govern.
- iii. For major site plans, 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 plan.

3. Final Site Plan

1. For major site plans, an applicant must submit a final site plan with the application. The Planning Board will take action on a final site plan 45 days after the application is deemed complete, unless extended by mutual consent of the applicant and the Board.

b. The Planning Board will approve or deny the final site plan. The Planning Board may grant preliminary approval to a final site plan subject to specified conditions. Receipt of revised plans is required within 60 days from the date of such approval. If major revisions are required, the Planning Board must require that an amended plan be submitted and acted upon as a new preliminary site plan.

c. Approval of a final site plan confers upon the applicant the following rights for a period of two years from the date of final approval:

1. The zoning requirements applicable to the final site plan approval and other rights conferred as part of approval, whether conditionally or otherwise, will not be changed.
 - ii. That the applicant may apply for, and the Board may grant, extensions on such final approval for additional periods of at least one year, not to exceed a total extension of three years.
- d. An applicant can simultaneously file and seek approval for preliminary and final site plan.

4. Approval Standards

The following will be evaluated in the review of site plans:

1. Conformity with the regulations of this Ordinance and any other applicable regulations of the City Code.
- b. Location, arrangement, size, design, and general site compatibility of buildings and signs.
- c. Adequacy and arrangement of vehicular traffic access and circulation including intersections, road widths, pavement surfaces, dividers, and traffic controls.
- d. Location, arrangement, appearance, and sufficiency of off-street parking and loading.
- e. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience.
- f. Adequacy of stormwater and drainage facilities with attention to impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding, and/or erosion.

g. Adequacy, type, size, and arrangement of trees, shrubs and other landscaping. Parking, service areas, and loading and maneuvering areas must be landscaped and screened from neighboring areas.

h. Adequacy of fire lanes and other emergency zones; location and arrangement of fire hydrants, standpipes, and other fire safety facilities.

5. Capital City Redevelopment Corporation Review and Required Impact Statement

The Capital City Redevelopment Corporation (CCRC) may require review and an impact statement per the Capital City Renaissance Plan for developments that meet or exceed specific thresholds as established in the Capital City Renaissance Plan.

G. Site Plans Approved with Conditions

1. When a site plan is approved with conditions, no permits will be issued and no development activity can commence until a revised site plan that shows compliance with such conditions is reviewed by the Division of Planning staff and approved.
2. A revised site plan must be submitted to the Division of Planning within 60 days of the date of approval with conditions. This may be extended by mutual agreement of the staff and the applicant. The revised plan will be reviewed by the Division of Planning staff for compliance with all conditions.
3. Once staff verifies compliance, staff will notify the applicant. The Division of Planning staff will also notify the Board at the next scheduled meeting that the site plan has been revised and complies with conditions.

H. Minor Changes to Approved Site Plans

Should a minor technical change to an approved site plan be required as a result of field conditions or health and safety issues, the Planning Board may defer consideration and approval of such minor technical changes to the Division of Planning.

13.10 SUBDIVISION

A. Purpose

Subdivision allows for the orderly 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 purpose of subdivision review is to prevent the creation of undersized lots so as to maintain the character and integrity of the City's neighborhoods.

B. Applicability

1. Subdivision means 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 term subdivision shall also include the term resubdivision.
2. The following shall not be considered subdivisions, if no new streets are created:
 1. Divisions of land found by the Planning Board for agricultural purposes where all resulting parcels are five acres or larger in size.
 - b. Divisions of property by testamentary or intestate provisions.
 - c. Divisions of property upon court order, including but not limited to judgments of foreclosure.
 - d. Consolidation of existing lots by deed or other recorded instrument.
 - e. 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 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 municipality.

C. Authority

The Planning Board has the authority to approve subdivisions. The Planning Board has the power to review and approve or deny conditional uses or site plans simultaneously with review for subdivision approval without the developer being required to make further application to the Planning Board or the Planning Board being required to hold further hearings. The longest time period for action by the Planning Board, whether it be for subdivision, conditional use, or site plan approval, applies. Whenever approval of a conditional use is requested by the developer pursuant to this subsection, notice of the hearing on the plat must include reference to the request for such conditional use.

D. Exceptions to Subdivision Requirements

The Planning Board, as part of approval of preliminary or minor subdivision applications, has the power to grant such exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

E. Types of Subdivision

1. Minor Subdivision

Any division of land into no more than three lots with each fronting on an existing street or streets and:

- a. Not involving any new street or the installation of any street improvements or the extension of City facilities.
- b. Not involving any streets requiring additional right-of-way width as specified in the Master Plan or Official Map or the street requirements of this Ordinance, unless such additional right-of-way width, either along one or both sides of such street(s), as applicable, is deeded to the City or to the appropriate governmental authority prior to classification as a minor subdivision.
- c. Not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provisions of the Master Plan, Official Map, or this Ordinance.
- d. Any readjustment of lot lines resulting in no new lots.

2. Major Subdivision

Any division of land not classified as a minor subdivision.

F. Procedure

1. Approvals Generally

- a. For a minor subdivision, only minor subdivision approval is required.
- b. For a major subdivision, both preliminary and final subdivision plat approval are required.
- c. As a condition of approval for a subdivision, the applicant may be required to pay his/her pro rata share of the cost of providing reasonable and necessary off-tract improvements per Section 13.5.

2. Preliminary Subdivision Plat

- a. For both minor and major subdivisions, an applicant must submit a preliminary subdivision plat with application. The Planning Board will hold a public hearing on a preliminary subdivision plat 45 days after the application is deemed complete, unless extended by mutual consent of the applicant and the Board. However, the Board may waive the public hearing requirement for a minor subdivision. The following exceptions apply:
 - i. Any preliminary subdivision plat which includes a C variance must be acted upon within 120 days, unless extended by mutual consent of the applicant and the Planning Board.
 - ii. Any preliminary subdivision plat application involving more than ten acres of land or more than ten dwellings units must be acted upon within 95 days after the application has been certified complete, unless extended by mutual consent of the applicant and the Planning Board.

- iii. The Zoning Board of Adjustment must act upon any preliminary subdivision plat which includes a D variance within 120 days, unless extended by mutual consent of the applicant and the Zoning Board of Adjustment.
- b. The Planning Board will approve or deny the preliminary subdivision plat. The Planning Board may grant preliminary approval subject to specified conditions. Receipt of revised plats showing such specified conditions is required within 60 days from the date of such approval. If major revisions are required, the Planning Board must require that an amended plan be submitted and acted upon as a new preliminary subdivision plat.
- c. Preliminary subdivision plat approval confers upon the applicant the following rights for a three year period from the date of preliminary approval:
 - i. That the general terms and conditions on which preliminary approval was granted will not be changed, including, but not limited to, use requirements, layout and design standards for streets, curbs and sidewalks, lot size, yard dimensions and off-tract improvements.
 - ii. That the applicant may apply for, and the Board may grant, extensions on such preliminary approval for additional periods of at least one year, not to exceed a total extension of two years, provided that if the design standards have been revised, such revised standards may govern.
 - iii. For major subdivisions, 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 plan.

3. Final Subdivision Plat

- a. For major subdivisions, an applicant must submit a final subdivision plat with application. The Planning Board will take action on a final subdivision plat 45 days after the application is deemed complete, unless extended by mutual consent of the applicant and the Board.
- b. The Planning Board will approve or deny the final subdivision plat. The Planning Board may grant preliminary approval to a final subdivision plat subject to specified conditions. Receipt of revised plats is required within 60 days from the date of such approval. If major revisions are required, the Planning Board must require that an amended plan be submitted and acted upon as a new preliminary subdivision plat.

4. Subdivision Approval

- a. When a subdivision is approved by the Planning Board, a notation to that effect, including the date of approval, must be made on a master copy. As required by the County, the plat and any related deed descriptions to be filed with the County Recording Officer by the applicant and must include the signature of the Director of the Division of Planning and the Chairperson and Secretary of the Board, or the Acting Chairperson or Secretary when one or both are absent. No further approval of the application is required, and the Secretary of the Board, within ten days of the date of approval, must notify the applicant of the Board's action. Additionally, the Secretary of the Board must forward to the applicant a copy of the approval resolution within ten days of its adoption by the Board.
- b. When a subdivision is denied by the Board, the Secretary of the Board, within ten days of such action, must notify the applicant of such disapproval. Additionally, the Secretary of the Board must forward the applicant a copy of the disapproval resolution within ten days of its adoption by the Board, setting forth the reasons for the denial.
- c. Minor subdivision final approvals:
 - i. Within 190 days from the date of approval by the Board of a minor subdivision, a plat map drawn in compliance with the approval and the Map Filing Act, N.J.S.A. 46:23-9.9 et seq., or deed clearly describing the approved minor subdivision must be filed by the developer with the County Recording Officer, the Municipal Engineer, and the Municipal Tax Assessor. Any such plat or deed accepted for such filing must be signed by the Chairperson and Secretary of the Board, or the Acting Chairperson or Secretary, where either or both may be absent. Unless filed within 190 days, the approval will expire and require new Board approval as a new preliminary subdivision plat.

- ii. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, will not be changed for a period of two years after the date of minor subdivision approval by the Board, provided that the approved minor subdivision is duly recorded.
- d. Major subdivision final approvals:
 - i. Within 95 days of approval by the Board of a final subdivision plat, the subdivider must file a copy of same with the Mercer County Clerk. In the event of failure to file within 95 days, the approval of the major subdivision expires and any further proceedings require the filing of a new application for a major subdivision. The Planning Board, for good cause shown, may extend the filing for an additional 95 days.
 - ii. Approval of a final subdivision plat confers upon the applicant the following rights for a period of two years from the date of final approval:
 - (A) The zoning requirements applicable to the final subdivision plat approval and other rights conferred as part of approval, whether conditionally or otherwise, will not be changed.
 - (B) That the applicant may apply for, and the Board may grant, extensions on such final approval for additional periods of at least one year, not to exceed a total extension of three years.
- e. An applicant can simultaneously file and seek approval for preliminary and final site subdivision.

13.11 ZONING APPEALS OF ZONING OFFICER DECISIONS

A. Purpose

The zoning appeals process is intended to provide the opportunity to appeal the decisions of the Zoning Officer and other administrative officers.

B. Initiation

The decision of an administrative officer of the City may be appealed by any interested party affected by based on or made in the enforcement of the zoning provisions of this Ordinance or a duly adopted Official Map.

C. Authority

The Zoning Board of Adjustment will hear and make final decisions on zoning appeals.

D. Filing of Appeal

An appeal must be submitted within 20 days of the decision by filing a notice of appeal with the official from whom the appeal is taken, with copies of the notice given to the Secretary of the Zoning Board of Adjustment. The notice must specify the grounds for the appeal. The official from whom the appeal is taken must immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

E. Decision of Board

The Zoning Board of Adjustment may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, or determination appealed from and to that end have all powers of the City official from whom the appeal is taken.

F. Stay of Proceedings

An appeal to the Zoning Board of Adjustment stays all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the administrative official from whose action the appeal is taken certifies to the Zoning Board of Adjustment, after the notice of appeal has been filed, that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings will not be stayed other than by an order of the Superior Court upon notice to the administrative officer from whom the appeal is taken and due cause shown.

G. Procedure

The Zoning Board of Adjustment will hold a public hearing and act upon an appeal within 120 days either from the date the appeal is taken from the decision of the administration official.

13.12 ZONING PERMIT

A. Purpose

No land may be used, no use may be commenced, and no structure may be erected, constructed, reconstructed, altered, converted, and no land, use, or structure may be changed from an existing use to a new use until a zoning permit is issued by the Zoning Officer, stating the use, structure, or building conforms and complies with the provisions of this Ordinance or that a variance has been granted from the appropriate provisions of this Ordinance by the applicable Board.

B. Authority

The Zoning Officer will review and make final decisions on zoning permit applications. No drawings or plans will be accepted without a zoning permit.

C. Zoning Permit for Temporary Uses

1. A zoning permit for temporary uses per Article 8 allows for the short-term use and/or placement of temporary structures on a lot. The zoning permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately by the City Code.
2. The Zoning Officer must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.
3. All temporary uses must comply with the requirements of this Ordinance, including the temporary use standards of Article 8, and the following standards:
 - a. The temporary use does not adversely impact the public health, safety, and welfare.
 - b. The temporary use is operated in accordance with any restrictions and conditions as the Police and Fire District, or other City officials, may require.
 - c. The temporary use does not conflict with another previously authorized temporary use.
 - d. The temporary use provides adequate parking if needed. If located on a lot with an operational principal use, does not impact the parking and site circulation of the principal use.
4. The temporary use permit is valid for the time period granted as part of the approval.

D. Zoning Permit for Signs

1. No sign, except those identified as exempt from a zoning permit by this Ordinance, may be erected, constructed, altered, or relocated without first obtaining a sign permit.
2. The permit application must be accompanied by the written consent of the owner of the premises upon which the sign is to be erected.
3. If construction is not commenced within 120 days from the date of issuance, the zoning permit for the sign expires.

E. Appeals

A decision of the Zoning Officer may only be appealed if an application is filed within 20 days of the date the decision is made.

13.13 CONSTRUCTION PERMIT

A. Purpose

It is the duty of the Construction Official to monitor the construction of any building or structure in the City.

B. Required Zoning Permit

No construction permit will be issued until a zoning permit is approved by the Zoning Officer.

C. Applicability

1. No new building addition or structure, and no improvement to the interior of any existing structure, including those exempt from site plan review, may be undertaken until detailed site and drainage plans and a survey are submitted to the Construction Official and a construction permit is obtained from such official.
2. For all new construction involving footings and foundations, a second site survey must be submitted to the Construction Official after installation of footings and foundations in order to detail actual building location.
3. Construction permits are required as provided by the State Uniform Construction Code, its subcodes and regulations promulgated pursuant thereto.

D. Appeals

A decision of the Construction Official may only be appealed if an application is filed with the Mercer County Construction Board of Appeals within 15 days of the date the decision is made.

13.14 CERTIFICATE OF OCCUPANCY

A. Applicability

It is unlawful to use or permit the use of any structure or part(s) thereof, either occupied by a new use or occupant or hereafter erected, altered, converted or enlarged wholly or in part, until a certificate of occupancy shall have been issued by the Construction Official, as stipulated by the Uniform Construction Code.

B. Application

Upon the completion of any building, structure, or alteration in compliance with this Ordinance or any other ordinance, rule or regulation, the owner, or his/her agent, may apply to the Construction Official, in writing, for the issuance of a certificate of occupancy for such structure, building or alteration pursuant to the provisions of this section.

C. Site Plans

With respect to any finally approved site plan, or portion thereof, a certificate of occupancy will be issued only upon the completion of the following improvements as such improvements may be required as part of site plan approval:

1. Curbs, sidewalks and driveway aprons.
2. All utilities.
3. Water supply and sewerage treatment facilities, which shall be functioning and servicing the property in question.
4. Storm drainage facilities.
5. Rough grading of the property.
6. Base course of the street or streets serving the property.
7. Base course of driveways and parking areas.
8. Regulatory signs and numbers.
9. Open space plan and improvements.

D. Copy at Premises

A copy of any issued certificate of occupancy must be kept on file at the premises affected and shown to the Construction Official upon request.

E. Prohibited Uses Prior to Issuance

The following is unlawful until a certificate of occupancy is issued by the Construction Official:

1. Occupancy and use of a structure erected, constructed, restored, altered or moved, or any changes in use of an existing structure.
2. Occupancy, use or change in use of vacant land.
3. Any change in the use of a nonconforming use.
4. Occupancy and use of any enlargement to an existing structure.

F. Temporary Certificate of Occupancy

A temporary certificate of occupancy may be issued by the Construction Official to use or permit the use of any structure or part(s) thereof, based upon the specific circumstances and so long as the temporary certificate of occupancy will not endanger the public health, safety, and welfare. The period of validity for the temporary certificate of occupancy will be determined by the Construction Official at issuance.

Article 14. Ordinance Text and Zoning Map Amendments

- 14.1 PURPOSE**
- 14.2 INITIATION AND AUTHORITY**
- 14.3 PROCEDURE**
- 14.4 APPEALS**

14.1 PURPOSE

The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this section. This process for amending the Ordinance text or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

14.2 INITIATION AND AUTHORITY

A. Initiation

The City Council, Planning Board, or a property owner in the City, or his/her authorized designee, may propose a zoning text or map amendment.

B. Authority

The City Council, after receiving a recommendation from the Planning Board, will take action on requests for zoning text or map amendments.

14.3 PROCEDURE

A. Introduction by City Council

The City Council will introduce the proposed amendment at a first reading and vote upon the amendment to be referred to the Planning Board for a recommendation.

B. Recommendation by Planning Board

1. The zoning amendment will be referred to the Planning Board for review. The review must include an evaluation of whether the proposed amendment is substantially consistent with the Trenton's adopted Master Plan.
2. The Planning Board must provide a recommendation to the City Council within 35 days of referral.
3. If the Planning Board fails to report within the 35 day period, the amendment will be considered by the City Council without a Planning Board recommendation.

C. Public Hearing and Action by City Council

1. Following receipt of the Planning Board recommendation, or the failure of the Board to report within the 35 day period, the City Council will review the amendment and the recommendation from the Planning Board at a public hearing. Notice for the public hearing is as required in Section 13.4.
2. The City Council may approve, approve with conditions, or reject a proposed amendment.
3. A majority vote of the full authorized membership of the City Council is required to approve the ordinance in the event that the Planning Board finds that the ordinance is not consistent with the Master Plan or not designed to effectuate the land use plan and housing plan element of the Master Plan, in which case the Council shall record in its minutes the reasons for not following such recommendation.
4. In the event that a petition signed by the property owners of 20% of the area included within a proposed change to the classification or boundaries of a zoning district or the property owners of 20% of the area is filed with the Municipal Clerk, a two-thirds majority of the full authorized membership of the City Council shall be required to approve the ordinance.

D. Approval Standards

The Planning Board recommendation and the City Council decision on any zoning text or map amendment must be evaluated for consistency with the Master Plan and implementation of the land use plan and housing plan elements of the Master Plan.

14.4 APPEALS

An appeal of any amendment may be filed by way of an action in lieu of prerogative writ in the New Jersey Superior Court, Law Division, within 45 days of publication of the ordinance amending this Ordinance.

Article 15. Historic District Regulations

- 15.1 RESTORATION PERMIT**
- 15.2 COMMISSION ADVICE ON ANY DEVELOPMENT APPLICATION**
- 15.3 RESTORATION PERMIT GENERAL STANDARDS**
- 15.4 NEW CONSTRUCTION, ADDITIONS, AND MOVING OF STRUCTURES**
- 15.5 EXISTING STRUCTURES - EXCLUDING DEMOLITION OR REMOVAL**
- 15.6 DEMOLITION OR REMOVAL OF STRUCTURES.**
- 15.7 COMPLETION OF ACTIVITIES UNDER RESTORATION PERMIT**
- 15.8 DESIGNATED LANDMARKS AND HISTORIC SITES**

15.1 RESTORATION PERMIT

A. No person may construct, reconstruct, alter, paint, or restore a structure, or move a structure into or within an historic district, nor may any person cause any such work to be performed, nor may any construction permit for such work be issued by the Construction Official, unless a restoration permit has been approved by the Landmarks Commission for Historic Preservation (Landmarks Commission) or, in the case of a development application, by the Planning Board or Zoning Board of Adjustment. For solar panels and wind turbines, per Article 9, approval of a restoration permit by the Landmarks Commission is required.

B. When emergency repairs are required, the Construction Official must notify the City's Historic Preservation Officer and a recommendation regarding emergency repairs will be made within 48 hours. The Construction Official may allow temporary repairs to a historic site prior to the Landmarks Commission's review when these repairs are necessary for the building's occupancy or for public safety. All emergency repairs must be made to conform to the provisions of this section within 90 days. The repairs performed must only be such that are necessary to maintain the habitability of the structure. A request for the Commission's review must be made as soon as possible and no additional work can be performed upon the structure until an appropriate request for approval is made and obtained in accordance with the procedures set forth in this Ordinance.

C. In the event that the proposed activities described in item A above are included in a development application submitted for the approval of a subdivision, site plan, conditional use, variance, or change of use, the Planning Board or the Zoning Board of Adjustment must provide the Landmarks Commission an informational copy of the application. However, failure to make the informational copy available does not invalidate any hearing or proceedings.

1. The Landmarks Commission must provide its advice through a written report submitted by the Commission or by the oral testimony of its staff or one of its members at the hearing on the application. The Commission must make any recommendations within 45 days from the date the application for a restoration permit is listed on the agenda.

2. The Planning Board or Zoning Board of Adjustment will review any such development application to determine whether the proposed activity conforms with the design criteria and guidelines of this Article. In the event that the proposed activity conforms with such criteria and guidelines, the applicable Board will approve a restoration permit when it issues the other required approvals.

D. In the event that the proposed activities described in item A above are not included in a development application or subject to the issuance of a permit, application must be made to the Landmarks Commission or the Construction Official for the issuance of a restoration permit. The Construction Official must immediately refer the application to the Landmarks Commission.

1. The Landmarks Commission must complete its review of the application for a restoration permit and submit its report to the Construction Official within 45 days from the date the application for a restoration permit is listed on the agenda and determine whether the proposed activity conforms with the criteria and guidelines of this Article.

2. In the event that the proposed activity conforms with such criteria and guidelines, the Landmarks Commission will approve a restoration permit for such activity. The Landmarks Commission must notify the Construction Official, in writing, of its action.

3. Failure of the Landmarks Commission to report within the 45 day period constitutes a report in favor of the issuance of the restoration permit. If the Landmarks Commission recommends to the Construction Official against the issuance of a restoration permit or recommends conditions to the restoration permit to be issued, the Construction Official will deny the issuance of the permit or include the conditions in the restoration permit as the case may be.

E. A denial or negative recommendation of a restoration permit by the Landmarks Commission may be appealed to the City Council as follows:

1. In the case of a decision of the Landmarks Commission constituting a denial or negative recommendation, the applicant may, within ten days, request a reconsideration, review or reversal of such decision by filing a written request for same with the City Clerk. Upon timely filing of such request, the City Clerk will schedule the matter for a hearing before City Council.
2. No decision or recommendation of the Landmarks Commission, to which timely objections have been filed, will be final until reviewed and approved by City Council at such hearing.
3. If, after a hearing, the City Council determines to reverse the decision under review, in whole or in part, or otherwise to withhold approval of any such decision, it must so state and return the matter to the Landmarks Commission with a summary of its findings and with direction to reissue its decision in conformance with the decision of City Council, or to clarify, reconsider, or otherwise dispose of the issue before it within 15 days of the City Council's decision, or such other time as may be necessary to avoid undue delay or hardship.
4. Failure of the Landmarks Commission to report within the period in item C above constitutes a report in favor of issuing the restoration permit.

15.2 COMMISSION ADVICE ON ANY DEVELOPMENT APPLICATION

The Landmarks Commission may provide its advice pertaining to any development application or other application pending before the Planning Board or the Zoning Board of Adjustment. Such advice may be conveyed through the Commission's delegation of one of its members or staff to testify orally at the hearing on any application and to explain any written report that the Landmarks Commission may have submitted.

15.3 RESTORATION PERMIT GENERAL STANDARDS

An application for a restoration permit must meet the Secretary of the Interior's Standards for the Treatment of Historic Properties and the following standards:

- A. Is consistent with the additional criteria of this Article and with the purposes of this Ordinance.
- B. Would not adversely affect the character and appearance of the historic district, the relationships among structures, or the appearance between structures and public ways in the district.
- C. Would not adversely affect the exterior architectural features and setting of the structure and its historical and architectural interest.

15.4 NEW CONSTRUCTION, ADDITIONS, AND MOVING OF STRUCTURES

A restoration permit to permit the construction of new structures or additions to existing structures, to move structures into or within an historic district, or involving proposed activities pertaining to outbuildings within a historic district must meet the standards of this Section.

- A. It is not the intent of these standards and this Article to discourage contemporary architectural expression or solely to encourage new construction that emulates existing buildings of historic or architectural interest of a certain period or specific architectural style, but to preserve the integrity and authenticity of the historic district, to ensure the compatibility of the new structures to the greatest extent possible, and to encourage diverse but compatible architecture. If past architectural styles are to be used, a copy of a specific structure is preferable to an amalgam of building types and styles.
- B. The proposed structure is not incongruous with the existing streetscapes of the historic district.
- C. The proposed structure is visually compatible with the structures and places to which it is visually related, as determined by the following standards:

1. The height of the proposed structure is visually compatible with the adjacent structures.
2. The relationship of the width of the proposed structure to the height of the front elevation is visually compatible with structures and places to which it is visually related.
3. The relationship of the width of windows to the height of windows in a proposed structure is visually compatible with the structures and places to which it is visually related.
4. The relationship of solids to voids in the front facade of a proposed structure is visually compatible with the structures and places to which it is visually related.
5. The relationship of the proposed structure to the open space between it and adjoining structures is visually compatible with the structures and places to which it is visually related.
6. The relationship of entrance and porch projections to the street is visually compatible with the structures and places to which it is visually related.
7. The relationship of materials and textures of the facade and roof of a proposed structure is visually compatible with the predominant materials used in the structures to which it is visually related.
8. The roof shapes of a proposed structure is visually compatible with structures to which it is visually related.
9. Appurtenances, such as walls and open-type fencing, form cohesive walls of enclosure along the street to the extent necessary to maintain visual compatibility of the main structure with the structures and places to which it is visually related.
10. The size of the proposed structure, the mass of the proposed structure in relation to open spaces, the windows, door openings, porches and balconies is visually compatible with the structure and places to which it is visually related.

15.5 EXISTING STRUCTURES - EXCLUDING DEMOLITION OR REMOVAL

A. A restoration permit for proposed activities pertaining to existing structures, other than those cited in Section 15.4 or the demolition or removal of such structure from the historic district, must meet one of the following standards:

1. Preserves or enhances the historical or architectural value and character of the structure.
2. Seeks to return the structure, or the part covered by the application, to a known or reasonably conceived previous appearance, except that modifications of structures lacking architectural merit and not in character with the historic district must be considered when the modifications make the building more compatible.

B. In determining whether the applicant's proposal will restore the authenticity of the structure, the following standards, among other appropriate factors, must, when feasible, be followed:

1. Existing materials, if they are the original materials of the original structure or remodeling that is being restored, should be maintained and repaired rather than replaced.
2. Distinguishing original qualities or character of a building, structure or site, and its environment, should not be destroyed. The removal or alteration of any historic material, distinctive architectural feature or examples of skilled craftsmanship should be avoided.
3. Architectural details of the original construction or remodeling that is being restored or altered should be retained. This includes, but is not limited to, cornices and their brackets; window trims, such as molded lintels; porch elements, such as posts, balustrades and spindles; doors and windows, particularly their size and the number and size of the individual panes.
4. Structures and sites in an historic district are recognized as products of their own time. Alterations that have no historic basis and that seek to create an earlier or later appearance should be discouraged.
5. If an element must be replaced rather than repaired, a copy of the original is preferable to a similar or conjectural piece.

6. If a copy of a missing piece cannot be obtained, similar or conjectural items are preferable to none at all.
7. In the event replacement of original materials is necessary, the new materials should match the material being replaced in design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence to the extent possible, rather than conjectural designs or the availability of different architectural elements from other buildings.
8. The original siding and roofing material should be maintained or repaired, and if replacement is needed, it should be of the same material and size. If the same material is not available, a substitute material should be of the same color, shape, size and texture. Substitute material may also be considered by the board if it provides significant benefits to sustainability, durability, or resilience, but must still be of the same color, shape, size, and texture.
9. Storm windows and doors should be as unobtrusive as possible. Any storm windows or doors must be approved by the board.
10. The surface cleaning of structures must be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials are prohibited.

15.6 DEMOLITION OR REMOVAL OF STRUCTURES

A. Demolition

1. The Landmarks Commission must consult civic groups and public agencies and officials to determine how the City may preserve the building or premises. The Landmarks Commission must attempt, with the owner, to establish feasible plans for preservation of structures where moving or demolition thereof would be a significant loss to the public and the City. The Landmarks Commission must approve or deny a restoration permit for demolition and removal.
2. In regard to an application to demolish any structure within an historic district, the following matters must be considered:
 - a. Its historic, architectural, and cultural significance.
 - b. Its potential for use for those purposes currently allowed in the zoning district.
 - c. Its importance to the City and the extent to which its historical, architectural, or cultural 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 cannot be reproduced or could be reproduced only with great difficulty and cost.
 - e. The extent to which its retention or rehabilitation would promote the general welfare by maintaining and increasing real estate values, generating business, creating new jobs, attracting visitors, students, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating study in architecture and design, educating citizens in American culture and heritage or making the City a more attractive and desirable place in which to live.
 - f. If it is within an historic district, the probable impact of its removal upon the character of the district.
3. This section is intended to encourage the preservation of historical buildings and to offer the City, interested persons, historical societies, or other organizations the opportunity to acquire or to arrange for the preservation of buildings.

4. In regard to the application to move any structure from a district to a location outside the district, the following criteria must be considered:

- a. The historic or architectural loss to the site of the original location and the district as a whole.
- b. The compelling reasons for not retaining the structure at its present site.
- c. The probability of significant damages to the structure at its present site.

5. The restoration permit application must come before the Landmarks Commission for approval.

B. Emergency Demolition

If the Construction Official determines that the structure is in danger of imminent collapse or is an immediate danger to public safety, he/she may order the structure demolished immediately. The Construction Official must issue a report to and file a Restoration Permit with the Landmarks Commission stating the reasons for the order.

15.7 COMPLETION OF ACTIVITIES UNDER RESTORATION PERMIT

Activities authorized by a restoration permit must be completed within 12 months of the date of issuance, unless the term is extended by the Planning Board, the Zoning Board of Adjustment, or the Landmarks Commission, as applicable.

15.8 DESIGNATED LANDMARKS AND HISTORIC SITES

The following districts and buildings have been designated historic sites and districts to which the provisions governing historic preservation apply and, pending review and recommendation of the Planning Board of any modifications thereof, remain as designated and subject to the regulations and restrictions of this Article and Ordinance.

DESIGNATED HISTORIC DISTRICTS AND SITES	
HISTORIC DISTRICTS	
Berkeley Square Historic District	
Ewing-Carroll Historic District	
Fisher-Richey-Perdicaris Place Historic District	
Greenwood-Hamilton Historic District	
Hanover-Academy Historic District	
Mill Hill Historic District	
South Warren Historic District	
State House Historic District	
Yard Avenue Historic District (demolished)	
HISTORIC SITES	
Ackerman Building	210 E Hanover Street
Adams and Sickles Building	1 West End Avenue
Cadwalader Park	Parkside Avenue
Carver Center	40 Fowler Street
Champale Office	1024 Lamberton Street
Delaware and Raritan Canal	City-wide
Delaware and Raritan Canal House	1 Prospect Street
Dickinson House	701 N Clinton Avenue
Douglass House	165 E Front Street
Elks Lodge No. 105	120 N Warren Street
Ellarslie Mansion	Cadwalader Park
Emlan House	312 W State Street
First Presbyterian Church	120 E State Street
Fitzgibbon/Crisp Warehouse (demolished)	
Friends Meeting House	180 E Hanover Street
Golden Swan	101-103 S Warren Street
Grinslade's Blacksmith	334 N Olden Avenue
John T. Nixon/Higbee School	20 Bellevue Avenue
Kelsey Building	101 W State Street
Ladder Company No. 2	1005 S Clinton Avenue

DESIGNATED HISTORIC DISTRICTS AND SITES	
League of Women Voters (interior)	2014 W State Street
Mercer Cemetery	100 Block South Clinton Avenue
Mercer Street Friends Center	151 Mercer Street
Mount Carmel Guild	73 N Clinton Avenue
Mt. Zion Church	135-137 Perry Street
New Jersey National State Bank	1 W State Street
N.J. Employees Association (demolished)	15 W State Street
N.J. Steel and Iron Co. Building/Copper Iron Works	501 John Fitch Way
Old Barracks	Corner of Front & Willow Streets
Old City Hall	2 N Broad Street
Old Eagle Tavern	429-431 S Broad Street
Old Masonic Temple	Barracks & W Lafayette Streets
Old Mill House	1 Mill Road
Pentecostal Church (demolished)	207 N Montgomery Street
Reading Freight Station	260 N Willow Street
Roebling Mansion (interior)	222 W State Street
Rudolph Kuser Estate	315 W State Street
Saint Michael's Episcopal Church	140-144 N Warren Streets
Shaky Bridge	Mahlon Stacy Park
Site of Hunterdon County House and Prison Walls	16 S Warren Street
The Hermitage	46 Colonial Avenue
Trenton Battle Monument	N Broad & N Warren Streets
Trenton City Hall	139 E State Street
Trenton Elks Lodge No. 105 (interior)	120 N Warren Street
Trenton Public Library (interior)	130 Academy Street
Trenton State Prison Administration Building	Third Street
Trenton State Prison Warden's House	392 Second Street
William Trent House	15 Market Street
48-52 Passaic Street	

Article 16. Nonconformities

- 16.1 GENERAL APPLICABILITY**
- 16.2 NONCONFORMING USE**
- 16.3 NONCONFORMING STRUCTURE**
- 16.4 NONCONFORMING LOT**
- 16.5 NONCONFORMING SITE ELEMENTS**
- 16.6 NONCONFORMING SIGNS**

16.1 GENERAL APPLICABILITY

A. Authority to Continue

Any use, structure, lot, site element, or sign that legally existed as of the effective date of this Ordinance, and any use, structure, lot, site element, or sign that has been made nonconforming as of the effective date of this Ordinance, or any subsequent amendments, may continue subject to the provisions of this Article.

B. Burden on Property Owner

1. The burden of establishing the lawful existence of a nonconformity under the provisions of this Ordinance is the responsibility of the property owner or operator of the nonconforming use, structure, sign, site element, or lot. Based upon the evidence presented, the Zoning Officer will make a determination of the validity of the nonconforming status per the zoning determination process of Section 13.11.
2. Any person wishing to object to the issuance of any certificate issued pursuant to NJSA 40:55D-68 attesting to the existence of a nonconforming use prior to the adoption of the ordinance which rendered the use nonconforming may make an appeal to the Zoning Board of Adjustment and shall have the initial burden of establishing a prima facie showing supporting the contention that the certificate was issued in error.

C. Unlawful

Any use, structure, lot, site element, or sign established or constructed in violation of the prior Ordinance (prior to the effective date of the Ordinance) is not regarded as lawfully nonconforming and is not entitled to any of these rights.

D. Safety Regulations

All police power regulations enacted to promote public health, safety, and welfare, including, but not limited to, all building, fire, and health codes apply to nonconformities.

16.2 NONCONFORMING USE

A. Expansion

A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any other portion of the floor area, or any land area currently not occupied by such nonconforming use.

B. Change of Use

A nonconforming use can only be changed to a use allowed within the zoning district where it is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part that conforms cannot be changed back to a use that is not allowed in the district. A change of use occurs when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this Ordinance is deemed an abandonment of the previously existing nonconforming use.

C. Discontinuation or Abandonment

If a nonconforming use is discontinued or abandoned for a continuous period of 18 months, the nonconforming use terminates automatically. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located. A period of discontinuance caused through no fault of the property owner or tenant is not included in calculating the length of discontinuance or abandonment for this section. When a nonconforming use is offered for sale or lease, such sale period is not included in calculating the length of discontinuance or abandonment for this section; however, all equipment, building design, and similar use infrastructure must be maintained in working condition during the sale or lease period. The Zoning Officer may request evidence of active marketing during this period.

D. Damage or Destruction

In the event that any structure that is devoted in whole or in part to a nonconforming use is partially damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconforming uses are created and the degree of the previous nonconformity is not increased, and a building permit is obtained for such rebuilding, restoration, repair, or reconstruction within 18 months of the date of damage or destruction, and a certificate of occupancy is obtained prior to expiration of the building permit. In the event that a building permit is not obtained within 12 months, then the use cannot be re-established. If the structure containing the nonconforming use is also a nonconforming structure, the structure may only be rebuilt, restored, repaired, or reconstructed in accordance with Section 16.3.

16.3 NONCONFORMING STRUCTURE

A. Maintenance

Normal maintenance and repair may be performed on any nonconforming structure. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

B. Structural Alterations

No structural alterations are permitted on any nonconforming structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety.
2. When the alteration will eliminate the nonconformity.
3. When the alteration will not create a new nonconformity and will not increase the degree of any existing nonconformity.

C. Relocation

A nonconforming structure cannot be relocated, in whole or in part, to any other location on the same lot unless such relocation would make the structure conforming. A nonconforming structure may be relocated to another lot only if the structure conforms to all regulations of the zoning district where it is relocated.

D. Damage or Destruction

If a nonconforming structure is partially destroyed or damaged through no fault of the property owner or tenant, regardless of the percent of damage, it may be rebuilt to its original condition before such casualty or loss if a building permit is obtained for such rebuilding, restoration, repair, or reconstruction within 12 months of the date of damage or destruction, and a certificate of occupancy is obtained prior to expiration of the building permit. In the event that the building permit is not obtained within 12 months, or if it is expired, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located. No additional nonconformities may be created as part of the rebuilding to the original condition.

E. Required Build-To Zone or Build-To Line Exemption

As of the effective date of this Ordinance, when an existing structure does not conform to the required build-to zone or build-to line of the applicable district, the structure is deemed exempt from that standard and may be expanded or altered without having to conform to the build-to zone or build-to line of the district until the structure's building footprint is expanded by 50% or more. If expansions to the structure are incremental, this is calculated as the sum total of all expansions that occur after the effective date of this Ordinance. Once the principal structure is demolished, deemed conforming status is null and void.

16.4 NONCONFORMING LOT

A. Use

A nonconforming lot of record may be used for use allowed within the zoning district.

B. Development

Development of a nonconforming lot of record must meet all applicable dimensional and design regulations of the district in which it is located with the exception of the lot area and/or width requirement that renders it a nonconforming lot.

C. Lot Consolidation

A nonconforming lot is permitted to consolidate with an adjacent lot, even if such consolidation still does not conform to the lot dimension requirements of the zoning district in which it is located. Such consolidation is seen as a reduction of the nonconformity.

16.5 NONCONFORMING SITE ELEMENTS

A. Maintenance

Normal maintenance and incidental repair to a nonconforming site element may be performed. However, no repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

B. Required Conformance

1. General

All nonconforming site elements must be brought into conformance when the following occurs:

- a. A new principal building is constructed on a site. This includes construction of a second or more principal buildings on the site.
- b. An existing principal building is increased in building footprint square footage by 50% or more.

2. Nonconforming Parking Lot Landscape

When a parking lot of 15 or more spaces does not conform to required parking lot landscape requirements, it must be brought into conformance when such parking lot is fully reconstructed or expanded by an additional 50% or more spaces (viz., the total number of spaces after expansion is 150% or more of the spaces prior to expansion).

- a. Resealing or re-striping of an existing parking lot, which does not entail paving, resurfacing, or replacement of the asphalt, concrete, or other paving material, is not considered reconstruction.
- b. If such action would result in creating a parking area that no longer conforms to the parking regulations of this Ordinance, such existing parking lot is not required to install all or a portion of the required landscape. The applicant is required to show that landscape cannot be accommodated on the site, which the Zoning Officer must verify.

3. Nonconforming Exterior Lighting

For exterior lighting, when 25% or more of exterior lighting fixtures are replaced, all exterior lighting on the site must be brought into conformance. This requirement is calculated by dividing the number of new lighting posts and/or non-post mounted lighting fixtures to be installed by the total number of lighting posts and/or non-post mounted lighting fixtures on the site prior to replacement. Lighting mounting types (posts or non-post mounted lighting) are calculated separately (i.e., if only post lighting installation is being replaced, then only those types are counted, disregarding any non-post mounted lighting).

16.5 NONCONFORMING SIGNS

A. A nonconforming permanent sign and sign structure may remain in use so long as it remains otherwise lawful and has not been damaged or destroyed to the extent of less than 50% of its value. A nonconforming permanent sign and sign structure that is damaged or destroyed to the extent of 50% or more of its value cannot be restored or repaired unless it conforms to all applicable regulations for the district.

B. Sign value, for the purposes of item A above, is determined by comparing a repair cost estimate of the damaged sign with an estimate of the cost of a new identical sign. Sign owners must supply such estimates to the Zoning Officer.

C. Once the sign and/or sign structure has been removed, it cannot be restored or repaired unless it conforms to all applicable regulations for the district.

- D.** All temporary nonconforming signs must be removed or brought into conformance within 60 days of the effective date of this Ordinance.
- E.** The sign face of an existing nonconforming permanent sign may be replaced, but the structure cannot be altered to accommodate such change. A change of a sign face requires a sign permit.
- F.** No nonconforming sign and sign structure may be relocated, in whole or in part, to any other location on the same or other lot, unless the entire sign and sign structure conforms to all regulations applicable to the lot where the sign is relocated.
- G.** No nonconforming sign can be altered or enlarged in a way that increases the nonconformity of the sign or sign structure. This does not include normal maintenance and cleaning, or changing of the sign face.
- H.** Nonconforming billboards are considered nonconforming signs and subject to the standards of this section.
- I.** Certain signs, that could be considered nonconforming may be designated classic signs and are therefore subject to the provisions of Section 12.10.

Article 17. Enforcement

- 17.1 COMPLIANCE REQUIRED**
- 17.2 DUTIES OF ZONING OFFICER**
- 17.3 NOTIFICATION OF VIOLATION**
- 17.4 HAZARDOUS CONDITIONS RESPONSE**
- 17.5 CERTIFICATE OF OCCUPANCY REVOCATION**
- 17.6 REPORT TO CITY ATTORNEY; FILING OF SUMMONS**
- 17.7 PENALTIES**

17.1 COMPLIANCE REQUIRED

No structure or land shall be used in violation of this Ordinance and/or any approved site plan.

17.2 DUTIES OF ZONING OFFICER

A. It is the duty of the Zoning Officer to administer and enforce the provisions of this Ordinance. The Zoning Officer will inspect the structures and land in the City and order the owner, in writing, to remedy any condition found to exist in violation of any provision of this Ordinance and/or any site plan approved by the Planning Board or the Zoning Board of Adjustment, as applicable, including any conditions of approval written in the approval resolution.

B. The Zoning Officer is hereby authorized to investigate any violation or alleged violation of the provisions of this Ordinance, whether by complaint of third persons or from their own personal knowledge or observation. When any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of any provision of this Ordinance, it is the duty of the Zoning Officer to proceed with the enforcement of said provision and the penalties provided for hereunder. Such enforcement may include the issuance of summons requiring an appearance in Municipal Court. The Zoning Officer may also pursue such other statutory method or methods, heretofore or hereafter provided, as may be available.

C. In the enforcement of the provisions of this Ordinance, the Zoning Officer may apply to the Municipal Court for a warrant to search and inspect the properties and premises upon which he/she has reason to believe any violation has taken or is taking place, and upon probable cause shown, the Municipal Court Judge may issue such a warrant, and the information obtained pursuant thereto is admissible as evidence in any court of competent jurisdiction for the purpose of proving any case brought for violation of this Ordinance.

17.3 NOTIFICATION OF VIOLATION

The Zoning Officer must notify the owner of any structure or land found to exist in violation of any provision of this Ordinance and/or any approved site plan of such violation(s), in writing by certified mail. Such notice must specify that the owner will have 15 days to respond to the Zoning Officer as to such violation(s) and the remedies to be taken. A copy of the notice and response must be immediately filed in the Office of Inspections.

17.4 HAZARDOUS CONDITIONS RESPONSE

If the violation creates hazardous conditions, the Zoning Officer may require a response or correction within 24 hours to 48 hours.

17.5 CERTIFICATE OF OCCUPANCY REVOCATION

Upon notice being served of any condition found to exist in violation of any provision of this Ordinance and/or any approved site plan with respect to any land use, the certificate of occupancy for such use thereupon, without further notice, is deemed null and void, and a new certificate of occupancy is required for any further use of such structure or land.

17.6 REPORT TO CITY ATTORNEY; FILING OF SUMMONS

A. Within 15 days following the mailing of the notice to the owner, the owner must respond to the Zoning Officer as to the violation(s) and the remedies to be taken. A lack of response from the owner will result in an automatic filing of a summons in Municipal Court.

B. In case any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the proper local authorities or an interested party may institute any appropriate action or proceedings 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. Each and every day such violation continues after the expiration of an abatement notice or after initial construction, as applicable, is deemed a separate and distinct violation.

17.7 PENALTIES

A. The following rules apply in determining responsibility for violations and penalties:

- 1.** The owner, general agent, contractor or occupant, or any combination thereof, of a building, premises, or part thereof, where such a violation has been committed or exists is guilty of such an offense.
- 2.** Any agent, contractor, architect, engineer, builder, corporation, or other person who commits, takes part or assists in such violation is guilty of such offense.

B. The imposition of penalties herein do not preclude the City, or any other person, from instituting an action to prevent an unlawful construction, reconstruction, alteration, repair, conversion, or use, or to restrain, correct, or abate a violation or to prevent the illegal occupancy of a building, land, or premises.

Article 18. Land Use Boards

- 18.1 PLANNING BOARD**
- 18.2 ZONING BOARD OF ADJUSTMENT**
- 18.3 CONFLICTS OF INTEREST**
- 18.4 MEETINGS**
- 18.5 HEARINGS**
- 18.6 RECORDS**
- 18.7 TRAINING IN LAND USE LAW AND PLANNING**

18.1 PLANNING BOARD

A. Establishment

A Planning Board is hereby created consisting of nine regular and two alternate members, consisting of the following four classes:

1. Regular Members

- a. Class I: The Mayor, or the Mayor's designee in the absence of the Mayor.
- 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 it.
- d. Class IV: Six other citizens of the City to be appointed by the Mayor. The members of Class IV cannot hold any other municipal office, except that one such member may be a member of the Zoning Board of Adjustment and one Class IV member may be a member of the Board of Education. If there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, will be a Class IV Planning Board member, unless there is among the Class IV members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member common to the Planning Board and the Environmental Commission is deemed a Class II member of the Planning Board. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, is not considered to hold municipal office.

2. Alternate Members

- 1. Alternate members to the Board may be appointed only in Class IV. Alternate members are appointed by the Mayor and must meet the qualifications of Class IV members of nine member boards. Alternate members must be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2."
- 2. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote will 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" will vote.
- 3. Alternate members must be City residents.

B. Lack of Quorum Due to Conflicts of Interest

If the Planning Board lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A. 40:55D-23 or the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., from acting on a matter due to the member's personal or financial interests therein, regular members of the Zoning Board of Adjustment will be called upon to serve, for that matter only, as temporary until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the Chair of the Zoning Board of Adjustment will make the choice.

C. Terms

1. Regular Members

a. The term of the member composing Class I will correspond with his/her official tenure, or if the member is the Mayor's designee in the absence of the Mayor, the designee will serve at the pleasure of the Mayor during the Mayor's official tenure.

b. The terms of the members composing Class II and Class III will be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class IV, or a Class II member who is also a member of the Environmental Commission, will be for three years or terminate at the completion of his/her term as a member of the Environmental Commission, whichever comes first.

c. The term of a Class IV member who is also a member of the Zoning Board of Adjustment or Board of Education will terminate whenever they are no longer a member of such other body or at the completion of his Class IV term, whichever occurs first. The term of each Class IV regular member is four years.

2. Alternate Members

The terms of the Class IV alternate members is two years, except that the terms of the alternate members will be such that the term of no more than one alternate member expires in any one year; provided, however, that in no instance will the terms of the alternate members first appointed exceed two years.

3. Staggered Terms

All present Class IV members of the Planning Board will continue in office until the completion of the terms for which they were appointed. The terms of Class IV regular members first appointed pursuant to this Article must be so determined that, to the greatest practicable extent, the expiration of such term will be evenly distributed over the first four years after their appointment, provided that the initial term cannot exceed four years.

4. Commencement of Term

All terms run from January 1st of the year in which the appointment is made.

D. Removal

Any member or alternate member, other than a Class I member, may be removed by the City Council for cause, but only after public hearing, if requested, and other requested procedural due process protection.

E. Vacancy

If a vacancy of any class member, including alternate members, occurs otherwise than by expiration of term, it will be filled by appointment as above provided for the unexpired term.

F. Organization of Board

The Planning Board will organize annually by selecting from among its Class IV regular members a Chairperson and a Vice Chairperson. The Board will also select a secretary who may or may not be a member of the Board or an employee of the City. The Board may create and fill such other offices as established by ordinance. An alternate member cannot serve as Chairman or Vice Chairman of the Planning Board.

G. Planning Board Attorney

The office of Planning Board Attorney is hereby created. The Planning Board may appoint to such office and fix compensation or rate of compensation of an attorney at law of New Jersey, other than the City Attorney.

H. Experts and Staff

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, cannot authorize expenditures which exceed, exclusive of gifts, grants, or application and escrow fees, the amount appropriated by the City Council for its use.

I. Budget

The City Council, after giving due consideration to budget requests that may be submitted by the Planning Board, will make provisions in its budget and appropriate funds for the expenses of the Planning Board.

J. Powers and Duties

The Planning Board has the powers listed below, in addition to other powers established by law:

1. To make, adopt and, from time to time, amend a Master Plan for the physical development of the City, including any areas outside its boundaries which, in the Board's judgment, bear essential relationship to the planning of the City.
2. To administer the subdivision and site plan review provisions of this Ordinance in accordance with this Ordinance. In addition to the power to review and approve site plan and subdivision applications for development, the Planning Board's powers include the following:
 - a. To grant subdivision or conditional use approval simultaneously with site plan approval.
 - b. To grant variances pursuant to N.J.S.A. 40:55D-70c and subject to the same extent and restrictions of the Zoning Board of Adjustment when the Planning Board is reviewing applications for approval of subdivision plats, site plans, or conditional uses. Whenever relief is requested pursuant to this subsection, public notice must be given and include reference to the requested variances.
3. To hear and decide applications for conditional uses in accordance with this Ordinance.
4. To participate in the preparation and review of programs or plans required by state or federal law or regulation.
5. To assemble data on a continuing basis as part of a continuous planning process.
6. Pursuant to the Business Administrator's assemblage and submission to the Planning Board of statements and estimates of the capital needs and projections of the several departments in the City, to prepare and transmit to the Mayor and Council, at such times as it may deem appropriate, a proposed capital improvement plan. The Board may hold public hearings on the proposed capital improvement plan on or before September 15th of each calendar year and may transmit to the Mayor and Council its recommended plan. The plan must set forth by major programs the Board's recommendations for capital improvements to be initiated during the ensuing six fiscal years, and previously authorized and uncompleted capital improvements, including reference to such capital improvements as may be planned or in progress, or proposed by the Board of Education, together with the estimated cost and method of financing each improvement.
7. To consider and report to the City Council, within 35 days after referral, as to any proposed development regulation submitted to it, and also to pass upon other matters specifically referred to the Planning Board by the City Council.
8. To perform such other advisory duties as are assigned to it by ordinance or resolution of the City Council for the aid and assistance of the City Council or other agencies and officers.
9. To study and report on such other matters as may be referred to it by the Mayor or Council.
10. To make recommendations to the City Council upon referral of the Official Map or any amendment thereto. The Planning Board is the custodian of the Official Map of the City, as such Official Map is established, changed or amended from time to time pursuant to law; and will cause any change, amendment, or addition thereto or deletion therefrom made by ordinance to be recorded on the map by appropriate revision and notation.

18.2 ZONING BOARD OF ADJUSTMENT

A. Establishment

A Zoning Board of Adjustment is hereby created pursuant to N.J.S.A. 40:55D-69 et seq., consisting of seven members. The Zoning Board of Adjustment may have not more than four alternate members.

B. Appointment, Term, and Alternate Members

1. Members must be residents of the City of Trenton and are appointed by the City Council. The members of the Zoning Board of Adjustment are hereby reappointed to serve their respective terms. The terms of the members first appointed under this section will be so determined that, to the greatest practicable extent, the expiration of such terms are distributed evenly over the first four years after their appointment and, in the case of

alternate members, evenly over the first two years after their appointment; provided, however, that the initial term of no regular member may exceed four years and that the initial term of an alternate member cannot exceed two years. Thereafter, the term of each regular member will be four years and the term of each alternate member will be two years.

2. Alternate members will be designated at the time of their appointment as "Alternate No. 1," "Alternate No. 2," "Alternate No. 3," and "Alternate No. 4."

3. Alternate members may participate in the discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote cannot 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 is to vote, alternates will vote in order of designation starting with "Alternate No. 1."

4. No member of the Zoning Board of Adjustment shall hold an elective office or position under the City of Trenton.

C. Lack of Quorum Due to Conflicts of Interest

If the Zoning Board of Adjustment lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A. 40:55D-69 or the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq. from acting on a matter due to the member's personal or financial interest therein, Class IV members of the Planning Board will be called upon to serve, for that matter only, as temporary members of the Zoning Board of Adjustment. The Class IV members of the Planning Board will 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 therein, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the Chair of the Planning Board shall make the choice.

D. Vacancy

Any vacancy on the Board occurring other than by expiration of term will be filled by appointment by the City Council for the unexpired term of the member whose term shall become vacant.

E. Removal

A member may be removed by the City Council for cause, but only after public hearing, if requested, and other requested procedural due process protections.

F. Organization of Board

The Zoning Board of Adjustment will organize annually by selecting from among its regular 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 City employee.

G. Zoning Board Attorney

The office of Zoning Board of Adjustment Attorney is hereby created. The Board may annually appoint to such office and fix the compensation or rate of compensation of an attorney at law of New Jersey, other than the City Attorney.

H. Experts and Staff

The Zoning Board of Adjustment 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, will not authorize expenditures which exceed, exclusive of gifts, grants, or application and escrow fees, the amount appropriated by the City Council for its use.

I. Budget

The City Council, after giving due consideration to budget requests that may be submitted by the Zoning Board of Adjustment, will make provisions in its budget and appropriate funds for the expenses of the Zoning Board of Adjustment.

J. Powers and Duties

The Zoning Board of Adjustment has the powers listed below:

1. Appeals

Hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, or decision or refusal made by the Zoning Officer based on or made in the enforcement of the zoning provisions of this Ordinance.

2. Interpretations

Hear and decide requests for interpretation of the Zoning Map or the zoning provisions of this Ordinance or for decisions upon special questions upon which the Board is authorized to pass by any zoning provisions of this chapter or by any duly adopted Official Map.

3. General Bulk Variance

a. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property; 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 regulation of this Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, 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.

b. Where, in an application or appeal relating to a specific piece of property, the purposes of this Ordinance would be advanced by a deviation from the zoning requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from such zoning requirements; provided, however, that the fact that a proposed use is an inherently beneficial use cannot be dispositive of a decision on a variance under this subsection and provided that no variance from those departures enumerated in item 4 below can 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 power to review a request for a variance pursuant to Section 18.1.

4. Use Variance, Variances from Conditional Use Standards, and Major Specific Bulk Variances

a. In particular cases and for special reasons, grant a variance to allow departure from the zoning provisions of this Ordinance to permit those items delineated in Section 13.9.

b. A variance under this section must be granted only by affirmative vote of at least five members of the Board.

5. Other Powers and Duties

The Zoning Board of Adjustment has other powers prescribed by law, including, but not limited to, the following:

a. The Zoning Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision, site plan, or conditional use approval whenever the proposed development requires approval by the Zoning Board of Adjustment of a variance pursuant to item D.4 of this section. 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 is conditioned upon a grant of all required subsequent approvals by the Zoning Board of Adjustment. No such subsequent approval will be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and the zoning provisions of this chapter. The number of votes of Board members required to grant such subsequent approval is as otherwise provided in this section for the approval in question, and the special vote pursuant to item D.4 of this section is not required.

b. 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 Section 23 of this act.

c. Direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.

d. The Zoning Board of Adjustment will, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on Ordinance provisions which were the subject of variance requests and its recommendations for Ordinance amendment or revision, if any. The Zoning Board of Adjustment will send copies of the report and resolution to the City Council and Planning Board.

K. Appeals and Applications

Appeals to the Zoning Board of Adjustment may be taken by any interested party affected by any decision of an administrative officer of the City based on or made in the enforcement of the zoning provisions of this Ordinance or a duly adopted Official Map per Section 13.11.

18.3 CONFLICTS OF INTEREST

No regular or alternate member of the Planning Board or Zoning Board of Adjustment may act on any matter in which they have, either directly or indirectly, any personal or financial interest. Whenever any such member disqualifies themselves from acting on a particular matter, they will not continue to sit with the Board on the hearing of such particular matter nor participate in any discussion by the Board or any decision relating thereto.

18.4 MEETINGS

A. Meetings of both the Planning Board and the Zoning Board of Adjustment will be scheduled no less than once a month. Any meeting so scheduled will be held as scheduled unless canceled for lack of applications for development to process.

B. Special meetings may be provided for at the call of the Chairperson or on the request of any two Board members, which will be held on notice to its members and the public in accordance with all applicable legal requirements.

C. No action will be taken at any meeting without a quorum being present. A quorum is the majority of the full authorized membership of the Board.

D. All actions must be taken by majority vote of the members of the Board present at the meeting, except as otherwise required by any provision of N.J.S.A. 40:55D-1 et seq. A member of the Board who was absent for one or more of the meetings at which a hearing was held or was not a member of the municipal agency at that time is eligible to vote on a matter upon which the hearing was conducted, notwithstanding such absence from one or more of the meetings, provided that such Board member has available to them the transcript or recording of all of the hearings from which they were absent and certifies, in writing, to the Board that they have read such transcripts or listened to such recordings.

E. All regular meetings and all special meetings will be open to the public, except as provided in the Open Public Meetings Law, N.J.S.A. 10:4-6. Notice of all such meetings must be given in accordance with the requirements of the Open Public Meetings Law.

F. An executive session for the purpose of discussing and studying any matters to come before the Board will not be deemed a regular or special meeting within the meaning of this section.

18.5 HEARINGS

A. The municipal agency will hold a hearing on each application for development, adoption, revision, or amendment of the Master Plan, each application for approval of an outdoor advertising sign submitted to the municipal agency as required pursuant to an ordinance adopted under N.J.S.A. 40:55D-39, or any review undertaken by the Planning Board pursuant to N.J.S.A. 40:55D-31. Each Board will make rules governing such hearings.

B. Any maps and documents for which approval is sought at a hearing must be on file and available for public inspection at least 10 days before the date of the hearing during normal business hours in the office of the Department of Housing and Economic Development. The applicant may produce any documents, records, or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

C. The officer presiding at the hearings, or such persons as (s)he may designate, has the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, N.J.S.A. 2A:67A-1 et seq., apply.

D. The testimony of all witnesses relating to an application for development must be taken under oath or affirmation by the presiding officer. The right of cross-examination is permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and reasonable limitations as to time and number of witnesses.

- E.** Technical rules of evidence are not applicable to the hearing, but the Board may exclude irrelevant, immaterial, or unduly repetitious evidence.
- F.** Public notice of a hearing must be given in accordance with Section 13.4.

18.6 RECORDS

A. Minutes of every regular or special meeting must be kept and must include the names and addresses of the persons appearing and addressing the Board, and of any persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and the reasons therefor. The minutes will thereafter be made available for public inspection during normal business hours at the office of the Department of Housing and Economic Development. Any interested party has the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party will be charged a reasonable fee for the reproduction of the minutes.

B. A verbatim recording must be made of every hearing on an application for development submitted to the City. The recording of the proceedings must be made either by stenographer, mechanical, or electronic means. The City will furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his/her expense, provided that the charge for a transcript cannot exceed the maximum permitted by N.J.S.A. 2B:7-4. Each transcript must be certified, in writing, by the transcriber to be accurate.

18.7 TRAINING IN LAND USE LAW AND PLANNING

A. Except as otherwise provided in item D below, a person cannot be seated as a first-term member or alternate member of the Planning Board or Zoning Board of Adjustment unless the person agrees to take the basic course in land use law and planning required to be offered under N.J.S.A. 40:55D-23.3, which the person must successfully complete within 18 months of assuming Board membership in order to retain Board membership.

B. Except as otherwise provided in item D below, any person who is serving as a regular or alternate member of the Planning Board or Zoning Board of Adjustment on the first date on which a course in land use law and planning is offered pursuant to N.J.S.A. 40:55D-23.3 is required to complete that course within 18 months of the date upon which the course is first offered in order to retain membership on that Board.

C. A hearing or proceeding held, or decision or recommendation made, by the Planning Board or Zoning Board of Adjustment cannot be invalidated if a member has participated in the hearing or proceeding or in the decisionmaking or recommendation and that member is subsequently found not to have completed the basic course in land use law and planning required pursuant to N.J.S.A. 40:55D-23.3.

D. The following persons are exempt from the educational requirements established pursuant to N.J.S.A. 40:55D-23.3:

- 1.** The Mayor or person designated to serve on a Planning Board in the absence of a Mayor who serves as a Class I member pursuant to N.J.S.A. 40:55D-23 and this Article.
- 2.** A member of the governing body serving as a Class III member pursuant to N.J.S.A. 40:55D-23 and this Article.
- 3.** Any person who is licensed as a professional planner and maintains a certificate of license issued pursuant to Chapter 14A of Title 45 of the Revised Statutes⁷ which is current as of the date upon which that person would otherwise be required to demonstrate compliance with the provisions of N.J.S.A. 40:55D-23.3.
- 4.** Any person who offers proof of having completed a more extensive course in land use law and planning than that required by N.J.S.A. 40:55D-23.3 and § 315-38.1 within 12 months of the date upon which that person would otherwise be required to demonstrate compliance with the provisions of N.J.S.A. 40:55D-23.3 and § 315-38.1 and which, in the determination of the Commissioner, is equivalent to or more extensive than that course offered pursuant to N.J.S.A. 40:55D-23.3 and § 315-38.1.

Article 19. Fee Schedule

- 19.1 REQUIRED FEE
- 19.2 APPLICATION FEE
- 19.3 PROFESSIONAL DEVELOPMENT FEE
- 19.4 FEE SCHEDULE
- 19.5 ESCROW FEES FOR PROFESSIONAL REVIEW SERVICES
- 19.6 ATTORNEY, SECRETARY, AND PLANNING STAFF ADMINISTRATIVE FEES
- 19.7 OTHER FEES

19.1 REQUIRED FEE

Every application for development is subject to an application fee, professional development fee, escrow fee for professional review services, and administrative fees. These fees must be paid upon submission of any development application to the City of Trenton and must be provided in four separate checks payable to the City of Trenton.

19.2 APPLICATION FEE

Each application for development must be accompanied by payment of a nonrefundable application fee as set forth in this Article. There is a separate fee required for preliminary and final applications.

19.3 PROFESSIONAL DEVELOPMENT FEE

Per N.J.S.A. 40:55D-8b, development applications are subject to a professional development fee to defray the cost of tuition for those persons required to take the course in land use law and planning in the municipality as required pursuant to P.L. 2005, c. 133 (N.J.S.A. 40:55D-23.3 et seq.). All site plan and subdivision applications must be accompanied by payment of a nonrefundable professional development fee as set forth in this Article.

19.4 FEE SCHEDULE

Fees for the applications in this Land Development Ordinance are as follows. Fees are cumulative based upon all applications submitted. For example, if a conditional use is submitted with a site plan, fees for both are required.

Application	Fee
Amendments: LDO Text or Zoning Map	\$1,500
Amendments: Redevelopment Area Plans	\$1,500
Conditional Use	\$300 for the first conditional use in the application \$100 for each additional
C Variance	\$300 for the first C variance in the application \$100 for each additional
D Variance	\$300 for the first D variance in the application \$100 for each additional
Site Plan Review	Preliminary - \$400 + \$40 Professional Development Fee Final - \$200 + \$40 Professional Development Fee
Site Plan Review - Amendment	\$150
Restoration Permit	\$30
Zoning Determination	\$75
Zoning Appeals of Zoning Officer Decisions	\$150
Zoning Permit - Applies only when no other permit is required	\$50
Zoning Permit – Temporary Uses (when required)	\$50
Construction Permit	As per City Code and defined under UCC
Certificate of Occupancy	As per City Code
Subdivision	Preliminary - \$400 + \$40 Professional Development Fee Final - \$200 + \$40 Professional Development Fee

19.5 ESCROW FEES FOR PROFESSIONAL REVIEW SERVICES

A. Each application for development must be accompanied by payment of an escrow fee in addition to the nonrefundable application fee set forth above, to be deposited with the City. The amount of the escrow fee is as set forth in below:

Type of Application	Escrow Fee
Site Plan Review	\$400 +
<i>Residential</i>	<i>\$100 per dwelling unit</i>
<i>Nonresidential</i>	<i>\$425 per 1,000sf gross floor area</i>
Subdivision Review	\$400 + \$100 per lot; if a subdivision includes the dedication of public roads, the fee shall be \$150 per lot

B. A waiver of all or part of the escrow fee requirement for performance standard review applications or site plan applications containing ten or fewer residential units, or 20,000 square feet of gross floor area of nonresidential space, may be granted at the sole discretion of the Planning Board, after receiving a staff recommendation. The granting of a full or partial waiver will be based upon review of a completed application and a finding that the nature of the application and its potential impacts are such that no substantial technical or professional review is required.

C. Escrow fees will be utilized to cover the cost of professional services required for the review of application materials, the conduct of hearings on the application, and necessary follow-up activities arising from approval of an application, including, but not limited to, engineering, professional planning, environmental analysis, historic preservation, urban design, and traffic analysis.

D. The applicant must execute an escrow agreement with the City to authorize payment of such expenses. Sums not utilized by the City in the review process will be returned to the applicant within a reasonable time after adoption of a resolution of memorialization by the Planning Board or Zoning Board of Adjustment disposing of the pending application, except with respect to matters where either Board approves an application subject to outstanding conditions requiring action, monitoring or analysis by the City or the applicant subsequent to such action. In such cases, escrow funds must be retained until such time that all outstanding conditions have been satisfied.

E. If the Planning Board or Zoning Board of Adjustment finds that the initial escrow fee deposit is inadequate and that additional funds are deemed necessary to continue processing an application, the applicant will be notified of the additional amount required and must add to his/her escrow fee deposit such additional amount. The Planning Board or Zoning Board of Adjustment may withhold final action on any application until all required escrow fees are paid.

F. No building permit or certificate of occupancy will be issued until all escrow fee deposits have been made. All charges which are due and owing will become a lien upon the premises with respect to which such charges are required and remain until paid. The City has the same remedies for the collection thereof, with interest, costs and penalties, as it has by law for the collection of taxes upon real estate. All escrow fee deposits are administered by the City in accordance with the provisions of N.J.S.A. 40:55D-53.1.

19.6 ATTORNEY, SECRETARY, AND PLANNING STAFF ADMINISTRATIVE FEES

A. All applications for development will be charged an additional processing fee for any time that the Attorney, the Planning Board/Zoning Board Secretary, stenographer, and/or the staff expend reviewing the application and considering the application for development at the public hearing and any other meetings required.

B. The applicant will be assessed the processing fee in quarter-hour increments at the following rates:

1. Attorney: \$150 per hour
2. Planning Board/Zoning Board Secretary: \$30 per hour
3. Stenographer: \$275 per meeting

4. Planning staff:
 - a. Director: \$75 per hour
 - b. Supervising Planner: \$60 per hour
 - c. Principal Planner: \$60 per hour
 - d. Senior Planner: \$40 per hour
 - e. Assistant Planner: \$35 per hour
5. Zoning Officer: \$50 per hour

C. An initial escrow deposit of \$530 must be submitted to the City Treasurer in an amount of \$530, which includes one hour of the Attorney and one hour of the Board Secretary's rate and two hours of the staff reviewer's rates. Any unexpended escrow funds for the administrative review will be returned to the applicant within 30 days after the applicant has secured a certificate of occupancy.

D. If additional funds are needed from the applicant to pay for the administrative review, the City will notify the applicant and the applicant will submit payment to the City within 15 days. The Division of Planning staff will not sign off on the certificate of occupancy until all administrative fees have been paid to the City.

19.7 OTHER FEES

A. Outside consultants: The applicant will reimburse the City for all professional fees and costs incurred by the City in the event that the City, in its sole and exclusive discretion, determines that it is necessary or desirable to obtain outside professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, traffic engineers, drainage engineers, or other consultants.

B. Certified list of property owners: \$35.00.

C. Copy of minutes, transcripts, or decisions, per page: \$0.50

D. Court reporter. If an applicant desires a court reporter, the cost for taking testimony, transcribing it and providing a copy of the transcript to the City is at the expense of the applicant, who must arrange for the reporter's attendance.

Article 20. Development Checklist

- 20.1 DEVELOPMENT CHECKLIST APPLICABILITY**
- 20.2 DEVELOPMENT CHECKLIST REQUIREMENTS**

20.1 DEVELOPMENT CHECKLIST APPLICABILITY

A. The Table 20-1: Development Checklist is a checklist of items that must be submitted as part of an application for the following:

1. Minor subdivision plats
2. Preliminary major subdivision plats
3. Final subdivision plats
4. Minor site plans
5. Preliminary major site plans
6. Final site plans
7. Variances

B. The applicant must indicate the sheet number on which the required item is located in the left column of the checklist.

20.2 DEVELOPMENT CHECKLIST REQUIREMENTS

Table 20-1: Development Checklist requires the following items:

TABLE 20-1: DEVELOPMENT CHECKLIST	MINOR SITE PLANS	PRELIMINARY MAJOR SITE PLANS	FINAL SITE PLANS	MINOR SUBDIVISION PLATS	PRELIMINARY MAJOR SUBDIVISION PLATS	FINAL SUBDIVISION PLATS	VARIANCE
DOCUMENTS							
Completed application form(s), including this completed checklist	X 2 copies	X 2 copies	X 2 copies	X 2 copies	X 2 copies	X 2 copies	X 6 copies
Summary of project	X	X	X	X	X	X	X
Subdivision plat or site plan at a scale of not less than 1"=50' printed on one of the following standard sheet sizes and folded into eights with the title block revealed: 8.5 x 13; 15 x 21; 24 x 36; 30 x 42 Each plat or site plan must drawn from a field survey by a professional engineer or land surveyor and must be signed and sealed by a New Jersey professional engineer or land surveyor All engineering data must be signed and sealed by a professional engineer and all survey data must be signed and sealed by a professional land surveyor	X 16 copies	X 16 copies	X 16 copies	X 16 copies	X 16 copies	X 16 copies	X 6 copies
Reduced scale subdivision plat and/or site plan printed on 11 x 17 sized paper - 2 copy	X	X	X	X	X	X	X
Protective covenant or deed restrictions affecting the property, as applicable - 2 copies	X	X		X	X		
Application fee in accordance with Article 19	X	X	X	X	X	X	X
Escrow fee in accordance with Article 19	X	X	X	X	X	X	
An acknowledgment signed by the applicant stating that the applicant is familiar with the procedure set forth herein for submitting and acting upon final site plans and agrees to be bound by it			X			X	
Electronic Copy (PDF) – Submitted by USB flash drive	X	X	X	X	X	X	X
REQUIRED ITEMS - INDICATE SHEET #							
Key map showing the entire project site and its relation to the surrounding area, at a scale of 1" equals not more than 2,000'	X	X	X	X	X	X	X
Title Block: Name of subdivision or development, City of Trenton, Mercer County Name, title, address, and telephone number of applicant Name, title, address, and license number of professional(s) who prepared the plat or plan Name, title, and address of owner(s) of record Scale in written and graphic form Date of original preparation and each subsequent revision with a list of specific revisions entered on each sheet	X	X	X	X	X	X	X
North Arrow	X	X	X	X	X	X	X
Square footage or acreage of the project site to the nearest hundredth of an acre, not including areas within public rights-of-way	X	X	X	X	X	X	X
Computation of the area of the tract to be disturbed	X	X	X				
Approval signature lines for the Planning and/or ZBA Chairperson, Planning and/or ZBA Secretary, and Director of Division of Planning	X	X	X	X	X	X	X

TABLE 20-1: DEVELOPMENT CHECKLIST	MINOR SITE PLANS	PRELIMINARY MAJOR SITE PLANS	FINAL SITE PLANS	MINOR SUBDIVISION PLATS	PRELIMINARY MAJOR SUBDIVISION PLATS	FINAL SUBDIVISION PLATS	VARIANCE
Existing tax sheet number(s) and lot and block number(s) of the lot(s) to be subdivided or developed as they appear on the City Tax Map and proposed block and lot numbers, as provided by the City Tax Assessor upon written request	X	X	X	X	X	X	X
Subdivision or development boundary line shown as a heavy solid line	X	X	X	X	X	X	X
Location of existing and proposed: Property lines with bearings and distances Streets, alleys and structures with their numerical dimensions and an indication of whether existing structures will be retained or removed Parking spaces, loading areas, driveways, watercourses, railroads, bridges, culverts, and drainpipes Natural features, including wetlands and trees Historic landmarked areas or sites, as indicated on the City's Historic Landmarks and Districts Map	X	X	X	X	X	X	X
Location of existing and proposed Redevelopment areas, as indicated on the City's Redevelopment Areas Map		X	X		X	X	
Location and width of all existing and proposed utility easements	X	X	X	X	X	X	X
Zoning districts on and adjacent to the project site, including district names and requirements with proposed variance requests	X	X	X	X	X	X	X
Proposed buffer and landscaped areas	X	X	X	X	X	X	X
Delineation of floodplains, including floodway and flood fringe areas	X	X	X	X	X	X	X
Contours as shown on the USGS topographical maps	X	X	X	X	X	X	X
Names and lot and block numbers of all property owners within 200' of the extreme limits of the project site, as shown on the most recent tax list prepared by the City Tax Assessor	X	X	X	X	X	X	X
Certificate from the City Tax Collector that all taxes and assessments are paid to date	X	X	X	X	X	X	X
Deed descriptions, including metes and bounds, easements, covenants, restrictions, and roadway and sight triangle dedications	X	X	X	X	X	X	X
Location and species associations of all existing individual trees or groups of trees having a caliper of eight inches or more measured three feet above the ground level on portions of the project site that are proposed to be disturbed		X	X				
Proposed location of all proposed plantings with a legend listing the botanical and common names, sizes at time of planting, total quantity of each plant, and location of each plant keyed to the plan or plat		X	X				
Existing and proposed bridges, culverts, drainage swales, and watercourses both on the project site and within 200 feet of its boundaries. Cross sections of the watercourses and/or drainage swales must be provided at an appropriate scale showing the extent of the floodplain, top of bank, normal water levels and bottom elevations		X	X				
Existing and proposed contours with intervals of five feet. All contour information must refer to a known datum. Existing contours must be shown as a dashed line; finished grades must be shown as a solid line		X	X				

TABLE 20-1: DEVELOPMENT CHECKLIST	MINOR SITE PLANS	PRELIMINARY MAJOR SITE PLANS	FINAL SITE PLANS	MINOR SUBDIVISION PLATS	PRELIMINARY MAJOR SUBDIVISION PLATS	FINAL SUBDIVISION PLATS	VARIANCE
A soil erosion and sediment control plan as required by N.J.S.A. 4:24-39		X	X				
Locations of all existing structures, showing existing and proposed front, rear and side yard setback distances, an indication of whether the existing structures and uses will be retained or removed, and any landmark areas or sites as indicated on the City's Historic Landmarks and Districts Map		X	X				
Size, height, and location of all proposed buildings, structures, signs, and lighting facilities		X	X				
A zoning compliance table demonstrating conformity to the requirements of the zoning district(s) in which the property is located. Information to be shown on this table must include, but is not limited to lot size, lot coverage, building setbacks, building height, floor area ratio and parking requirements. All tract and lot sizes must be expressed in square feet and must include bearings and distances		X	X				
Architectural drawings including urban design elements and signage as follows: Proposed floor plans Proposed elevations Indication of room sizes and building height of proposed/existing structures on both floor plans and elevations Materials and manufacturers of building details including windows and siding Color palette for proposed structures, including but not limited to façade, trim, and roof Proposed façade details including, but not limited to doors, shutters, and cornices Materials, sizes and treatments for all porches, stoop areas, garden walls, planters and stair railings, as well as landscaping in accordance with Article 11 Height, size, boundaries, and entry/gate locations for all fencing Locations, type, and character of all proposed wall mounted light fixtures, mail boxes and any other exterior building features Proposed paving patterns and brick work for sidewalks, driveways and parking areas. Size, color, materials for any proposed signage as well as scaled representations on elevations including verbiage and font style. Design and location of any proposed freestanding signs including size and materials to be used		X	X				
Proposed location and direction of illumination, power, and type of proposed outdoor lighting, including details of lighting poles, luminaries, and hours of operation.		X	X				
An open space, screening, buffering and landscaping plan per Article 11		X	X				
The location and design of any off-street parking area, showing size and location of parking spaces, aisles and barriers in accordance with the provisions of Article 10		X	X				
Proposed on-site green space and civic space and proposed location of such per Article 9, as applicable		X	X				
All means of vehicular access and egress to and from the site onto public streets and alleys showing the site and the location of driveways, cartways and curb cuts, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, sight triangle easements, additional width and other proposed devices necessary to prevent vehicular conflicts		X	X				

TABLE 20-1: DEVELOPMENT CHECKLIST	MINOR SITE PLANS	PRELIMINARY MAJOR SITE PLANS	FINAL SITE PLANS	MINOR SUBDIVISION PLATS	PRELIMINARY MAJOR SUBDIVISION PLATS	FINAL SUBDIVISION PLATS	VARIANCE
Plans and computations for any storm drainage system demonstrating compliance with Chapter 234: Stormwater Management of the City ordinance, per §315-66C.1.m		X	X				
Show compliance with any state watercourse, riparian, and/or wetland protections	X	X	X				
Location of existing infrastructure such as water and sewer mains, utility structures, gas transmission lines and high tension power lines on the project site and within 200' of its boundaries		X	X				
Plans of proposed infrastructure improvements and utility layouts, including sewers, storm drains and waterlines and feasible connections to gas, telephone and electrical utility systems		X	X				
Plans for proposed streets including typical cross sections and construction details, horizontal and vertical alignments of the center line of all proposed streets and of all existing streets abutting the project site		X	X				
Submit a completed Complete Streets Checklist from the Trenton <i>Complete Streets Design Handbook</i> (Appendix A: Complete Streets Checklist)		X	X				
Protective covenants or deed restrictions applying to the land being developed		X	X				
Proposed permanent monuments		X	X				
Provide proof of review and approval from the New Jersey State Delaware and Raritan Canal Commission, where applicable		X	X				
Submit a copy of the site plan application to the City of Trenton Historic Landmark Commission for advisory review, where applicable		X	X				
Submit a subdivision application to Mercer County for review and approval		X	X				
Submit a recycling plan to the Mercer County Improvement Authority, as set forth in the county recycling plan, for any new development of 50 or more single-family units, 25 multi-family units, and 1,000sf or more of lot area for commercial or industrial use		X	X				
Proposed structures must be related harmoniously to themselves and to existing topography, buildings and roads in the vicinity of the project site. The achievement of a harmonious relationship may include the creation of focal points with respect to public views of the site, surrounding terrain and other buildings. Proposed structures must be sited so as to minimize any adverse impact upon the surrounding area and particularly upon any nearby residences by reason of: Building location, height, bulk and shadows Location, intensity, direction and times of use of outdoor lighting Likelihood of nuisances Other similar considerations		X	X				
Capital City Renaissance Plan impact statement if required by the CCRC		X	X		X	X	X
The City and the Planning Board and/or Zoning Board of Appeals reserve the right to require additional information before granting a preliminary subdivision and/or site plan hearing or approval when, in their judgment, such additional information is required in order for the relevant Board to make an informed decision or when unique circumstances affect the project site or when the application for development poses special problems for the project site and the surrounding area - such information must include, but not be limited to, drainage calculations and traffic impact analyses or engineering studies		X	X				

TABLE 20-1: DEVELOPMENT CHECKLIST	MINOR SITE PLANS	PRELIMINARY MAJOR SITE PLANS	FINAL SITE PLANS	MINOR SUBDIVISION PLATS	PRELIMINARY MAJOR SUBDIVISION PLATS	FINAL SUBDIVISION PLATS	VARIANCE
All additional details required at the time of preliminary approval			X			X	
Detailed architectural and engineering data including: An architect's third angle projection drawing, with total envelope dimensions, of each structure and sign or of a typical structure and/or sign, showing front, side and rear elevations Cross sections, plans, profiles and established grades of all streets, aisles, lanes and driveways, including center line geometry and horizontal alignments with bearings, radii and tangents Plans and profiles of all storm and sanitary sewers and water mains			X			X	
The final submission must be accompanied by a certificate from the City Tax Collector that all taxes and assessments are paid to date			X			X	
Signature and title of person who prepared this checklist	X	X	X	X	X	X	X