

City of Hoboken, NJ
Monday, April 20, 2015

Chapter 196. Zoning

[HISTORY: Adopted by the Mayor and Council of the City of Hoboken 8-1-1979 by Ord. No. C-117. Amendments noted where applicable.]

GENERAL REFERENCES

Land use applicant contribution disclosure statements — See Ch. **20B**.
Redevelopment pay-to-play reform — See Ch. **20C**.
Subdivision of land — See Ch. **34**.
Development application checklists — See Ch. **34A**.
Hoboken Redevelopment Agency— See Ch. **37**.
Historic preservation — See Ch. **42**.
Land use procedures — See Ch. **44**.
Protection of rain forests — See Ch. **61**.
Affordable housing — See Ch. **65A**.
Apartment certificates of occupancy — See Ch. **83**.
Condominium conversions — See Ch. **85**.
Uniform construction codes — See Ch. **86**.
Minimum standards for dwellings — See Ch. **95**.
Flood damage prevention — See Ch. **104**.
Maintenance of hotels and multiple dwellings — See Ch. **120**.
Rental housing; warehousing — See Ch. **154**.
Rooming houses — See Ch. **158**.
Stormwater management — See Ch. **166**.

196a App A Redev Plan NW Ind Area 

196b App B Redev Plan Public Works Garage 

196c Zoning Map 

Article I. Title; Purpose

[Amended 8-15-2012 by Ord. No. Z-197]

§ 196-1. Title.

This chapter may be known and shall be cited as the "City of Hoboken Zoning Ordinance."

§ 196-2. Purpose and intent.

The purpose of this chapter is to promote the health, safety, comfort and general welfare of the City of Hoboken and its people; advance the fundamental elements of the City's Master Plan; advance the purposes of the Municipal Land Use Law set forth in N.J.S.A. 40:55D-2; and ensure that all land development in the City meets the applicable requirements of federal, state and local laws. In order to fulfill this purpose, it is the intent of this chapter to provide regulations that are consistent with the Master Plan, that implement the Land Use Plan set forth therein, and that advance the general concepts and recommendations of the plan, as follows:

- A. Encourage sustainability through focused economic development; flood risk management; environmentally sensitive and energy-efficient design; conservation of natural resources; and diversification of uses, building types and affordability.
[Amended 12-18-2013 by Ord. No. Z-264]
- B. Provide adequate light, air and convenience of access, through the regulation of bulk, height, massing, scale, and density.
- C. Promote physical and visual connections between the waterfront and the rest of the City and between the Palisades and City.
- D. Enhance Hoboken's historic character through the protection of buildings and districts of historic significance, while also encouraging design innovation in adaptive reuse and new construction.
- E. Maintain an appropriate mix of land uses in each zone district.
- F. Promote the provision of public spaces, parks, open space and greenery.
- G. Balance circulation and parking needs with those of pedestrians, cyclists, and transit users.
- H. Promote Hoboken's unique transportation resources to drive economic growth.
- I. Coordinate development policies and objectives with Hudson County, neighboring municipalities, agencies and institutions.

Article IA. Interpretation of Provisions

[Added 8-15-2012 by Ord. No. Z-197]

§ 196-3. Interpretation.

In the interpretation and the application of the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of health, safety, comfort and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that, where this chapter imposes greater restrictions upon the use of buildings or premises, or upon the height or bulk of a building or structure, or requires higher performance standards, the provisions of this chapter shall apply.

§ 196-4. Effect on outstanding permits, approvals and variances.

This chapter is not intended to repeal, abrogate or annul any building permit, certificate of occupancy, variance or other lawful permit issued and in full force and effect on the effective date of this chapter or any subsequent

amendment.

§ 196-5. General restrictions.

Except as otherwise provided in this chapter:

- A. No building or structure or part thereof, and no lot or land or part thereof, shall hereafter be used except in conformity with the regulations of this chapter.
- B. No building or structure or part thereof shall hereafter be erected, structurally altered, enlarged or rebuilt except in conformity with the regulations of this chapter.
- C. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used, for any purpose or in any manner other than as specified among the uses hereinafter listed as permitted in the zone in which such building or land is located.
- D. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located.
- E. No building shall be erected, no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area and building location requirements.
- F. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other buildings, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- G. No off-street parking facility or loading berth provided to meet the minimum off-street parking or loading requirements for one use or structure shall be considered as providing off-street parking or loading for a use or structure on any other lot.
- H. No land in a residential zone shall be used to fulfill open space, parking or similar requirements for uses in nonresidential zones. No driveway access shall be allowed through a residential zone to service a use in a nonresidential zone.
- I. All construction shall be landward of the mean high tide established and updated from time to time by the appropriate governmental agency with jurisdiction over same, and no new construction or substantial improvement of existing structures shall be permitted on piers or platforms projecting into or over the Hudson River or Weehawken Cove. However, new construction or substantial improvement of functionally dependent uses, open space and outdoor passive and active recreational uses is permitted seaward of the mean high tide and on piers or platforms, provided that such new construction or substantial improvement creates no additional threats to public safety and complies with the applicable requirements of Chapter **104** of the Municipal Code of the City of Hoboken.
[Added 12-18-2013 by Ord. No. Z-264]
 - (i) A "functionally dependent use" is that which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

- (2) For purposes of this provision, "substantial improvement" shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
 - (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
 - (b) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."

§ 196-5.1. Nonconforming uses, structures and lots.

- A. Continuation. A use, building or structure, lawfully in existence at the effective date of this chapter, which shall be made nonconforming at the passage of this chapter or any applicable amendment thereto, may be continued, except as otherwise provided in this article. Any nonconforming use, building, structure or lot may change ownership and continue to function as the same nonconforming use, building, structure or lot, provided that all other conditions of this article are met.
- B. Maintenance and repairs. Maintenance and repair work may be made to a nonconforming use, structure or lot, provided that the maintenance work does not change the use, expand the building or the functional use of the building, increase the area of a lot used for a nonconforming purpose or increase the nonconformity in any manner. No alterations may be made which would increase the number of dwelling units.
- C. Residential improvements. A building containing a nonconforming residential use or a nonconforming building containing a residential use may be altered in any way to improve interior livability, provided that no alterations may be made which would increase the number of dwelling units.
- D. Reconstruction. No existing nonconforming building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, except when changed to a conforming building or use, or when required to do so by law, except as follows:
 - (1) Any nonconforming use or structure sustaining damage by fire, flood, casualty or act of God constituting less than 50% of the building's market value before the damage occurred may be repaired and used as before, provided that the floor area of such use, building or structure shall not exceed the floor area or building volume which existed prior to such damage. All repairs shall be completed within one year after damages occur or such use or structure shall not be restored, except as a conforming use or structure.
[Amended 12-18-2013 by Ord. No. Z-264]
 - (2) In the event that the cost to repair damage is determined to be 50% or more of a building's market value, that building shall only be reconstructed as a conforming use or structure. The Board of Adjustment may authorize variances for rebuilding only after the provisions for flood hazard prevention have been met.
[Amended 12-18-2013 by Ord. No. Z-264].
 - (3) In the event that the owner and Building Inspector are unable to agree on the extent of damage, a determination will be made by a group of three people consisting of the Building Inspector, the owner or a professional architect or engineer acting as a representative of the owner, and an independent

professional engineer or architect.

- (4) The fee of the independent engineer or architect shall be agreed to and paid in equal portions by the City and the owner of the building in question.

E. Termination. A nonconforming use shall be considered terminated subject to the following:

- (1) Abandonment. A nonconforming use shall be considered abandoned and may not be revived if:
 - (a) The use is terminated by the owner;
 - (b) The owner fails to maintain the structure, or structure and land in combination, to a standard of habitability consistent with the nonconforming use; or
 - (c) The property otherwise meets the criteria to be deemed abandoned subject to N.J.S.A. 55:19-78 et seq.
- (2) Conversion to permitted use. Any nonconforming use or structure which has been changed to a permitted use shall not be revived as a nonconforming use, except by variance.

§ 196-5.2. Relief.

Any deviation from a provision of this chapter which is identified as a design standard shall require a waiver by the reviewing board from the specific design standard. Any other deviation from the provisions of this chapter shall be by way of variance pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-70, unless specified otherwise in this chapter.

§ 196-5.3. Amendments.

The provisions of this chapter shall be reviewed from time to time for consistency and applicability and may be amended in accordance with the laws of the State of New Jersey and the City of Hoboken.

§ 196-5.4. Areas of redevelopment or rehabilitation.

Any area officially declared and delineated as a redevelopment or rehabilitation area by duly adopted ordinances, where standards and designations contained in a redevelopment plan or rehabilitation plan are duly adopted by ordinance, such legally adopted plans shall take precedence over any standards contained in this chapter.

§ 196-5.5. Consistency.

This chapter shall be read in pari materia with the Land Use Procedures Ordinance, Chapter **44** of the Code of the City of Hoboken.

§ 196-5.6. Repealer.

All ordinances and all provisions thereof inconsistent with the provisions of this chapter be and the same are hereby repealed, except that any building permit, variance, special exception permit, occupancy permit or other permit validly issued pursuant to any such ordinance shall remain valid and effective and shall continue to be governed by the terms and conditions of such ordinance.

§ 196-5.7. Validity.

If any section, subsection, sentence, clause, or phrase of this chapter or the location of any district boundary shown on the **Zoning Map(s)** that forms a part hereof is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this chapter or **Zoning Map(s)**.

Article II. Definitions

§ 196-6. Definitions.

- A. **Word Usage.** Words used in the present tense include the future; words used in the singular number include the plural number and vice versa. The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, occupied or intended to be used; the word "lot" includes the word "plot" and "premises"; the word "building" includes the words "dwelling" or "residence" or "premises" or "use" and includes a part or portion of a building, as well as the whole building. The word "shall" is mandatory and not discretionary. The word "zone" includes the word "district." Any word or term not defined herein shall be used with a meaning of standard usage.
[Amended 9-6-1995 by Ord. No. R-141]
- B. **Terms defined.** As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY APARTMENT

A single dwelling unit constructed above a one-story accessory residential garage with direct access from Court Street and subject to the regulations of the Court Street overlay district.
[Added 6-21-1989 by Ord. No. P-58]

ACCESSORY USE, STRUCTURE OR BUILDING

A structure, building or use, including off-street parking, subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building. A wireless telecommunications antenna shall be considered an accessory use in the zoning districts which so indicate it subject to the regulations specified in §§ **196-35, 196-26** and elsewhere. Other than in the case of a planned development or a wireless telecommunications antenna as defined and regulated in this chapter, if an accessory structure or building is attached to the principal building, it shall be considered a part thereof. Other than in the case of a planned development, an accessory use, structure or building not located on the same tax lot shall be judged a conditional use. In the case of a planned development, the use, structure or building shall be deemed accessory if it is subordinate to and customarily incidental to any of the other uses within a planned development, even though the accessory use is not located on the same tax lot as any of the other uses.
[Amended 6-21-1989 by Ord. No. P-58; 9-16-1995 by Ord. No. R-141; 5-7-2003 by Ord. No. DR-91]

ALTER

To move a structure from one location to another on the same lot or to change, rearrange or enlarge the structure or to make any change in the supporting members of a structure, including but not limited to bearing walls, retaining walls, columns, beams or girders.

ALTERATION

An addition, change or modification, requiring a permit, for a building, structure, object, site or landscape feature or the service equipment thereof that affects safety, health or structure and whose addition, change or modification is not classified as a minor alteration or ordinary repair.

[Added 3-20-1991 by Ord. No. P-136]

ALTERATION, MINOR

Replacement or renewals of existing work, requiring a permit, of a building, structure, object, site or landscape feature or of parts of the service equipment therein, with the same or equivalent materials or equipment parts, that are made in the ordinary course of maintenance and that do not in any way affect health, fire or structural safety of the building, structure, object, site or landscape feature.

[Added 3-20-1991 by Ord. No. P-136]

APARTMENT

One or more rooms comprising a dwelling unit in a multifamily dwelling and/or serving as the home or residence of an individual, or a household.

[Added 3-20-1991 by Ord. No. P-136]

APPURTENANCE

Any accessory or subordinate building, object or structure or landscape feature located on the site of an historic landmark or in an historic district.

[Added 3-20-1991 by Ord. No. P-136]

ARCHAEOLOGICAL

The science or study of the material remains of past lives or activities and the physical site, location or context in which they are found, as delineated in the Department of the Interior's Archaeological Resources Protection Act of 1979.

[Added 3-20-1991 by Ord. No. P-136]

ARCHITECTURAL

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

[Added 3-20-1991 by Ord. No. P-136]

AREA

A specific geographic division of the City of Hoboken.

[Added 3-20-1991 by Ord. No. P-136]

AUTOMOBILE LAUNDRY

An establishment where automobiles are washed as the principal business.

AUTOMOBILE SALES AREA

A premises, including open areas other than a street or way and showrooms enclosed within a building, used for the display, sale, or rental of new or used automobiles, trucks, vans and boats.

[Amended 2-18-1998 by Ord. No. R-294]

AUTOMOBILE SERVICE STATION OR FILLING STATION

A building or premises in or on which the principal use is the retail sale of gasoline, oil or other fuel for motor vehicles and which may include, as an incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles but may not include liquefied petroleum gas distribution facilities, facilities for major repairs to motor vehicles, wrecker services or rental operations.

BAR

A place of business duly licensed by the Alcoholic Beverages Control Board for the sale and on-premises consumption of alcoholic beverages by the drink as the principal or primary use, whether or not food service is also provided.

[Amended 10-19-1994 by Ord. No. R-84]^[1]

BASEMENT

A space having at least 1/2 of its floor-to-ceiling height above the average level of the adjoining exterior grade. A "basement" shall be counted as a story if used for business, industrial, office or residential purposes.

[Amended 6-21-1989 by Ord. No. P-58; 2-6-2002 by Ord. No. DR-17]

BILLBOARD

See definition of "sign."

BLOCK

The length of a street between two intersections.

BLOCK FRONTAGE

All lots, including corner lots fronting along the street line on one side of a street between two intersecting streets, measured in feet.

[Amended 6-21-1989 by Ord. No. P-58]

BLOCK WIDTH

On any rectangular block, "block width" shall be the lesser of the two dimensions. The widths of nonrectangular blocks shall be calculated individually by the Planning Board.

[Added 6-21-1989 by Ord. No. P-58]

BOARD OF ADJUSTMENT

The Zoning Board of Adjustment of the City of Hoboken established pursuant to Section 56 of the New Jersey Municipal Land Use Law.^[2]

BUILDING

Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements.

BUILDING COVERAGE

The percentage of area of a lot which is occupied by the physical limits of all buildings. In the case of a planned unit development, "building coverage" is calculated as the percentage of area of a development block occupied by the physical limits of all buildings, subject to the exclusions identified in § 196-27.1B(3)(b), the same as lot coverage.

[Amended 6-21-1989 by Ord. No. P-58; 10-19-1990 by Ord. No. R-84; 9-6-1995 by Ord. No. R-141]

BUILDING HEIGHT

The vertical distance measured from the mean level of the ground around the foundation to the highest point of the finished roof.

[Amended 6-21-1989 by Ord. No. P-58]

BUILDING, LOFT

A nonresidential structure located in a district permitting residential uses in which structure residential uses are permitted in accordance with § **196-38K** of this chapter.

[Amended 6-21-1989 by Ord. No. P-58; 3-3-1999 by Ord. No. R-371]

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the building site on which it is situated. In any residential district, any dwelling shall be deemed to be a "principal building" on the district lot on which the same is located.

BUILDING, RESIDENTIAL

See definition of "dwelling."

BULKHEAD, ELEVATOR

A roof structure enclosing an elevator and its machine room.

[Added 6-21-1989 by Ord. No. P-58]

BULKHEAD, STAIR

A roof structure enclosing a stairway providing access to the roof.

[Added 6-21-1989 by Ord. No. P-58]

CELLAR

A space with less than 1/2 of its floor-to-ceiling height above the average finished grade of the adjoining exterior ground. Such space shall not be used for other than storage or installed building equipment.

[Amended 6-21-1989 by Ord. No. P-58; 2-6-2002 by Ord. No. DR-17]

CERTIFICATE OF APPROPRIATENESS

A document attesting that proposed work within an historic district or affecting an historic site has been reviewed and deemed appropriate and consistent with the purpose of this chapter by the Hoboken Historic Preservation Commission.

[Added 3-20-1991 by Ord. No. P-136]

CERTIFICATE OF NO EFFECT

A document attesting that proposed work within an historic district or affecting an historic site has been reviewed and found not detrimental to the historic district or site on which the work is to be done.

[Added 3-20-1991 by Ord. No. P-136]

CITY

The City of Hoboken, Hudson County, New Jersey.

CLINIC

An ambulatory health care facility where one or more of the services of a hospital are provided on an outpatient basis by two or more physicians, dentists, other medical personnel, psychologists or social workers but not including a health care professional's private office.

[Amended 3-3-1999 by Ord. No. R-371]

CLUB

A voluntary organization, not conducted for gain, with facilities catering principally to members and their guests for recreational, athletic or social purposes.

CLUSTER

A group of cultural resources with compatible buildings, objects or structures geographically or thematically relating to and reinforcing one another through design, setting, materials, workmanship, congruency and association.

[Added 3-20-1991 by Ord. No. P-136]

COLLEGE or UNIVERSITY

A public or private institution for higher learning, beyond grade 12, providing courses of instruction as approved by the New Jersey Department of Higher Education.

CO-LOCATION

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

[Added 5-7-2003 by Ord. No. DR-91]

COMMERCIAL USE

This use category shall include retail or personal services and establishments; office buildings; automotive and allied sales and services; business services and similar uses. With the exception of commercial uses within a Planned Development, this definition shall not include such commercial uses as are otherwise specifically mentioned for any district. This definition shall also not include any uses as may generate noise, traffic, fumes, glare or maintenance and storage problems different in kind or degree from the commonly experienced impact of the above-included uses.

[Amended 6-21-1989 by Ord. No. P-58; 9-6-1995 by Ord. No. R-141]

COMMON PROPERTY

A parcel or parcels of land, together with the improvements thereon; whereas the ownership, use and enjoyment of the same are shared by the owners and tenants of the individual dwelling units in the development.

[Added 3-20-1991 by Ord. No. P-136]

COMPATIBLE PROPERTY

A resource in an historic district or cluster distinguished by its scale, material, compositional treatment and other features that provide the setting for more important resources and add to the character of the scene.

[Added 3-20-1991 by Ord. No. P-136]

CONDITIONAL USE

A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of an authorization therefor by the Planning Board.

CONSTRUCTION

[Added 3-20-1991 by Ord. No. P-136]

- (1) The act of: adding an addition to an existing building or structure.

- (2) The erection of a new principal or accessory building or structure on a lot or property.
- (3) Alterations.

CONTRIBUTING PROPERTY

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

[Added 3-20-1991 by Ord. No. P-136]

CONVERSION

Change of use of an existing building or structure.

[Added 6-21-1989 by Ord. No. P-58]

COUNTY PLANNING BOARD

The Planning Board of Hudson County, New Jersey.

CULTURAL

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

[Added 3-20-1991 by Ord. No. P-136]

CUSTOMER SERVICE AREA

The floor area of a retail establishment including retail businesses and services, eating and drinking places and retail food service establishments in which customers assemble to receive the goods or services offered and in which goods are displayed and sales are transacted. It does not include those areas of the establishment used for bulk storage, kitchens and toilets.

[Added 6-29-1994 by Ord. No. R-58]

DECIBEL

A unit of measurement of the intensity (loudness) of sound.

DEMOLITION

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

[Added 3-20-1991 by Ord. No. P-136]

DENSITY

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

[Added 3-20-1991 by Ord. No. P-136]

DESIGN GUIDELINES

Standards set forth in this chapter by the Historic Preservation Commission or which are subsequently adopted by the Hoboken Council which aim to preserve and provide a continuity of the historic, cultural and architectural character of an area or of a building, object, site, structure or landscape feature.

[Added 3-20-1991 by Ord. No. P-136]

DEVELOPMENT

Construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, and any use or change in the use of any building or other structure, or land or extension of use of land for which permission may be required, as set forth in this chapter or the

Municipal Land Use Law.^[3]
[Added 6-21-1989 by Ord. No. P-58]

DEVELOPMENT BLOCK

The area in a planned unit development bounded by existing public streets and/or public or private streets created in accordance with the Urban Design Review guidelines, § 196-27.1.
[Added 9-6-1995 by Ord. No. R-141]

DEVELOPMENT REGULATION

A zoning ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto, adopted and filed pursuant to the New Jersey Municipal Land Use Law.^[4]

DISTRICT

A "district," or "zoning district," shall be any portion of the territory of the City of Hoboken within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this chapter.

(1) DISTRICT, OVERLAY

An "overlay district," termed a "subdistrict" in this chapter, is designed to provide flexibility to particular regulatory needs by modifying district regulations for a specific area within the district whose characteristics, while significantly related to those of the larger district, have special requirements and whose boundaries are shown by a distinctive overlay pattern or subdistrict boundary line.

(2) DISTRICT, SPECIAL REVIEW

One in which certain uses, because of the district's unique characteristics, may or may not be appropriate depending on all of the circumstances of the individual case. Special review procedures, as set forth in this chapter, are established to ensure that such uses are compatible with their locations and surrounding land uses and will further the purpose of this chapter.

DORMITORY

A building to provide sleeping and living accommodations with sanitary and general living facilities designed and used to accommodate students of a university or college or other educational use.

DRIVEWAY

A private paved access from a public way to off-street parking facilities.
[Added 6-21-1989 by Ord. No. P-58]

DRY CLEANING ESTABLISHMENT, DROP-OFF

A retail dry cleaning establishment providing the ability to drop-off and pick-up dry cleaning with all dry cleaning being performed off premises.
[Added 5-19-1999 by Ord. No. R-383]

DRY CLEANING ESTABLISHMENT, ON PREMISES

A retail dry cleaning establishment where some or all dry cleaning is conducted on premises.
[Added 5-19-1999 by Ord. No. R-383]

DWELLING

Any building or portion thereof designed or used primarily as the permanent residence or sleeping place of one or more persons. A "dwelling" is not a hotel, motel, hospital, nursing home, dormitory,

fraternity or sorority house, rooming house or similar structure under the terms of this chapter.

(1) **DWELLING, SINGLE-FAMILY**

A detached building containing one dwelling unit only.

(2) **DWELLING, TWO-FAMILY**

A detached building containing two dwelling units only.

(3) **DWELLING, THREE- OR FOUR-FAMILY**

A building or portion thereof containing three or four dwelling units respectively.

(4) **DWELLING, MULTIFAMILY**

A building or portion thereof containing more than four dwelling units.

(5) **DWELLING, APARTMENT**

See "apartment."

[Added 3-20-1991 by Ord. No. P-136]

(6) **DWELLING, DETACHED**

A building physically detached from other buildings or portions of buildings which is occupied or is intended to be occupied for residence purposes by one housekeeping unit.

[Added 3-20-1991 by Ord. No. P-136]

DWELLING UNIT

A building or portion thereof providing complete housekeeping facilities for one family.

ECONOMIC RETURN

A profit from use of a building, object, site or structure that accrues from investment or labor.

[Added 3-20-1991 by Ord. No. P-136]

EDUCATIONAL USE

Public, parochial and private elementary and secondary schools duly licensed by the State of New Jersey, attendance at which is a sufficient compliance with the compulsory education requirements of the state. This definition shall be deemed to include all activities secondary or subordinate to the main activity of such institution, which activities are a part of the normal operation of the school or institution as set forth in its Charter.

EFFECT

A change in the quality of the historical, architectural, archaeological or cultural significance of a resource or in the characteristics that qualify the resource as historically important.

[Added 3-20-1991 by Ord. No. P-136]

EFFECT, ADVERSE

A negative change in the quality of the historical, architectural, archaeological or cultural significance of a resource or in the characteristics that qualify the resource as historically important.

[Added 3-20-1991 by Ord. No. P-136]

ESSENTIAL UTILITY OR PUBLIC SERVICES

The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public

utilities or municipal or other governmental agencies or for the public health or safety or general welfare. "Essential services" shall include firehouses, first aid and emergency aid squads and CATV, whether provided by a municipal or private agency.

FAA APPLICATION

Any application, or other request, to the Federal Aviation Administration for a license, certificate, waiver, special temporary authorization, or any other instrument of authorization issued by the Federal Aviation Administration regarding an applicant's telecommunications structures, antennas and equipment.

[Added 5-7-2003 by Ord. No. DR-91]

FAA FILINGS

Any application with all attachments, exhibits, appendices, memoranda, amendments, supplements and comments; all correspondence addressed to the Federal Aviation Administration, individual comments or objections of other parties, including but not limited to, informal objections, petitions to deny proposed findings of fact, conclusions of law, and briefs on appeal; the initial decision of the Federal Aviation Administration; notices of appeal; all briefs and other documents on appeal; and all other related matters.

[Added 5-7-2003 by Ord. No. DR-91]

FAMILY

Any number of individuals, related by blood, marriage or adoption (or not more than five individuals who are not so related), living together as a single housekeeping unit, using rooms and housekeeping facilities in common and having such meals as they may eat at home prepared and eaten together.

FCC APPLICATION

Any application, or other request, to the Federal Communications Commission for a license, certificate, waiver, special temporary authorization, or any other instrument of authorization issued by the Federal Communications Commission under the Telecommunications Act of 1934 or the Telecommunications Act of 1996.

[Added 5-7-2003 by Ord. No. DR-91]

FCC FILINGS

Any application with all attachments, exhibits, appendices, memoranda, amendments, supplements and comments; all correspondence addressed to the Federal Communications Commission, individual comments or objections of other parties, including but not limited to informal objections, petitions to deny proposed findings of fact, conclusions of law, and briefs on appeal; the initial decision of the Federal Communications Commission; notices of appeal; all briefs and other documents on appeal; and all other related matters.

[Added 5-7-2003 by Ord. No. DR-91]

FLOOR AREA

The sum of the gross horizontal area of all floors of any building on a lot, measured from the exterior walls or from the center line of walls common to two buildings, but not including cellar space, floor space in open balconies, elevator or stair bulkheads and mechanical spaces. For the purposes of applying the requirements of off-street parking and loading, "floor area," in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used by tenants or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for nonpublic purposes, such as shop windows, for offices incident to the management or maintenance of stores or buildings, for toilets or restrooms, for utilities or for dressing rooms.

[Amended 10-20-1993 by Ord. No. R-8; 4-20-1994 by Ord. No. R-40]

FLOOR AREA RATIO (FAR)

The sum of the area of all floors of buildings or structures compared to the total area of the site.

[Amended 10-20-1993 by Ord. No. R-8; 4-20-1994 by Ord. No. R-40]

FOOTCANDLE

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

[Added 3-20-1991 by Ord. No. P-136]

FRATERNITY/SORORITY HOUSE

A rooming house, with or without provision for general meals, which is open only to students of a college or university, is owned and/or operated under the auspices of a sorority or fraternity officially recognized by a college or university and which is under the supervision of a resident manager.

FUNERAL HOME

A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

GARAGE, ACCESSORY

A detached accessory building or portion of a principal building used to satisfy the off-street parking requirements of on-site uses per Article **XI** of this chapter.

[Amended 6-21-1989 by Ord. No. P-58]

GARAGE, COMMERCIAL

A building or premises used for the repair, rental, sale and/or servicing of motor vehicles and/or the retail sale of fuel for such vehicles.

[Amended 6-21-1989 by Ord. No. P-58]

GARAGE, PRIVATE

An accessory building or structure or portion of a main building or structure for the parking of passenger motor vehicles and in which no occupation, business or services for profit are conducted.

[Added 3-20-1991 by Ord. No. P-136]

GARAGE, PUBLIC

A garage, other than an accessory garage, which is open to the public with or without a fee for the hourly, daily or monthly parking of motor vehicles.

[Amended 6-21-1989 by Ord. No. P-58]

GENERAL DEVELOPMENT

A comprehensive plan for the development of a planned development as authorized by N.J.S.A. 40:55D-39.

[Added 11-17-1989 by Ord. No. P-87]

GOVERNING BODY

The Mayor and City Council of Hoboken, New Jersey.

GROSS FLOOR AREA

The area of all floors of a building, including interior balconies and mezzanines, measured from the interior walls of each story of a building. The "gross floor area" of all buildings on a lot shall include the floor area of accessory buildings on the same lot, measured the same way.

[Added 11-17-1989 by Ord. No. P-87; amended 10-20-1993 by Ord. No. R-8; 4-20-1994 by Ord. No. R-40]

GROSS USE AREA

In planned unit developments, where ranges of ratios of residential and nonresidential uses are specified, "gross use area" represents both (i) the gross floor area of all buildings devoted to a particular use and (ii) the gross area of open land, platform or pier devoted to a particular use. In either case, the calculation of gross use area shall exclude streets as well as square footage devoted to accessory off-street parking, whether located within the principal building, within a separate accessory building or in open areas on the land, platform or pier. Open areas such as areas developed as passive or active recreation, riverfront walkway, marina or waterborne transportation may be included in the calculation.

[Added 10-20-1993 by Ord. No. R-8; amended 4-20-1994 by Ord. No. 4-40; 9-4-1996 by Ord. No. R-200]

HELISTOP or HELIPAD

A landing pad for a helicopter, which pad is duly licensed by the State of New Jersey.

HISTORIC DISTRICT

One or more historic sites, resources and intervening or surrounding property significantly affecting or affected by the quality and character of the historical site or sites and officially designated as an historic district by ordinance.^[5]

[Added 3-20-1991 by Ord. No. P-136; amended 8-15-2012 by Ord. No. Z-196]

HISTORIC PRESERVATION COMMISSION

A commission of the City of Hoboken as established by municipal ordinance and as such ordinance may be amended to conform to state enabling legislation or for other reasons.^[6]

[Added 3-20-1991 by Ord. No. P-136]

HISTORIC SITE

Any real property, man-made structure, natural object, vista or configuration or any portion or group of the foregoing which has been formally designated by the Mayor and City Council as being of historical, archaeological, cultural, scenic or architectural significance. An historical site may also be called a landmark or historical landmark.

[Amended 3-20-1991 by Ord. No. P-136; 8-15-2012 by Ord. No. Z-196]

HOME OCCUPATION

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

HOSPITAL

An institution, public or private, which is primarily engaged in providing diagnostic, therapeutic and

rehabilitation services to patients, both on an inpatient and an outpatient basis, by or under the supervision of nurses, physicians, technicians or other health-care personnel and which also furnishes items or services ancillary to such services.

[Amended 3-3-1999 by Ord. No. R-371]

HOTEL

Any building containing more than nine rooms or which accommodates more than 14 persons, said rooms of which are rented for sleeping purposes for compensation and which are reached from hallways common to more than two.

HOUSE OF WORSHIP

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

HOUSING CODE

The "Housing Code" of the City of Hoboken is that ordinance, as it may be amended, establishing minimum standards governing the condition and maintenance of dwellings.

INCIDENTAL

Something that happens over time without intention or calculation.^[7]

[Added 3-20-1991 by Ord. No. P-136]

INSTRUCTIONAL USE

An institution or organization not licensed or accredited as a school by the State of New Jersey, which provides for the teaching of any skill or body of knowledge independent of a general curriculum or studies. An "instructional use" is to be distinguished from an educational use and from tutoring.

INTRUSION

A building, object, site, structure or landscape feature which detracts from a building, historic district or cluster of historical significance because of its incompatibility with the historic district's or cluster's sense of time and place and historical development or its incompatibility of scale, materials, texture or color or whose integrity has been irretrievably lost.

[Added 3-20-1991 by Ord. No. P-136]

INVENTORY

A systematic listing of cultural, historical, architectural or archaeological resources prepared by the City, state or federal government or a recognized local historic authority, following standards set forth by federal, state and City regulations for evaluation of cultural properties.

[Added 3-20-1991 by Ord. No. P-136]

JUNKYARD

An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes an automobile wrecking yard but does not include uses established entirely within enclosed buildings.

LANDMARK

The word "landmark" may substitute, in any ordinance, resolution, determination or official action pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), for "historic," "historic preservation" and "historic site."

[Added 3-20-1991 by Ord. No. P-136]

LANDSCAPE FEATURE

Any grade, body of water, stream, rock, plant, shrub, tree, path, walkway, road, plaza, fountain, sculpture or other form of natural or artificial landscaping.

[Added 3-20-1991 by Ord. No. P-136]

LOADING SPACE

An off-street space or berth for the temporary parking of a vehicle while loading or unloading. Loading spaces are regulated in Article **XI**.

[Amended 2-18-1998 by Ord. No. R-294]

LOT COVERAGE

Same as building coverage.

[Added 6-21-1989 by Ord. No. P-58; amended 9-6-1995 by Ord. No. R-141]

LOT or ZONE LOT

A designated parcel, tract or area of land as shown on the Tax Map, established by a plat or otherwise as permitted by law, having frontage on a public street or, in the case of a planned development, on a public or private street approved pursuant to the Urban Design Review under § **196-27.1** of this chapter, and to be used, developed or built upon for a principal use and/or uses accessory or incidental to the operation thereof.

[Amended 6-21-1989 by Ord. No. P-58; 9-6-1995 by Ord. No. R-141; 3-3-1999 by Ord. No. R-371]

(1) LOT, CORNER

A lot abutting upon two or more streets at their intersection or upon two parts of the same street, forming an interior angle of less than 135°. The point of intersection of the street lot lines is the "corner."

(2) LOT DEPTH

The mean horizontal distance between the front and rear lot lines.

(3) LOT WIDTH

The mean width of the lot measured at right angles to its depth.

(4) LOT AREA

The computed area contained within the lot lines.

(5) LOT LINES

The property lines bounding the lot.

(6) LOT, INTERIOR

A lot not bounded by a street.

[Added 3-20-1991 by Ord. No. P-136]

(7) THROUGH LOT

A lot fronting on two parallel streets or on two streets that do not intersect at the boundaries of the lot.

[Added 3-3-1999 by Ord. No. R-271]

LUMEN

A unit of measure for the flow of light.

[Added 3-20-1991 by Ord. No. P-136]

MARINA

A boat basin with facilities for berthing, servicing and securing all types of recreational watercraft, as well as providing adequate supplies, provisions, storage and fueling facilities. The following facilities may be provided: boat slips, boat-handling equipment, repair and maintenance facilities; marine and hardware supplies, launching facilities; fuel station; locker and sanitary facilities; a restaurant and clubhouse; recreational facilities, such as swimming pools and picnic grounds; spectator area; pedestrian area; and auto parking.

MASTER PLAN

A composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to Section 19 of the New Jersey Municipal Land Use Law.^[8]

MICROCELL

A small patch antenna which is generally surface-mounted to a building facade.
[Added 5-7-2003 by Ord. No. DR-91]

MIXED USE

[Repealed 3-3-1999 by Ord. No. R-371]

MOTEL

A hotel designed primarily for transient automobile travelers and providing for accessory off-street parking facilities.

NONCONFORMING LOT, STRUCTURE OR USE

A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment. "Nonconforming structure" means a structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment. "Nonconforming use" means a use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

NONCONTRIBUTING

A building, object, site or structure which neither adds to or detracts from an historic district's or cluster's sense of time and place and historical development.
[Added 3-20-1991 by Ord. No. P-136]

NURSERY SCHOOL

Any place, however designated, operated for the purpose of providing daytime care or instruction for five or more children, from two to seven years of age inclusive, and operated on a regular basis, including kindergartens, day nurseries and day-care centers.

NURSING HOME

Any premises meeting the standards of the New Jersey State Department of Institutions and Agencies to operate as a nursing home.

OBJECT

An object is a material thing of functional, aesthetic, cultural, historical, archaeological or scientific value that may be, by nature or design, moveable yet related to a special setting or environment.
[Added 3-20-1991 by Ord. No. P-136]

OFFICE

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

OFFICE BUILDING

A building which has more than 80% of its net floor area occupied by business or professional offices.
[Amended 6-21-1989 by Ord. No. P-58]

OPEN SPACE

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

[Amended 6-21-1989 by Ord. No. P-58; 11-17-1989 by Ord. No. P-87; 9-4-1996 by Ord. No. R-200]

OPEN SPACE RATIO

The percentage of total floor area, expressed in square feet, which shall be required in square feet of open space.

PARKING AREA, PRIVATE

[Repealed 2-18-1998 by Ord. No. R-294]

PARKING AREA, PUBLIC

An open area, other than a street or public way, used for the parking of automobiles and available to the public, whether for a fee, free or as an accommodation for clients or customers.

PARKING FACILITY

A garage or parking area.

PARKING FACILITY, MAJOR

A public or accessory parking facility with a capacity of 50 or more vehicles.

[Added 6-21-1989 by Ord. No. P-58]

PARKING SPACE

An off-street parking space available for parking of one motor vehicle within a public or private area and subject to the dimensional standards in § **196-40A**.

[Amended 9-6-1995 by Ord. No. R-141]

PARTICULATE MATTER

Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

PEDESTRIAN BRIDGE

A pedestrian bridge is a continuous enclosed bridge which spans a street and is permitted only for the purpose of connecting two publicly owned buildings or two buildings where one is publicly owned and one is owned by a semi-public entity such as a nonprofit, philanthropic, religious or health services organization. In any event, at least one of the public entities must be the City of Hoboken or a municipal agency or authority such as the Hoboken Parking Authority. Such street encroachment, if permitted in a district, is subject to approval by the City Council and must comply with the design requirements of § **168-5**.

[Added 3-3-1999 by Ord. No. R-371]

PENTHOUSE

A roofed enclosure on top of a building and occupying not more than 20% of the main roof area. It shall not exceed 10 feet in height and shall be set back at least 10 feet from the building line. A nonmechanical penthouse exceeding 6 1/2 feet in height above the mean roof level shall be classified as a story.

[Added 6-21-1989 by Ord. No. P-58]

PERFORMANCE STANDARD

Criteria establishing controls on noise, odor, smoke, toxic or noxious matter, vibration, fire and explosion hazards and glare or heat generated by or inherent in uses of land or buildings.

PERMITTED USE

Any use of land or buildings as permitted by this chapter.

[Added 3-20-1991 by Ord. No. P-136]

PLANNED COMMERCIAL DEVELOPMENT

An area of a minimum contiguous size of three acres to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incident to the predominant use as may be permitted by ordinance.

[Amended 6-21-1989 by Ord. No. P-58]

PLANNED DEVELOPMENT

"Planned development" means planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

[Amended 6-21-1989 by Ord. No. P-58; 9-4-1996 by Ord. No. R-200]

PLANNED INDUSTRIAL DEVELOPMENT

An area of a minimum contiguous size of five acres to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use, as may be permitted by ordinance.

PLANNED UNIT DEVELOPMENT

An area comprised of a minimum contiguous acreage of 10 acres, which may include piers, platform and water area, to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as are specified in this chapter.

[Amended 6-21-1989 by Ord. No. P-58; 11-17-1989 by Ord. No. P-87; 10-20-1993 by Ord. No. R-8; 4-20-1994 by Ord. No. R-40; 9-6-1995 by Ord. No. R-141]

PLANNED UNIT RESIDENTIAL DEVELOPMENT

An area with a minimum contiguous acreage of five acres or more to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial, public or quasi-public uses, all primarily for the benefit of the residential development.

[Amended 6-21-1989 by Ord. No. P-38; 9-4-1996 by Ord. No. R-200]

PLANNING BOARD

The Planning Board of the City of Hoboken as established by the local governing body in accordance

with the requirements of the New Jersey Municipal Land Use Law.^[9]

PREEXISTING TOWERS AND PREEXISTING ANTENNAS

Any tower or antenna for which a building permit has been properly issued, or for which a contract, lease or other agreement has been awarded or entered into by the City Council, prior to the effective date of this section, including previously approved towers or antennas that have not yet been constructed so long as such approval is current and not expired.

[Added 5-7-2003 by Ord. No. DR-91]

PREVAILING HEIGHT

See individual district regulations.

[Amended 6-21-1989 by Ord. No. P-58; 9-20-1989 by Ord. No. P-69; 2-6-2002 by Ord. No. DR-17]

PREVAILING SETBACK

See individual district regulations.

[Amended 2-6-2002 by Ord. No. DR-17]

PRINCIPAL STRUCTURE

A structure in which the principal use of a lot, on which the structure is located, is conducted.

[Added 3-20-1991 by Ord. No. P-136]

PRINCIPAL USE

The main use of land or structures as distinguished from a subordinate or accessory use.

[Added 3-20-1991 by Ord. No. P-136]

PRIVATE SCHOOL

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

[Added 3-20-1991 by Ord. No. P-136]

PROFESSIONAL OFFICE

The office of a member of a recognized profession.

PUBLIC OPEN SPACE

An open space area conveyed or otherwise dedicated to a municipality, municipal agency, Board of Education, state or county agency or other public body for recreational or conservational uses.

PUBLIC PURPOSE

The use of land or buildings by the governing body or some officially created City agency or authority.

[Added 3-20-1991 by Ord. No. P-136]

QUASI-PUBLIC

In planned unit or planned unit residential developments, "quasi-public" uses are those which are devoted to recreational, cultural or educational use whether owned and operated by a public, private or institutional entity so long as the area devoted to such use is made reasonably accessible to the public.

[Added 9-4-1996 by Ord. No. R-200]

RECONSTRUCTION

The act or process of reassembling, reproducing or replacing by new construction the form, detail and appearance of a property and its setting as it appeared at a particular period of time by means of the

removal of later work or by the replacement of missing earlier work or by reuse of original materials.
[Added 3-20-1991 by Ord. No. P-136]

RECREATION

(1) **RECREATION, COMMERCIAL**

Recreation facilities operated as a business and open to the general public for a fee and where no alcoholic beverages are served and no live entertainment is conducted.

[Amended 6-29-1994 by Ord. No. R-58]

(2) **RECREATION, PRIVATE, NONCOMMERCIAL**

Clubs or recreation facilities, operated by a non-profit organization and open only to bona fide members of such nonprofit organization.

(3) **RECREATION, PUBLIC**

Recreation facilities operated as a nonprofit enterprise by the City of Hoboken, any other governmental entity or any nonprofit organization and open to the general public.

REHABILITATION

The act or process of returning a building, object, site, structure or landscape feature to a state of utility through repair, remodeling or alteration that makes possible an efficient contemporary use while preserving those portions or features of the building, object, site or structure that are significant to its historical, architectural and cultural values.

[Added 3-20-1991 by Ord. No. P-136]

RELOCATION

Any change of the location of a building, object, site, structure or landscape feature in its present setting or to another setting.

[Added 3-20-1991 by Ord. No. P-136]

RESEARCH FACILITY

A building in which the principal activity is the systematic investigation of problems in order to discover answers or new facts and their interpretation. Reports and prototype objects shall be considered the principal products of a "research facility."

RESIDENTIAL BUILDING

A principal building in a residential zoning district designed for use as a one- to three-family or multifamily dwelling.

RESIDENTIAL CLUSTER DEVELOPMENT

A contiguous usage area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

[Added 9-4-1996 by Ord. No. R-200]

RESIDENTIAL DENSITY

[Repealed 9-4-1996 by Ord. No. R-200]

RESOURCES

A source or collection of buildings, objects, sites, structures, landscape features or areas that exemplify the cultural, social, economic, political, archaeological or architectural history of the nation, state or City.

[Added 3-20-1991 by Ord. No. P-136]

RESTAURANT

A building or portion thereof where food and beverages are sold for consumption on the premises as the principal or primary use.

[Amended 10-19-1994 by Ord. No. R-84]

RESTORATION

The act or process of accurately recovering the form and details of a building, object, site or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

[Added 3-20-1991 by Ord. No. P-136]

RETAIL BUSINESS OR SERVICE

This use category shall include retail or personal service establishments, such as appliance sales and services; banks; bakeries, food stores and supermarkets; barbershops and beauty parlors; pharmacy, book, card and stationery stores; candy and tobacco shops; dry goods and variety stores; department and clothing stores; florists and garden supply stores; hardware stores; newspaper and periodical vendors; business and professional offices; package liquor stores; photographic supplies, services; tailors and dressmakers; and similar uses. With the exception of retail business or service uses within a planned development, this definition shall not include such retail and personal service establishments as are otherwise specifically defined in this chapter or specifically mentioned for any district and shall not include such uses as may generate noise, traffic, fumes, glare or maintenance and storage problems different in kind or degree from the commonly experienced impact of above-included users. Dry cleaning establishments, drop-off, shall be permitted in any district permitting retail business services. Dry cleaning establishments, on premises, shall be permitted only in Zoning Districts I-1 and I-2.

[Amended 3-15-1993 by Ord. No. P-58; 9-6-1995 by Ord. No. R-141; 5-19-1999 by Ord. No. R-383]

RIVERBORNE PUBLIC TRANSPORTATION

Boats licensed to carry passengers for a fee from one riverfront terminal to another, whether interstate or intrastate.

[Added 6-21-1989 by Ord. No. P-58]

ROOF

The exterior covering of a building which bridges the space between the topmost plates or spandrel beams of exterior walls and protects the interior spaces beneath it from external natural elements such as sun, wind, rain and snow.

[Added 6-21-1989 by Ord. No. P-58]

ROOMING HOUSE

Any building which contains two or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator and otherwise meeting criteria set forth in N.J.S.A. 55:13B-1 et seq.

[Amended 6-21-1989 by Ord. No. P-58]

ROW HOUSE

One dwelling unit in a line of three or more connected dwelling units.

[Added 3-20-1991 by Ord. No. P-136]

SETBACK LINE

A line drawn parallel to a street line or lot line and drawn through the point of a building nearest to the street line or lot line. The term "required setback" means a line that is established a minimum

horizontal distance from the street line or the lot line beyond which a building or part of a building is not permitted to extend toward the street line or lot line.

SHIPPING TERMINAL

A building or group of buildings on a parcel of land with sufficient space for off-street loading and temporary storage of materials designated for the main purpose of receiving and dispatching materials being transferred from one mode of transportation to another.

SIDEWALK CAFE

See Chapter **168**, Streets and Sidewalks, Article **V**, Sidewalk Cafes. For the purposes of this chapter, a sidewalk cafe shall be considered an accessory use customarily incidental to an approved restaurant use.

[Added 5-19-1982 by Ord. No. C212; amended 6-21-1989 by Ord. No. P-58; 11-13-2012 by Ord. No. Z-220^[10]]

SIGN

A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include any display of official court or public notices nor any official traffic control device, nor shall it include the flag, emblem or insignia of a nation, state, county, municipality, school or religious group. A "sign" shall not include a sign located completely within an enclosed building, except for illuminated or animated signs within show windows. Each display surface of a sign shall be considered to be a "sign."

(1) **SIGN AREA**

The area within the shortest lines that can be drawn around the outside perimeter of a sign, including all decorations but excluding the supports, if they are not used for advertising purposes. All faces of the sign which carry advertising shall be included in computing "sign area."

(2) **SIGN, ADVERTISING**

A sign, structure or symbol erected and maintained by an individual or corporation engaged in the sale or rental for profit of space thereon to a clientele of manufacturing, service or commercial enterprises, upon which space there is displayed, by means of painting, posting or other method, advertising copy describing a wide variety of products or services which are not necessarily made, produced, assembled, stored or sold from the lot or premises upon which the advertisement is displayed. This is also known as a "billboard."

(3) **SIGN, BUSINESS**

A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where such sign is located, or to which it is affixed.

SITE

The location of a significant event, a prehistoric or historic occupation or activity or a building, structure, object, or landscaped feature, whether standing, ruined or vanished, where the location itself maintains historical, cultural, architectural or archaeological value, regardless of the value of any existing structure.

[Added 3-20-1991 by Ord. No. P-136]

SITE PLAN

A development plan of one or more lots on which is shown the existing and proposed conditions of

the lot, including but not necessarily limited to topography, vegetation and drainage; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices and any other information that may be reasonably required in order to make an informed determination pursuant to review and approval of site plans by the Planning Board as set forth in this chapter.

SITE PLAN REVIEW

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

[Added 3-20-1991 by Ord. No. P-136]

SITE PLAN, MINOR

A development plan for projects as described in § 196-26A(2) but not including planned development or any new street.

[Added 5-15-2002 by Ord. No. DR-39]

SPECIAL REVIEW

[Added 6-21-1989 by Ord. No. P-58; repealed 11-17-1989 by Ord. No. P-87]

STABILIZATION

The act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated building, object, site, structure or landscape feature while maintaining the essential form as it exists at present.

[Added 3-20-1991 by Ord. No. P-136]

STORY

That portion of a building included between the surface of any floor and the surface of the floor or roof next above it.

[Amended 6-21-1989 by Ord. No. P-58; 4-21-1999 by Ord. No. R-378]

STREET

Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway; or which is shown upon a plat heretofore approved pursuant to law; or which is approved by official action as provided by the New Jersey Municipal Land Use Law; or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board, and the grant to such Board of the power to review plats. It includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

STREET LINE

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

STRUCTURE

A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land, and permanently affixed thereto.

STRUCTURE HEIGHT

Same as "building height."

[Added 3-20-1991 by Ord. No. P-136]

SUBSTANTIAL ALTERATION

Alterations and repairs made to a residential structure in order to increase its number of dwelling units to 10 or more.

[Added 6-21-1989 by Ord. No. P-58]

THEMATIC GROUP

A finite group of resources related to one another in a clearly distinguishable way by association with a single historic person, event or development force, as one building type or use, as designed by a single architect, as a single archaeological site form or as a particular set of archaeological research.

[Added 3-20-1991 by Ord. No. P-136]

TOWER

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term shall include the structure and any support thereof.

[Added 5-7-2003 by Ord. No. DR-91]

TOWNHOUSE

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

[Added 3-20-1991 by Ord. No. P-136]

TRACT

An area consisting of one or more parcels, sites, pieces of land or property that are the subject of a development application.

[Added 3-20-1991 by Ord. No. P-136; amended 9-6-1995 by Ord. No. R-141]

UNUSUAL AND COMPELLING CIRCUMSTANCES

Those uncommon and extremely rare instances, factually detailed, which would warrant Historic Preservation Commission action due to the evidence presented.

[Added 3-20-1991 by Ord. No. P-136]

URBAN DESIGN REVIEW

A related aspect of site plan review applicable to planned developments in accordance with the provisions of N.J.S.A. 40:55D-45.

[Added 6-21-1989 by Ord. No. P-58]

USE

The principal purpose for which a lot or the principal building thereon is designed, occupied, maintained or intended to be used.

[Added 6-21-1989 by Ord. No. P-58]

USE, TEMPORARY

A use involving an activity or structure for a period of not more than 30 days.

[Added 6-21-1989 by Ord. No. P-58]

UTILITY

Water, sewerage, telephone, gas or electric service from a private or public utility company under the regulations of the New Jersey Public Utility Commission. On-site storage of gasoline, compressed gas, steam or use of conveyor belts, elevators, water mains or other means of storing, servicing or transporting goods and services on-site shall be considered a "utility."

VARIANCE

Permission to depart from the literal requirements of a zoning ordinance pursuant to Section 47 and Subsections 29-2.b.57c. and 57d. of the New Jersey Municipal Land Use Law.^[11]

VISTA

A view through or along an avenue, street or opening which as a view corridor frames, highlights or accentuates a prominent building, object, site, structure, scene or panorama or patterns or rhythms of buildings, structures, objects, sites or landscape features, to include views of areas at a distance.

[Added 3-20-1991 by Ord. No. P-136]

WIRELESS TELECOMMUNICATION ANTENNA

Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that transmit or receive radio frequency signals for wireless telecommunication towers.

[Added 5-7-2003 by Ord. No. DR-91]

WIRELESS TELECOMMUNICATION EQUIPMENT

Accessory facilities serving and subordinate in area, extent and purpose to, and on the same lot as a wireless telecommunication tower or antenna. Such facilities include transmission equipment, storage sheds, storage buildings and security fencing.

[Added 5-7-2003 by Ord. No. DR-91]

WIRELESS TELECOMMUNICATION TOWER

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

[Added 5-7-2003 by Ord. No. DR-91]

YARD

An open portion of a lot, as may be required by this chapter, of uniform width or depth on the same lot with a building or a group of buildings, which open portion lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as herein permitted. Parking is not permitted in any required yard except as permitted herein.

[Amended 2-18-1998 by Ord. No. R-294]

(1) YARD, FRONT

An open unoccupied space on a lot between the street line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

(2) YARD, REAR

An open unoccupied space on a lot between the rear lot line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

(3) YARD, SIDE

An open unoccupied space on a lot between the side lot line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

ZONING MAP

The **Zoning Map** or maps of the City of Hoboken, New Jersey, together with all amendments subsequently adopted.^[12]

ZONING OFFICER

The official appointed by the City Engineer or Business Administrator pending appointment of a City Engineer to review development applications for conformity with the City of Hoboken Zoning Ordinance and to perform such other duties related to zoning compliance as directed by local enabling legislation.

[Added 6-21-1989 by Ord. No. P-58]

- [1]: *Editor's Note: As to alcoholic beverages generally, see Ch. 68.*
- [2]: *Editor's Note: See Ch. 44, Land Use Procedures.*
- [3]: *Editor's Note: See N.J.S.A. 40:55D-1 et seq.*
- [4]: *Editor's Note: See N.J.S.A. 40:55D-1 et seq.*
- [5]: *Editor's Note: See Ch. 42, Historic Preservation. The definition of "Historic District Commission," which immediately followed this definition, was repealed 8-15-2012 by Ord. No. Z-196.*
- [6]: *Editor's Note: See Ch. 42, Historic Preservation.*
- [7]: *Editor's Note: The definition of "infill housing," which immediately followed this definition, was repealed 6-21-1989 by Ord. No. P-58.*
- [8]: *Editor's Note: See N.J.S.A. 40:55D-28.*
- [9]: *Editor's Note: As to the Planning Board see Ch. 44, Land Use Procedures.*
- [10]: *Editor's Note: This ordinance also repealed the former definitions of "sidewalk café, enclosed," added 6-21-1989 by Ord. No. P-58, "sidewalk café, limited," added 4-5-1995 by Ord. No. R-119, and "sidewalk café, open," added 6-21-1989 by Ord. No. P-58, which immediately followed.*
- [11]: *Editor's Note: See N.J.S.A. 40:55D-40 and 55D-70.*
- [12]: *Editor's Note: The **Zoning Map** is included at the end of this chapter.*

Article III. Zoning Districts Established

§ 196-7. Designation of districts and historic sites.

[Amended 6-21-1989 by Ord. No. P-58; 3-20-1991 by Ord. No. P-136; 3-15-1995 by Ord. No. R-116; 11-14-2005 by Ord. No. DR-209]

- A. Zoning districts established in fulfillment of the purposes of this chapter are designated as follows:
- | | |
|-------------|---|
| R-1 | Residence District (Conservation) |
| R-1(E) | Higher Education Subdistrict |
| R-1(CS) | Court Street Subdistrict |
| R-1(H)(CPT) | Castle Point Historic Subdistrict |
| R-2 | Residence District (Stabilization) |
| R-3 | Residence District (Redevelopment) |
| I-1 | Industrial District (Light Manufacturing) |
| I-1(W) | Waterfront Subdistrict |
| I-2 | Industrial District (Mixed Use) |
| CBD | Central Business District |
| CBD(H) | Historic Subdistrict |

CBD(H)(CS)	Court Street Subdistrict
W(RDV)	Waterfront Redevelopment Subdistrict (Special Review)
W(H)	Historic Subdistrict (Waterfront)
W(N)	Castle Point Subdistrict

- B. Historic sites established in fulfillment of the purposes of this chapter shall be designated by the Historic Preservation Commission, Mayor and City Council and are so set forth in Chapter **42** of this Code.
[Amended 8-15-2012 by Ord. No. Z-196]

§ 196-8. Zoning Map.

[Amended 3-20-1991 by Ord. No. P-136; 11-14-2005 by Ord. No. DR-210]

The location and boundaries of said districts and sites are hereby established as shown on the **Zoning Map** of the City of Hoboken, as revised, which is attached hereto and is hereby made a part of this chapter. Said map, together with everything shown thereon, and all amendments thereto, shall be a part of this chapter as if the same were fully described and set forth herein.^[1]

[1]: *Editor's Note: The **Zoning Map** is included as an attachment to this chapter. Amendments not yet included on the Official **Zoning Map** may be obtained in the office of the City Clerk.*

§ 196-9. Interpretation.

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the **Zoning Map**, the following rules shall apply:

- A. District boundaries along rights-of-way. Zoning district boundary lines are intended to follow street center lines, railroad rights-of-way and land lot lines as they exist on lots of record at the time of the enactment of this chapter. District boundary lines shown along the Hudson River are intended to be coincident with the pierhead line.
- B. District boundaries on City boundaries and property lines. Where district boundaries are indicated as approximately following the City boundary line, property lines, lot lines or projections thereof, said boundaries shall be construed as to be coincident with such lines or projections.
- C. Boundaries parallel to other lines. Where district boundaries are so indicated that they are approximately parallel to the City boundary line, property lines, lot lines or right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto at such distance therefrom as indicated on the **Zoning Map**.
- D. Division of a lot in single ownership. Where a district boundary line divides a lot in single or joint ownership of record at the time such line is established, the regulations for the less-restricted portion of such lot shall extend not more than 10 feet into the more-restricted portion.
- E. Unclear boundaries. In the event that a district boundary is unclear, the Building Inspector shall request the Zoning Board of Adjustment to render its judgment thereon.

Article IV. (Reserved)

[1]: *Editor's Note: Former Art. IV, Zoning District Use and Development Regulations, as amended, was repealed 8-15-2012 by Ord. No. Z-197.*

§ 196-10. through § 196-13. (Reserved)

Article V. Schedule I: Residential Districts

§ 196-14. R-1 District; R-1(E) Subdistrict; R-1(CS) Overlay District; R-1(H)(CPT).

[Amended 6-21-1989 by Ord. No. P-58; 4-18-2001 by Ord. No. R-478; 6-20-2001 by Ord. No. R-484; 7-12-2001 by Ord. No. DR4; 10-17-2001 by Ord. No. DR-15; 11-14-2005 by Ord. No. DR-209]

A. Purpose.

- (1) R-1 District. The purpose of this district is to conserve the architecture, scale and grain of residential blocks and street patterns; to reinforce the residential character of the district; acknowledge the traditional relationship between Stevens Institute, adjacent residential neighborhoods and neighborhood retail businesses and services; to regulate those buildings and activities not comparable with district objectives.
- (2) R-1(E) Subdistrict. The purpose of the educational subdistrict is to acknowledge the interaction between Stevens Institute and the remainder of the R-1 District while at the same time modifying the specific conditions of this zoning district within the subdistrict boundaries shown on the **Zoning Map** in recognition of the unique requirements of an institution of higher learning, which may be inconsistent with standards prevailing elsewhere in the district. The design of buildings and uses in the R-1(E) Subdistrict, particularly in portions of the buildings and uses in the R-1(E) Subdistrict, particularly in portions of the subdistrict adjacent to the R-1 District, shall be integrated with the prevailing character of adjacent districts, streets, buildings and uses. The higher education subdistrict appears on the **Zoning Map** superimposed on the R-1 District, and its regulations supplement those of the district on which it is superimposed.
- (3) R-1(CS) Subdistrict. The purpose of the Court Street subdistrict is to preserve the architecture and scale of accessory structures fronting on Court Street, to encourage residential use, to control height and density in relation to limited utility service and fire fighting accessibility, to limit automobile through traffic, to encourage pedestrian use and to otherwise reinforce the scale and quality of this district.
- (4) R-1(H)(CPT) Subdistrict. The purpose of the Castle Point Historic Subdistrict is to reinforce and safeguard the heritage of this area which has been one of the most prestigious neighborhoods in Hoboken. This subdistrict which is also designated the "Castle Point Historic District" is distinguished by being the only neighborhood in the City typified by large, freestanding one- and two-family homes. Through architectural and bulk controls, the height and density will be limited to maintain the historic character.

B. Principal permitted uses shall be as follows.

- (1) R-1 District:
 - (a) Residential buildings.
 - (b) Retail businesses and services in accordance with § **196-33** of this chapter.
- (2) R-1(E) Subdistrict:
 - (a) Colleges, universities or other institutions of higher learning, including buildings owned or leased for administration and faculty offices, classrooms, laboratories, chapels, auditoriums, and lecture halls with less than 100 seats, libraries, student and faculty centers, dining halls, campus stores, athletic facilities and dormitories, fraternities, sororities and their houses but excluding uses listed in § **196-14D(2)**.
 - (b) Residential buildings for faculty and staff.
- (3) R-1(CS) Subdistrict as in R-1 District.
- (4) R-1(H)(CPT) Subdistrict: Detached single-family and two-family residential buildings.

C. Accessory uses shall be as follows:

- (1) R-1 District:
 - (a) Accessory garages.
 - (b) Home occupations.
 - (c) Signs. See § **196-31**.
 - (d) Other uses customarily incident to principal permitted uses and on the same lot.
 - (e) Wireless telecommunications antennas subject to §§ **196-26** and **196-35**.
[Added 5-7-2003 by Ord. No. DR-91]
- (2) R-1(E) Subdistrict accessory uses customarily incident to principal uses within the subdistrict and wireless telecommunications antennas subject to §§ **196-26** and **196-35**.
[Amended 5-7-2003 by Ord. No. DR-91]
- (3) R-1(CS) Subdistrict accessory uses customarily incident to principal uses within the subdistrict and wireless telecommunications antennas subject to §§ **196-26** and **196-35**.
[Amended 5-7-2003 by Ord. No. DR-91]
- (4) R-1(H)(CPT) Subdistrict:
 - (a) Home occupations.
 - (b) Other uses customarily incidental to principal permitted uses and on the same lot.

D. Conditional uses shall be as follows:

- (1) R-1 District:
 - (a) Bars.
 - (b) Clubs and community centers.

- (c) Educational uses not otherwise mentioned.
 - (d) Essential utilities or public services.
 - (e) Funeral homes.
 - (f) Instructional uses.
 - (g) Clinics and nursing homes.
[Amended 3-3-1999 by Ord. No. R-371]
 - (h) Nursery schools.
 - (i) Office buildings.
 - (j) Places of worship, associated residences and schools.
 - (k) Public buildings and uses, such as schools, libraries, parks and playgrounds.
 - (l) Professional or business offices, other than home occupations, when located above street level.
 - (m) Public parking facilities.
 - (n) Restaurants.
 - (o) (Reserved)^[1]
[1]: *Editor's Note: Former Subsection D(1)(o), Sidewalk cafes, was repealed 11-13-2012 by Ord. No. Z-220.*
 - (p) Accessory uses customarily incident to a principal permitted use but not on the same lot.
- (2) R-1(E) Subdistrict:
[Amended 4-2-1997 by Ord. No. R-233]
- (a) Auditorium and lecture halls with 100 or more seats.
 - (b) Hospitals or health clinics.
 - (c) Physical plant, facilities maintenance and other similar buildings.
 - (d) Scientific or research laboratories and offices of corporations, institutions and other agencies engaged in the following: research, development, design, management consulting services or experimentation.
 - (e) Parking facilities whether owned exclusively by Stevens Institute or owned and operated jointly with the City or other governmental entities; such facilities may be accessory, public or a combination of both. Facilities for more than 50 vehicles will be subject to §§ **196-26** and **196-38R**.
[Added 4-2-1997 by Ord. No. R-233]
- (3) R-1 (CS) Subdistrict:
- (a) Accessory apartments.
 - (b) Other uses as in the R-1 District.

(4) R-1(H)(CPT) Subdistrict: None.

E. Area, yard and building requirements for principal and accessory buildings shall be as follows:

(1) Lot area, minimum:

- (a) R-1 District: 2,000 square feet.
- (b) R-1(E) Subdistrict: 2,000 square feet.
- (c) R-1(CS) Subdistrict: 2,000 square feet.
- (d) R-1(H)(CPT) Subdistrict:
 - [1] One-family: 2,000 square feet.
 - [2] Two-family: 3,000 square feet.

(2) Lot width, minimum:

- (a) R-1 District: 20 feet.
- (b) R-1(E) Subdistrict: 20 feet.
- (c) R-1(CS) Subdistrict: 20 feet.
- (d) R-1(H)(CPT) Subdistrict:
 - [1] One-family: 20 feet.
 - [2] Two-family: 30 feet.

(3) Lot depth, minimum:

- (a) R-1 District: 100 feet.
- (b) R-1(E) Subdistrict: 100 feet.
- (c) R-1 (CS) Subdistrict: 100 feet.
- (d) R-1(H)(CPT) Subdistrict: 100 feet.

(4) Lot coverage maximum:

- (a) R-1 District: 60%.
- (b) R-1(E) Subdistrict: 50%.
- (c) R-1 (CS) Subdistrict:
 - [1] For principal building, 60%.
 - [2] For accessory building, 20% or 400 square feet, but in no event shall the distance between principal and accessory buildings be less than 20 feet.
- (d) R-1(H)(CPT) Subdistrict: 60%.

(5) (Reserved)

(6) Building height.

[Amended 2-18-1998 by Ord. No. R-294; 4-21-1999 by Ord. No. R-378; 2-6-2002 by Ord. No. DR-17]

- (a) R-1 District: Principal buildings, a maximum of three stories but in no event more than 40 feet above base flood elevation, whichever is less.

[1] Where front sidewalk grade is already above base flood elevation, maximum height of 40 feet shall be measured from said sidewalk grade. Where front sidewalk grade is below the natural grade of the building site as of the date of adoption of this ordinance, such as Hudson Street, the point of measurement for maximum building height shall be determined by the average elevation of the final grade adjoining such building.

[2] Where a new building occupies no more than 50 feet of frontage between two existing adjacent principal buildings whose height (as measured in feet) is lower than the maximum permitted for the district, the new structure may match the height of the higher of the two buildings. Where the adjacent buildings are higher than the maximum permitted for the district, the new structure may match the lower of the two buildings. Final height in such a case includes any front parapet.

[Amended 7-17-2002 by Ord. No. DR-44^[2]]

[2]: *Editor's Note: Ordinance No. DR-44 is retroactive to February 6, 2002, the date of adoption of Ordinance No. DR-17.*

[3] In any event, any principal building or portion of a principal building constructed in the corner lot area may be built to the maximum height permitted for the district. The corner lot area shall be limited to an area no larger than 25 feet by 100 feet as shown on the City's tax map as of the date of the adoption of this ordinance. All other bulk regulations shall apply.

- (b) R-1(E) Subdistrict: a maximum of four stories or 40 feet for buildings within 200 feet of any residential district. Otherwise, a maximum of 10 stories or 100 feet.

- (c) R-1 (CS) Subdistrict: 2,000 square feet.

[1] For principal building, as in the R-1 District.

[2] For accessory building, one residential story over accessory garage, total height not to exceed 30 feet.

- (d) R-1(H)(CPT) Subdistrict:

[1] No addition shall be constructed on the front, side or top of an existing building so as to change the architectural style of the front facade; additions may be made to the rear portions of existing structures so long as the addition complies with other bulk requirements and does not exceed 40 feet in height above the grade of the rear yard as measured at the two rear building corners existing at the time of the adoption of this section.

[2] New construction shall not exceed the prevailing height as established on the subject blockfront as measured from the average grade of the two front corners of all principal building.

(7) Yard dimension, minimum:

[Amended 4-21-1999 by Ord. No. R-378; 2-6-2002 by Ord. No. DR-17]

(a) R-1 District:

[1] Front: minimum five feet; maximum of 10 feet; front yard setback areas are to be fenced and landscaped; stoops are to be encouraged and shall not be counted as lot coverage; bay windows extending no further 36 inches from the front facade and located entirely within the property line shall not be counted as lot coverage; any fencing, landscaping or stoop beyond the property line is subject to the City Code, Chapter **168**: Streets and Sidewalks. [Amended 7-17-2002 by Ord. No. DR-43]

Where new building occupies no more than 50 feet of frontage between two existing adjacent principal buildings whose front yard ranges from five to 10 feet, the new structure shall match one of the two buildings.

[2] Rear: 30 feet or 30% of lot depth, whichever is less. In no event shall the rear building wall of any extension, enlargement or new construction be permitted at a depth greater than 70 feet from the front lot line; rear yard areas are to be landscaped and accessible to occupants and for maintenance purposes.

[3] Side: zero or five feet.

(b) R-1(E) Subdistrict:

[1] Front: prevailing setback where applicable; otherwise, a minimum of 10 feet.

[2] Rear: 10 feet.

[3] Side: zero or five feet.

(c) R-2(CS) Subdistrict: See lot coverage.^[3]

[3]: *Editor's Note: See Subsection E(4) of this section.*

(d) R-1(H)(CPT) Subdistrict:

[1] Front: minimum of 10 feet.

[2] Rear: minimum of 30 feet. But in no event shall the rear wall be farther than 75 feet from the front lot line.

[3] Side: minimum of five feet on one side; zero or minimum of five feet on other side.

(8) Density.

[Added 2-6-2002 by Ord. No. DR-17; amended 7-17-2002 by Ord. No. DR-44^[4]]

(a) R-1 District and R-1(CS) District. Residential density of development of a site will be determined by site area per dwelling unit and maximum number of dwelling units adjusted where necessary for other on-site principal uses as calculated below:

[1] Site area per dwelling unit (SA/DU), minimum: 660 square feet per dwelling unit.

[2] Dwelling units, maximum: site area divided by 660.

[3] Where principal uses in addition to residential are proposed for the subject building (such as retail or office), the percentage of total permitted floor area occupied by the nonresidential use shall be applied against the maximum number of dwelling units and the residential units shall be reduced thereby, except as specified below. Any fraction shall be equivalent to a

whole dwelling unit. On Washington Street, First Street and Fourteenth Street, nonresidential principal uses located on the ground floor and basement (as permitted elsewhere in this chapter) shall not be deducted from the maximum permitted number of residential units.

(b) R-1(H)(CPT) Subdistrict: only one or two-family homes permitted.

[4]: *Editor's Note: Ordinance No. DR-44 is retroactive to February 6, 2002, the date of adoption of Ordinance No. DR-17.*

(9) Other regulations in the R-1(E) Subdistrict:

[Amended 2-6-2002 by Ord. No. DR-17]

(a) Distance between buildings, minimum: 25 feet, plus one foot for each foot of height that the taller building exceeds 25 feet.

(b) Building length, maximum: 200 feet. Vertical demarcations shall be required no less than every 50 linear feet of building facade; these may be achieved by a change of color or material, by a stack of bay windows or balconies, or by a vertical "line" created by a variation in the surface of the facade (minimum variation of eight inches). Additional vertical demarcations shall require no less than every 100 linear feet of building facade, which shall be achieved by a variation in the facade not less than four feet in depth.

(c) Open space ratio, minimum: 50%. On properties with an area of greater than one acre, open space shall be dispersed throughout the property to provide relief to all areas of the entire property and nearby areas.

(d) Buffer, minimum: a minimum twenty-foot-wide planted and screened area shall be provided adjacent to any property line of a residential district or use.

(10) (Reserved)

[Added 4-21-1999 by Ord. No. R-378; repealed 6-20-2001 by Ord. No. R-484; 7-12-2001 by Ord. No. DR4]

F. Off-street parking shall be as follows:

[Amended 2-18-1998 by Ord. No. R-294]

(1) R-1 District:

[Amended 12-2-1998 by Ord. No. R-357; 2-6-2002 by Ord. No. DR-17; 7-17-2002 by Ord. No. DR-44^[5]]

(a) None permitted or required for residential use either new or existing. See Article **XI**.

(b) None permitted on-site for nonresidential use either new or existing. Where such use is located within 800 feet of a public parking facility, the parking requirement shall be satisfied through participation in the Park & Shop Program (or its successor or equivalent program) or other contractual arrangement with the parking operator. See Article **XI**.

[5]: *Editor's Note: Ordinance No. DR-44 is retroactive to February 6, 2002, the date of adoption of Ordinance No. DR-17.*

(2) R-1(E) Subdistrict:

(a) For all dormitories or sorority or fraternity houses, at least one off-street parking space for each two beds. For all other residential uses, at least one parking space per dwelling unit.

(b) For theaters, auditoriums and other similar places of assembly, at least one off-street parking space for every five seats.

- (c) For all other structures in the subdistrict, exclusive of garages, one off-street parking space for every 1,000 square feet of floor area.
- (d) The requirements of this subsection may be complied with by group parking facilities provided within the subdistrict or on space owned or leased for such purpose in other nonresidential districts. Required parking spaces shall be provided for each individual building or use and may not be credited to more than one building or use. Required parking spaces for each building or use shall be provided before issuance of a certificate of occupancy.
- (e) In the case of a combination of uses in one building, the off-street parking requirement shall consist of the sum of the sum of the spaces required for each individual use.

(3) R-1(CS) Subdistrict.

- (a) For principal buildings, as in the R-1 District.
- (b) For accessory apartments, one off-street parking space in on-site garage below.

(4) R-1(H)(CPT) Subdistrict: none permitted.

G. Building facades in the R-1(E) Subdistrict.

(1) R-1(E) Subdistrict.

- (a) Purpose. The purpose of this subsection is to encourage development of buildings located adjacent to residential zones to be sympathetic to and compatible with the adjacent neighborhood.

(b) Application.

- [1] This subsection shall apply to the facade of any building in the R-1(E) Subdistrict that is located within 100 feet of a residential district.
- [2] Terminology. The word "facade" as used in this section refers to the building wall facing the street. In most instances, this will be the only front wall. In the case of a corner building, the regulations apply to both building walls facing the street.

(c) Materials.

- [1] To be used over at least 75% of the building facade:

- [a] Standard brick masonry.
- [b] Stone (e.g., brownstone, limestone, sandstone).

- [2] To be limited to less than 25% of the building facade:

- [a] Wood.
- [b] Synthetic stucco systems or exterior insulation and finish systems.
- [c] Cement stucco.

- (d) Articulation. Variation in the surface is to be achieved with a combination of some or all of the following features: bay windows, balconies, stoops and vertical and/or horizontal demarcations as outlined below:

- [1] Vertical articulation: vertical demarcations shall be required no less than every 50 linear feet of street facade; these may be achieved by a change of color or material, by a stack of bay windows or balconies, or by a vertical "line" created by a variation in the surface of the facade (minimum variation of eight inches). Additional vertical demarcations shall require no less than every 100 linear feet of street facade, which shall be achieved by a variation in the facade not less than four feet in depth.
- [2] Horizontal articulation: horizontal demarcations shall be required for any building taller than four stories; these may be achieved by such elements as a cornice line, a course of brick or stone which projects or is differently colored or differently laid, or a floor (such as the ground floor) which has a different material from that of the main facade.

(e) Fenestration.

- [1] All windows shall be inset in the masonry opening a minimum of three inches and shall be operable (i.e., ribbon windows and extensive glazing such as curtain wall construction shall not be permitted).
 - [2] The pattern or rhythm of fenestration shall be similar to that of the residential buildings on the balance of the same or opposite blockface to the greatest extent possible.
 - [3] Glazing shall represent at least 45% of the total facade area.
 - [4] Garage openings and service areas shall not be permitted along any facade as defined in Subsection **196-14 G(2)**.
- (2) R-1(H)(CPT) Subdistrict. Both new construction and alterations will be subject to the review of the Historic Preservation Commission pursuant to the Secretary of the Interior's Standards for Historic Preservation Projects.

H. Sound and lighting standards in the R-1(E) Subdistrict:

- (1) The use of loudspeakers or other public address systems shall be prohibited between 10:00 p.m. and 10:00 a.m.
- (2) Sports lighting for lighted athletic fields may only be used during scheduled games of intercollegiate athletic teams or intramural activities. Any sports lighting shall be set back at least 100 feet from a property line adjacent to a residential district. Lighted athletic fields shall not be illuminated between 10:00 p.m. and 10:00 a.m. Necessary security lighting for such fields may be provided by light fixtures mounted at a height of not more than 20 feet above ground.

§ 196-15. R-2 District.

[Amended 3-3-1999 by Ord. No. R-371]

- A. Purpose. The purpose of this district is to encourage neighborhood stability through conservation and rehabilitation of residential structures; to facilitate conversion of nonresidential to residential space; and to otherwise reinforce the residential characteristics of this district by restricting uses and structures not compatible with district objectives.
- B. Principal permitted uses shall be as follows:

- (1) Residential buildings.
- (2) Hospitals and related clinics.
- (3) Place of worship, associated residences, meeting places and schools.
- (4) Public buildings and uses, such as schools, libraries, parks and playgrounds.
- (5) Retail businesses and services in accordance with § **196-33** of this chapter.
- (6) Public parking garages which provide accessory parking for hospitals. See special bulk regulations in § **196-15E(8)** below.

C. Accessory uses shall be as follows:

- (1) Garages.
- (2) Home occupations.
- (3) Signs. See § **196-31**.
- (4) Other uses customarily incidental to principal uses and on the same lot.
- (5) Other uses customarily incidental to hospital uses (such as related clinics, health treatment and administrative uses; offices and labs for private doctors and/or health maintenance organizations, pharmacies, flower and gift shops) located on a lot within 100 feet of the lot on which the principal use is located.
- (6) Pedestrian bridge. See § **196-15E(9)** and § **168-5** for building and design requirements.
- (7) Wireless telecommunications antennas subject to §§ **196-26** and **196-35**.
[Amended 5-7-2003 by Ord. No. DR-91]

D. Conditional uses shall be as follows:

- (1) Educational uses not mentioned above.
- (2) Essential utility or public services.
- (3) Funeral homes.
- (4) Clinics and nursing homes.
- (5) Loft buildings.
- (6) Nonprofit club or recreation use.
- (7) Nursery school.
- (8) Office buildings.
- (9) Professional or business offices, other than home occupations, when located above street level with the exception of those accessory uses listed in § **196-15C(5)** above.
- (10) Public parking facilities.
- (11) Restaurants.

(12) (Reserved)^[1]

[1]: *Editor's Note: Former Subsection D(12), Sidewalk cafes, added 5-19-1982 by Ord. No. C-212, was repealed 11-13-2012 by Ord. No. Z-220.*

(13) Accessory uses customarily incidental to principal permitted use, but not on the same lot with the exception of those accessory uses listed in § **196-15C(5)** above.

E. Area, yard and building requirements for principal and accessory buildings shall be as follows except as applies to hospitals and related uses and public parking garages providing accessory parking for such uses detailed in Subsection **E(7)** and **(8)** below:

[Amended 10-7-1998 by Ord. No. R-341]

(1) Lot area, minimum: 2,000 square feet.

(2) Lot width, minimum: 20 feet.

(3) Lot depth, minimum: 100 feet.

(4) Lot coverage, maximum: For principal buildings: 60%.

[Amended 1-7-1987 by Ord. No. V-91]

(5) Building height, maximum: For principal buildings: a maximum of four stories which may consist of three stories, or not more than 30 feet, whichever is less, above an on-site parking facility for a total height not to exceed 40 feet.

[Amended 6-21-1989 by Ord. No. P-58^[2]; 2-18-1998 by Ord. No. R-294; 4-21-1999 by Ord. No. R-378; 2-6-2002 by Ord. No. DR-17]

(a) Where a principal building is constructed without parking, its maximum height may be more than three stories or not more than 40 feet above base flood elevation, whichever is less.

(b) Where front sidewalk grade is already above base flood elevation, maximum height shall be measured from said sidewalk grade.

(c) Where a new building occupies no more than 50 feet of frontage between two existing adjacent buildings which are higher than the maximum allowed (as measured in feet), the new structure may match the height of the lower of the two buildings. Final height in such a case includes any front parapet.

[Amended 7-17-2002 by Ord. No. DR-44]

(d) In any event, any principal building or portion of a principal building constructed in the corner lot area may be built to the maximum height permitted for the district. The corner lot area shall be limited to an area no larger than 25 feet by 100 feet as shown on the City's tax map as of the date of the adoption of this ordinance. All other bulk regulations shall apply.

[2]: *Editor's Note: This ordinance also repealed former Subsection E(5)(b), dealing with accessory buildings.*

(6) Density: Residential density of development of a site will be determined by site area per dwelling unit and maximum number of dwelling units adjusted where necessary for other on-site principal uses as calculated below:

[Amended 4-21-1999 by Ord. No. R-378^[3]; 2-6-2002 by Ord. No. DR-17]

(a) Site area per dwelling unit (SA/DU), minimum: 660 square feet per dwelling unit.

- (b) Dwelling units, maximum: site area divided by 660.
 [Amended 7-17-2002 by Ord. No. DR-44^[4]
 [4]: *Editor's Note: Ordinance No. DR-44 is retroactive to February 6, 2002, the date of adoption of Ordinance No. DR-17.*
- (c) Where principal uses in addition to residential are proposed for the subject building (such as retail or office), the percentage of total permitted floor area occupied by the nonresidential use shall be applied against the maximum number of dwelling units and the residential units shall be reduced thereby, except as specified below. Any fraction shall be equivalent to a whole dwelling unit. On Fourteenth Street nonresidential principal uses located on the ground floor and basement (as permitted elsewhere in this chapter) shall not be deducted from the maximum permitted number of residential units.
 [3]: *Editor's Note: This ordinance also repealed former Subsection E(6), dealing with minimum yard dimensions and containing portions of Ordinance Nos. V-91; P-58 and R-228.*
- (6.1) Yard dimensions, minimum:^[5]
 [Added 2-6-2002 by Ord. No. DR-17]
- (a) Front: minimum five feet, maximum 10 feet; front yard setback areas are to be fenced and landscaped; stoops are to be encouraged and shall not be counted as lot coverage; bay windows extending no further than 36 inches from the front facade and located entirely within the property line shall not be counted as lot coverage; any fencing, landscaping or stoop beyond the property line is subject to the City Code, Chapter **168**: Streets and Sidewalks.
 [Amended 7-17-2002 by Ord. No. DR-43]
 Where new building occupies no more than 50 feet of frontage between two existing adjacent principal buildings whose front yard setback ranges from five to 10 feet, the new structure shall match one of the two buildings.
- (b) Side: zero or five feet.
- (c) Rear: 30 feet or 30% of lot depth, whichever is less. In no event shall the rear building wall of any extension, enlargement or new construction be permitted at a depth greater than 70 feet from the front lot line; rear yard areas are to be landscaped and accessible to occupants and for maintenance purposes.
 [5]: *Editor's Note: Former Subsection E(6), inadvertently deleted 4-21-1999 by Ordinance No. R-378.*
- (7) Hospitals and related uses: where a hospital owns 100% of the block on which it is situated, coverage, height and yard requirements shall be as follows:
- (a) Lot coverage: 100% of the site may be covered by structures up to a height of 10 feet; above 10 feet, lot coverage shall be permitted and regulated pursuant to applicable building and fire codes as such codes relate to distances between buildings or portions of buildings.
- (b) Building height: the maximum permitted building height shall be equivalent to the highest roof elevation of any building or structure (i.e., not including parapets, spires or other roof appurtenances) existing on the same side of the street between the next nearest two cross streets, which building or structure was fully completed at the time of the adoption of the subsection.
- (c) Yards: no yards will be required.
- (8) Public parking garage: where such facility is located on a lot within 100 feet of the lot on which the

hospital is located and offers space to satisfy the hospital's accessory parking requirements (in whole or in part, with or without a fee for the hourly, daily or monthly parking of motor vehicles), the following regulations apply:

- (a) Lot area, minimum: 10,000 square feet.
- (b) Lot width, minimum: 100 feet. Note that where a portion of the garage site extends through the block, so long as the site width is at least 100 feet on one side of the block, the other may be no less than 50 feet wide.
- (c) Lot depth, minimum: 100 feet.
- (d) Lot coverage, maximum: 95%.
- (e) Building height, maximum:
 - [1] Parking levels: the portion of the structure containing the parking areas may not exceed 75 feet above sidewalk grade.
 - [2] Offices per § **196-15C(5)** but not including pharmacies, flower and gift shops: an additional 15 feet in height above the finished roof of the parking structure, so long as the finished secondary roof does not exceed 90 feet above sidewalk grade. For each foot in height above 75 feet, the office walls shall set back one foot from the front property line and from side and rear building walls.
- (f) Yard dimensions, minimum:
 - [1] Front: zero feet. Where necessary to provide adequate internal circulation space as well as the required rear yard, the parking floors of the garage structure above the first floor may extend up to eight feet beyond the property line. Such street encroachment is subject to approval by the City Council and must comply with the design requirements of § **168-5**.
 - [2] Side: zero feet.
 - [3] Rear: five feet. Where a portion of the site is comprised of a through lot, that portion of the site need not provide a rear yard.
- (g) Design and other operational requirements: compliance with § **196-38V(1)** through **(3)** and § **196-40** is required, as modified below:
 - [1] Retail or office use: only those office and retail uses commonly associated with a hospital as listed in § **196-15C(5)** are permitted within the garage structure as indicated below:
 - [a] Groundfloor: a minimum of 50% of the linear footage of the groundfloor facade (after subtracting the linear footage for garage doors) must be occupied by retail or office use as listed in § **196-15C(5)**.
 - [b] Rooftop: uses listed in § **196-15C(5)** above but not including pharmacies, flower and gift shops, are permitted on the roof of the garage, subject to the bulk placement restrictions of § **196-15E(8)(e)[2]**. The maximum gross floor area for such office uses shall not exceed 70% of the gross roof area of the parking structure.
 - [2] Fenestration:
 - [a] Fenestration shall occur at least every 10 feet along the street facade and must begin

no higher than four feet six inches above sidewalk level. A door may be counted in lieu of a window in this calculation.

[b] Window openings shall be no smaller than two feet by two feet and shall have either glazing or decorative grilles.

[3] Doors:

[a] Doors serving groundfloor retail/office areas shall provide access directly from the sidewalk and shall occur at least every 50 feet along the applicable portion of the facade.

[b] Doors are not required for the garage entrances but, if provided, they shall be either a grille style or a solid door which includes a window at eye level.

[4] Operation: the garage facility may offer parking spaces to the public at large as well as to the adjacent hospital and its related uses to satisfy the accessory parking requirements of the hospital and its related uses (in whole or in part, with or without a fee) for hourly, daily or monthly parking of motor vehicles.

(9) Pedestrian bridge: a pedestrian bridge may be constructed across the intervening street in order to join the hospital and the parking garage. Such street encroachment is subject to approval by the City Council and must comply with the design requirements of § **168-5**.

F. Off-street parking and loading shall be as follows:

[Amended 6-21-1989 by Ord. No. P-58; 2-18-1998 by Ord. No. R-294]

(1) None required for first five dwelling units. At least one off-street parking space for each dwelling unit after the first five, except as modified by Article **XI**.

(2) Parking required for a hospital and its related uses located on the same block will be based on the number of hospital beds. All other related uses located on adjacent lots within 100 feet of the lot on which the hospital is located will be calculated at one space per 800 gross square feet of floor area.

(3) For all other uses, see Article **XI**.

§ 196-16. R-3 District.

A. Purpose. The purpose of this district is to advance the achievement of a viable residential neighborhood; to encourage conservation and rehabilitation of existing sound residential blocks; to support residential revitalization by a variety of housing types and related uses; and to otherwise reinforce the residential characteristics of this district by regulating uses and structures not compatible with district objectives.

B. Principal permitted uses shall be as follows:

(1) Residential buildings.

(2) Places of worship and associated residences, meeting places and schools.

(3) Public buildings and uses, such as schools, recreation centers, places of assembly, parks and playgrounds.

(4) Retail businesses and services in accordance with § **196-33** of this chapter.

- C. Accessory uses shall be the same as R-2 Residence District (§ 196-15).
[Amended 5-7-2003 by Ord. No. DR-9]
- D. Conditional uses shall be as follows:
- (1) Bars.
 - (2) Clubs and community centers.
 - (3) Essential utility or public services.
 - (4) Clinics and nursing homes.
[Amended 3-3-1999 by Ord. No. R-371]
 - (5) Loft building.
[Amended 2-6-2002 by Ord. No. DR-17]
 - (6) Planned unit residential developments.
 - (7) Public parking facilities.
 - (8) Restaurants.
 - (9) (Reserved)^[1]
[1]: *Editor's Note: Former Subsection D(9), Sidewalk cafes, added 5-19-1982 by Ord. No. C-212, was repealed 11-13-2012 by Ord. No. Z-220.*
 - (10) Accessory uses customarily incident to principal permitted uses, but not on the same lot.
- E. Area, yard and building requirements for principal and accessory buildings shall be as follows:
- (1) Lot area, minimum: 2,500 square feet.
 - (2) Lot width, minimum: 25 feet.
 - (3) Lot depth, minimum: 100 feet.
 - (4) Lot coverage, maximum:
[Amended 1-7-1987 by Ord. No. V-91]
 - (a) For principal buildings: 60%.
 - (5) Building height maximum: For principal buildings: a maximum of four stories which may consist of three stories, or not more than 30 feet, whichever is less, above an on-site parking facility for a total height not to exceed 40 feet.
[Amended 1-7-1987 by Ord. No. V-91; 6-21-1989 by Ord. No. P-58; 2-18-1998 by Ord. No. R-294; 4-21-1999 by Ord. No. R-378; 2-6-2002 by Ord. No. DR-17]
 - (a) Where a principal building is constructed without parking, its maximum height may be no more than three stories or not more than 40 feet above base flood elevation, whichever is less.
 - (b) Where front sidewalk grade is already above base flood elevation, maximum height shall be measured from said sidewalk grade.
 - (c) Where a new building occupies no more than 50 feet of frontage between two existing adjacent buildings which are higher than the maximum allowed (as measured in feet), the new structure

may match the height of the lower of the two buildings. Final height in such a case includes any front parapet.

- (d) In any event, any principal building or portion of a principal building constructed in the corner lot area may be built to the maximum height permitted for the district. The corner lot area shall be limited to an area no larger than 25 feet by 100 feet as shown on the City's tax map as of the date of the adoption of this ordinance. All other bulk regulations shall apply.
- (6) ^[2]Density: residential density of development of a site will be determined by site area per dwelling unit and maximum number of dwelling units adjusted where necessary for other on-site principal uses as calculated below:
[Added 4-21-1999 by Ord. No. R-378; amended 2-6-2002 by Ord. No. DR-17]
- (a) Site area per dwelling unit (SA/DU), minimum: 660 square feet per dwelling unit.
- (b) Dwelling units, maximum: site area divided by 660.
[Amended 7-17-2002 by Ord. No. DR-44^[3]]
^[3]: *Editor's Note: Ordinance No. DR-44 is retroactive to February 6, 2002, the date of adoption of Ordinance No. DR-17.*
- (c) Where principal uses in addition to residential are proposed for the subject building (such as retail or office), the percentage of total permitted floor area occupied by the nonresidential use shall be applied against the maximum number of dwelling units and the residential units shall be reduced thereby, except as specified below. Any fraction shall be equivalent to a whole dwelling unit. On First Street, Newark Street and Observer Highway, nonresidential principal uses located on the ground floor and basement (as permitted elsewhere in this chapter) shall not be deducted from the maximum permitted number of residential units.
^[2]: *Editor's Note: Former Subsection E(6), which dealt with maximum floor area ratio, was repealed 1-7-1987 by Ord. No. V-91.*
- (7) Yard dimension, minimum:
[Amended 1-7-1987 by Ord. No. V-91; 6-21-1989 by Ord. No. P-58; 3-5-1997 by Ord. No. R-228; 2-6-2002 by Ord. No. DR-17]
- (a) Front: minimum five feet, maximum 10 feet; front yard setback areas are to be fenced and landscaped; stoops are to be encouraged and shall not be counted as lot coverage; bay windows extending no further than 36 inches from the front facade and located entirely within the property line shall not be counted as lot coverage; any fencing, landscaping or stoop beyond the property line is subject to the City Code, Chapter **168**: Street and Sidewalks.
[Amended 7-17-2002 by Ord. No. DR-43]
Where new building occupies no more than 50 feet of frontage between two existing adjacent principal buildings whose front yard setback ranges from five to 10 feet, the new structure shall match one of the two buildings.
- (b) Side: zero or five feet.
- (c) Rear: 30 feet or 30% of the lot depth, whichever is less. In no event shall the rear wall of the principal building, whether created by new construction or an extension to an existing building, be permitted at a depth greater than 70 feet from the front lot line. Rear yard areas are to be landscaped and accessible to occupants and for maintenance purposes.
- F. Minimum off-street parking shall be the same as R-2 Residence District (§ **196-15**).

Article VI. Schedule II: Industrial Districts

§ 196-17. I-1 District; I-1 (W) Subdistrict.

[Amended 6-21-1989 by Ord. No. P-58]

A. Purpose.

- (1) I-1 District. The purpose of this district is to establish standards for urban industrial activity; to acknowledge the City's traditional locational advantages for materials handling and fabrication; to maintain employment opportunities for local residents while diversifying and strengthening the City's economic base.
- (2) I-1(W) Subdistrict. The purpose of the I-1(W) Subdistrict is to protect existing employment opportunities and to recognize that since the potential of waterfront land to be used for traditional waterfront activities has declined sharply, alternative uses, such as residential developments with associated retail uses, should be encouraged near the waterfront. In order to adequately guide the redevelopment of this district, all proposed developments must undergo the urban design review procedures set forth in § **196-27.1** of this chapter.

B. Principal permitted uses shall be as follows:

(1) I-1 District:

- (a) Manufacturing, processing, producing or fabricating operations which meet the performance standards set forth in Article **XII**, provided that all operations and activities, except parking, are carried on within enclosed buildings and that there is no outside storage of materials, equipment or refuse.
- (b) Office buildings.
- (c) Research laboratories.
- (d) Warehouses and related office buildings.
- (e) Essential utility and public services.
- (f) Wireless telecommunications towers subject to §§ **196-26** and **196-35**.
[Added 5-7-2003 by Ord. No. DR-91]

(2) I-1(W) Subdistrict:

- (a) Manufacturing, processing, producing or fabricating operations which meet the performance standards set forth in Article **XII**, provided that all operations and activities, except parking, are carried on within enclosed buildings and that there is no outside storage of materials, equipment or refuse.
- (b) Office buildings.
- (c) Research laboratories.
- (d) Planned unit development, per § **196-27.1**.

C. Accessory uses shall be as follows:

(1) I-1 District:

- (a) Off-street parking, loading and unloading in accordance with Article **XI**.
- (b) Accessory uses customarily incidental to principal permitted uses and on the same tract.
- (c) Signs. See § **196-31**.
- (d) Wireless telecommunications antennas subject to §§ **196-26** and **196-35**.
[Added 5-7-2003 by Ord. No. DR-91]

(2) I-1(W) Subdistrict.

- (a) Off-street parking, loading and unloading, in accordance with Article **XI**.
- (b) Accessory uses customarily incidental to principal permitted uses and on the same tract.
- (c) Wireless telecommunications antennas subject to §§ **196-26** and **196-35**.
[Added 5-7-2003 by Ord. No. DR-91]

D. Conditional uses shall be as follows:

(1) I-1 District:

- (a) Automobile service stations.
- (b) Commercial garages.
- (c) Building supply and lumber yards.
- (d) Factory outlet stores.
- (e) Planned industrial development.
- (f) Manufacturing and processing operations wherein additional evidence is required to demonstrate ability to comply with minimum performance standards, as set forth in Article **XII**.
- (g) Public parking facilities.
- (h) Intermediate material recovery facility for solid waste that meets but does not exceed the requirements of the 1979 Hudson County Solid Waste Management Plan, provided that all operations and storage are carried on entirely within enclosed buildings.
- (i) Accessory uses customarily incidental to a principal permitted use but not located on the same lot or parcel or, if contiguous, within the same zoning district.

(2) I-1(W) Subdistrict:

- (a) Essential utility and public services.
- (b) Public or accessory parking garages.
- (c) Marinas.
- (d) Bars.

- (e) Restaurants.
- (f) Retail business or service.
- (g) Riverborne public transportation.

E. Area, yard and building requirements for principal and accessory buildings shall be as follows:

(1) I-1 District.

(a) Lot area, minimum: 20,000 square feet.

(b) Lot width, minimum: 200 feet.

(c) Lot depth, minimum: 100 feet.

(d) Lot coverage, maximum:

[1] For principal buildings: 65%.

[2] For accessory buildings: 10%.

(e) Building height, maximum:

[1] For principal buildings, four stories, but not more than 80 feet.

[2] For accessory buildings, 1 1/2 stories, but not more than 30 feet.

(f) Yard dimensions, minimum:

[1] Front: 10 feet.

[2] Side: 10 feet each side.

[3] Rear: 20 feet.

(2) I-1(W) Subdistrict.

[Amended 10-20-1993 by Ord. No. R-8; 4-20-1994 by Ord. No. R-40]

(a) For all uses, other than planned unit development:

[1] Lot area, minimum: 20,000 square feet.

[2] Lot width, minimum: 200 feet.

[3] Lot depth, minimum: 100 feet.

[4] Lot coverage, as per I-1 District requirements above.

[5] Building height, maximum:

[a] For manufacturing, four stories, but in no event more than 80 feet.

[b] For offices and research, eight stories, but in no event more than 80 feet.

[c] For marinas and other retail, two stories, but in no event more than 30 feet.

[6] Yard dimensions, as per I-1 District requirements above.

- (b) For all planned unit development:
[Amended 9-6-1995 by Ord. No. R-141]
- [1] Tract area, minimum: 10 acres, which may include piers, platform and water area.
 - [2] Application of lot, coverage and yard requirements per urban design review, § **196-27.1**.
 - [3] Building height, maximum (includes floors devoted to off-street parking when located within the principal building):
 - [a] For manufacturing: four stories, but in no event more than 80 feet.
 - [b] For offices and research: eight stories, but in no event more than 85 feet.
 - [c] For marinas: two stories, but in no event more than 30 feet.
 - [d] For retail:
 - [i] Freestanding retail building: maximum two floors of retail use, up to 30 feet in height; rooftop parking is permitted so long as the total building does not exceed 80 feet in height.
 - [ii] Retail within a building occupied by another principal use: two floors; where the balance of the building is occupied by residential use, retail space must have entryways separate from the residential use.
 - [e] For residential: eight stories, but in no event more than 85 feet; provided, however, that a planned unit development may include residential buildings [defined in planned unit developments as buildings with at least 51% of the gross use area devoted to residential use] with a maximum building height of 125 feet, subject to § **196-17E(2)(b)[4]** below.
 - [f] For parking structures not located within a principal building: eight stories, but in no event more than 80 feet.
 - [g] In no event shall any building exceed 85 feet in height, except as otherwise specified and permitted under § **196-17E(2)(b)[4]**.
 - [4] In order to promote flexibility in the design of planned unit developments, residential buildings in any development block may be constructed to a height of up to 125 feet, provided that the total gross use area for residential uses in the planned unit development does not exceed the gross use area which would be permitted (at the eight-story height limitation) in the planned unit development under the following formula: the sum total area of all development blocks in the planned unit development multiplied by eight {representing the number of stories of residential use permitted under § 197.17E(2)(b)[3][e]} multiplied by 51%.
 - [5] Permissible ranges of ratios of residential and nonresidential uses measured on the basis of gross use area:
 - [a] Permissible range of gross use area devoted to residential use: 25% minimum to 85% maximum.
 - [b] Permissible range of gross use area devoted to the total of all commercial, industrial, public or quasi-public uses: 15% minimum to 75% maximum.

- F. Off-street parking and loading shall be as follows:
- (1) I-1 District: see Article **XI**.
 - (2) I-1(W) Subdistrict:
[Amended 9-6-1995 Ord. No. R-141]
 - (a) Except in the case of a planned development as hereinafter provided, parking shall be provided in enclosed parking structures.
 - (b) In the case of a planned development containing at least an aggregate of 100,000 square feet devoted to retail and/or recreational uses (including piers and platforms and excluding water area), parking may be provided in enclosed parking structures or open parking areas or in any combination thereof. Vehicles parked in open areas must be shielded or screened in such manner as substantially to prevent them from being observed from grade level outside the planned development. Such shielding may be provided by buildings, landscaping, fences or walls within the planned development.
 - (c) See Article **XI** for all other requirements.
- G. Performance standards shall be as follows: see Article **XII**.

§ 196-18. I-2 District.

- A. Purpose. The purpose of this district is to establish appropriate standards and uses for rail and other transportation-related commercial and light industrial activities; to provide criteria for off-street parking and loading; and to otherwise facilitate the movement of vehicular traffic and materials transshipment.
- B. Principal permitted uses shall be as follows:
- (1) Food processing and related storage and distributive activities.
 - (2) Manufacturing, processing or fabricating operations which meet the performance standards set forth in Article **XII**, provided that all operations and activities are carried on within enclosed buildings and that there is no outside storage of materials.
 - (3) Retail business or service.
 - (4) Public buildings and uses, such as equipment garages, parking facilities, parks and playgrounds.
 - (5) Wireless telecommunications towers subject to §§ **196-26** and **196-35**.
[Added 5-7-2003 by Ord. No. DR-91]
- C. Accessory uses shall be the same as I-1 Industrial District (§ **196-17**)
[Amended 5-7-2003 by Ord. No. DR-91]
- D. Conditional uses shall be as follows:
- (1) Automotive sales.
 - (2) Automobile service stations.
 - (3) Automobile laundries.

- (4) Bars.
 - (5) Commercial garages.
 - (6) Public parking facilities.
 - (7) Railroad-related shipping terminals.
 - (8) Manufacturing and processing operations, wherein additional evidence is required to demonstrate ability to comply with minimum performance standards as set forth in Article **XII**.
 - (9) Accessory use customarily incidental to a principal permitted use, but not located on the same lot or parcel or, if contiguous, within the same zoning district.
- E. Area, yard and building requirements for principal and accessory buildings shall be as follows:
- (1) Lot area, minimum: 5,000 square feet.
 - (2) Lot width, minimum: 50 feet.
 - (3) Lot depth, minimum: 100 feet.
 - (4) Lot coverage, maximum:
 - (a) For principal buildings: 60%.
 - (b) For accessory buildings: 10%.
 - (5) Building height, maximum:
 - (a) For principal buildings, two stories, but not more than 40 feet.
 - (b) For accessory buildings, 1 1/2 stories, but not more than 30 feet.
 - (6) Floor area ratio, maximum: 1.25.
 - (7) Yard dimensions, minimum:
 - (a) Front: five feet.
 - (b) Side: five feet each side.
 - (c) Rear: 15 feet.
- F. Off-street parking and loading shall be as follows: See Article **XI**.
- G. Performance standards shall be as follows: See Article **XII**.

Article VII. Schedule III: Review Districts

§ 196-19. CBD District; CBD(H) Subdistrict; CBD(H)(CS) Subdistrict.

[Amended 5-19-1982 by Ord. No. C-212; 6-21-1989 by Ord. No. P-58]

A. Purpose.

- (1) The purpose of this district is to encourage the location of regional and citywide services and commercial activities; to facilitate the development of buildings for permanent and transient residents appropriate to the proximity of the City's transportation terminal; and to support the objectives of the City's historic district.
- (2) The purpose of the Historic Subdistrict is to preserve and enhance the best elements of this subdistrict's traditional character by architectural and other controls; to protect against destruction of or undesirable encroachment upon the area; and to ensure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced. The Historic Subdistrict appears on the **Zoning Map** superimposed on the CBD Central Business District, and its requirements as set forth below and in Chapter **42** supplement those of the district on which it is superimposed.
[Amended 8-15-2012 by Ord. No. Z-196]
- (3) The purpose of the Court Street Subdistrict is to preserve the architecture and scale of accessory structures fronting on Court Street, to encourage residential use, to control height and density in relation to limited utility service and firefighting accessibility, to limit automobile through traffic, to encourage pedestrian use and to otherwise reinforce the scale and character of this subdistrict.

B. Principal permitted uses shall be as follows:

- (1) Commercial recreation.
- (2) Instructional use.
- (3) Office buildings.
- (4) Offices, including studios and clinics.
- (5) Hotels and motels.
- (6) Public buildings and uses, including governmental buildings, administrative offices, parks and plazas.
- (7) Residential buildings.
- (8) Restaurants and bars.
- (9) Retail business or service.

C. Accessory uses.

- (1) Signs. See § **196-31**.
- (2) Accessory garages.
- (3) Home occupations.
- (4) Other uses customarily incident to principal permitted uses and on the same lot.
- (5) Wireless telecommunications antennas subject to §§ **196-26** and **196-35**.
[Added 5-7-2003 by Ord. No. DR-91]

D. Conditional uses shall be as follows:

(1) CBD District and CBD(H) Subdistrict:

- (a) Public parking garages and lots.
- (b) Outdoor uses on public or private property as follows:
 - [1] Restaurants.
 - [2] Arts and crafts exhibits.
 - [3] Weekly markets.
- (c) Planned unit residential development.
- (d) (Reserved)^[1]

[1]: *Editor's Note: Former Subsection D(1)(d), Sidewalk cafes, was repealed 11-13-2012 by Ord. No. Z-220.*

- (e) Accessory use customarily incidental to a principal permitted use, but not located on the same parcel or, if contiguous, within the same zoning district.

(2) CBD(H)(CS) Subdistrict:

- (a) Accessory apartments.
- (b) Home occupations.
- (c) Signs.

E. Area, yard and building requirements for principal and accessory buildings shall be as follows:

(1) Lot area, minimum:

- (a) CBD District: 5,000 square feet.
- (b) CBD(H) District: 2,000 square feet.
- (c) CBD(H)(CS) Subdistrict: 2,000 square feet.

(2) Lot width, minimum:

- (a) CBD District: 50 feet.
- (b) CBD(H) District: 20 feet.
- (c) CBD(H)(CS) Subdistrict: 20 feet.

(3) Lot depth, minimum:

- (a) CBD District: 100 feet.
- (b) CBD(H) District: 100 feet.
- (c) CBD(H)(CS) Subdistrict: 100 feet.

(4) Lot coverage, maximum:

- (a) For principal buildings:

- [1] CBD District:
 - [a] Commercial: 80%.
 - [b] Residential or the residential portion of mixed use: 60%. Residential floors in mixed use buildings must be no closer to the rear lot line than 30 feet.
- [2] CBD(H) District: 60%.
- (b) For accessory buildings:
 - [1] CBD District: not applicable.
 - [2] CBD(H) District: 10%.
 - [3] CBD(H)(CS) Subdistrict: 20%.
- (5) (Reserved)
- (6) Building height, maximum:
 - (a) CBD District: 16 stories or 160 feet.
 - (b) CBD(H) Subdistrict: prevailing, but not to exceed five stories.
 - (c) CBD(H)(CS) Subdistrict:
 - [1] Principal buildings: as in CBD(H) Subdistrict.
 - [2] Accessory apartments: 20 feet above accessory garage for a total of 30 feet.
- (7) Yard dimensions, minimum:
 - (a) Front:
 - [1] CBD District: 10 feet.
 - [2] CBD(H) Subdistrict: prevailing, where applicable; otherwise a maximum of five feet.
 - [3] CBD(H)(CS) Subdistrict: as in CBD(H).
 - (b) Side:
 - [1] CBD District: zero or 10 feet.
 - [2] CBD(H) Subdistrict: zero or 10 feet.
 - [3] CBD(H)(CS) Subdistrict: as in CBD(H).
 - (c) Rear:
 - [1] CBD District: 30 feet.
 - [2] CBD(H) Subdistrict: 30 feet or 30% of lot depth, whichever is less, but in no event shall a rear building wall be more than 70 feet from the front lot line.
 - [3] CBD(H)(CS) Subdistrict: 20 feet or 20% of lot depth.

- (8) Density: residential density of development of a site will be determined by site area per dwelling unit and maximum number of dwelling units adjusted where necessary for other on-site principal uses as calculated below:

[Added 4-21-1999 by Ord. No. R-378]

- (a) Site area per dwelling unit (SA/DU), minimum: 500 square feet per dwelling unit.
- (b) Dwelling units, maximum: site areas divided by 500.
- (c) Where principal uses other than residential are proposed for the subject building (such as retail or office), the percentage of total permitted floor area occupied by the nonresidential use shall be applied against the maximum number of dwelling units and the residential units shall be reduced thereby. Any fraction shall be equivalent to a whole dwelling unit.
- (d) Where an accessory apartment is added to an existing accessory garage on Court Street, the total number of units on site may exceed the permitted maximum by one unit so long as the proposed accessory apartment meets the other bulk requirements of the district.

F. Off-street parking and loading shall be as follows:

- (a) CBD District: one parking space per 1,000 square feet of gross floor area per principal permitted nonresidential use; for all other uses see Article **XI**.
- (b) CBD(H) Subdistrict: One off-street parking space per dwelling unit, except as modified by Article **XI**; for all other uses see Article **XI**.
- (c) CBD(H)(CS) Subdistrict: as in CBD(H) Subdistrict.

§ 196-20. W Waterfront District.

[Amended 6-21-1989 by Ord. No. P-58; 11-17-1989 by Ord. No. P-87; 3-15-1995 by Ord. No. R-116]

- A. Purpose. The purpose of this district is to promote comprehensive development which includes a mix of commercial office, retail and residential uses at varying densities, with visual and physical access to the Hudson River waterfront and linking other commercial and residential areas of the City to the waterfront.
- B. The Waterfront District shall include the W(RRDV), W(H) and W(N) Subdistricts. Development in the W(RDV) Subdistrict is subject to the special use, bulk and parking regulations of the South Waterfront Redevelopment Plan adopted November 17, 1989, as amended; the W(H) Historic Subdistrict is subject to review procedures of the Historic Commission; and development in the W(N) Waterfront North Subdistrict is subject to height limitations as specified herein.

[Amended 5-7-2003 by Ord. No. DR-91; 4-21-2004 by Ord. No. DR-139]

C. Principal permitted uses shall be as follows for W(H) and W(N) Subdistricts:

- (1) Educational uses.
- (2) Public recreational uses.
- (3) Marina facilities, fishing piers and water-oriented light commercial, recreational or passenger uses.
- (4) Interim land uses pending the completion of a development, limited to temporary uses, such as parking facilities, concessions, commercial passenger excursion operations and special events.

- (5) Accessory uses customarily incidental to a principal use.
 - (6) Accessory uses customarily incidental to a principal use and wireless telecommunications antennas subject to §§ **196-26** and **196-35**.
[Added 5-7-2003 by Ord. No. DR-91]
- D. Conditional uses.
- (1) Conditional uses shall be as follows for the W(N) Subdistrict only:
 - (a) Maritime industrial uses, including marine shipping terminals and repair facilities. See § **196-38T**.
 - (2) Conditional uses for the W(H) and W(N) Subdistricts shall be as follows:
 - (a) Transportation terminal facilities. See § **196-38U**.
- E. Area, yard and building requirements. For all permitted uses in the W(H) and W(N) Subdistricts and for all conditional uses, the area, yard and building requirements shall be as follows:
- (1) Minimum lot area: 40,000 square feet.
 - (2) Minimum lot width: 400 feet.
 - (3) Minimum lot depth: 400 feet.
 - (4) Maximum lot coverage:
 - (a) For principal buildings: 30%.
 - (b) For accessory buildings: 10%.
 - (5) Building height, maximum: two stories, but not more than 35 feet.
- F. Off-street parking and loading shall be as follows: See generally Article **XI**.

Article VIII. Supplemental Lot, Height and Yard Regulations

§ 196-21. Purpose and application.

Regulations in this article supplement those in Article **III** and other sections of this chapter and are to be applied in conjunction with such other regulations.

§ 196-22. Lot regulations.

- A. Minimum lot requirements. The area or dimension of any lot, parking area or other space shall not be reduced to less than the minimum required by this chapter for the district in which the lot is located; if an area or dimension is already less than a required minimum, such area or dimensions shall not be further reduced.
- B. Lot frontage. The minimum lot frontage for any lot shall be measured along the minimum building setback

line required for the district in which the lot is located.

- C. Principal buildings per lot. No more than one principal building shall be permitted per lot, except for planned developments.
[Amended 6-21-1989 by Ord. No. P-58; 3-3-1999 by Ord. No. R-371]

§ 196-23. Height regulations.

- A. General application and permitted exceptions. No building or structure shall be higher than the height permitted in the district where such building is located. Such limitations shall not apply to roof appurtenances such as flagpoles, radio or television antennas other than satellite dishes, wireless telecommunications antennas, chimneys, elevator or stair bulkheads, mechanical penthouses, parapets or railings up to five feet in height above the roof slab, water tanks or cooling towers or any similar structures, provided that:
[Amended 6-21-1989 by Ord. No. P-58; 5-7-2003 by Ord. No. DR-91]
- (1) In PUD's and redevelopment areas (where regulations in the Plan are more restrictive, the Plan will control) and in the R and CBD districts, such roof appurtenances in their aggregate coverage may occupy no more than 10% of the roof area of the building and may not exceed a height of 15 feet above the roof on which they are located; and
 - (2) In I-1 and I-2 districts, such roof appurtenances in their aggregate coverage may occupy no more than 50% of the roof area of the building and may not exceed a height of 15 feet above the roof on which they are located.
- B. Measurement and specific application.
- (1) Building height. Building height shall be measured from the average grade computed by averaging the grade obtained at the four corners of a principal structure or the four most extreme points on the north, south, east and west sides of a principal structure, or at four points 90° apart for a circular structure.
 - (2) [Repealed 2-18-1998 by Ord. No. R-294]
- C. Heights limits along Hudson River. In order to maintain a clear view from Elysian Park to the Hudson River, no structure shall be constructed or enlarged to exceed 18 feet in height in the area to the east of Elysian Park between the center line of 10th Street extended and a parallel line extending easterly from the northernmost point of Elysian Park. In order to maintain the view from Stevens Park to the Hudson River, no structure shall be permitted to the east of Stevens Park between the center line of Fourth Street extended and a parallel line extending easterly from the center line of Fifth Street.
[Amended 6-21-1989 by Ord. No. P-58]

§ 196-24. Yard regulations.

- A. Front yard setback line. The minimum front yard set-back line shall be measured from the street right-of-way line. If a planned right-of-way line has been established on an official map for future streets or the future widening or extension of existing streets, setbacks shall be measured from such planned line as if it were a street line.

- B. Multiple frontage lots.
- (1) Wherever a side yard is adjacent to a street, front yard setback requirements shall apply. [Amended 6-21-1989 by Ord. No. P-58]
 - (2) Wherever a lot abuts on more than one street, the front yard of such lot shall be established on the wider of the abutting streets. Where the abutting streets are of equal width, the front yard may be established on either street. The foregoing shall apply only for a new building when all lots and yards conform to zoning regulations and when the street number for the building is that of the street from which the front yard setback is established.
- C. Average side yard width. Where the side wall of a building is not parallel with the side lot line or is broken or is otherwise irregular, the side yard may be varied so long as the average width of such side yard is not less than the required minimum and is at no point less than 1/2 the required minimum.
- D. Exceptions to yard requirements. [Amended 9-16-1998 by Ord. No. R-332]
- (1) Architectural features may project into required yards as follows:
 - (a) Open fire escapes (where permitted by BOCA or other relevant building codes or ordinances): four feet six inches into required side or rear yard.
 - (b) Cornices, bay windows, canopies, eaves or similar architectural features when projecting into side or front yards: two inches for each one foot of side or front yard setback, but not to exceed a total of three feet.
 - (c) Pedestrian ramps built pursuant to minimum standards of the Americans with Disabilities Act (ADA).
 - (2) Where residential or special districts abut industrial districts, up to 20 feet of additional setback and appropriate screening may be required subsequent to site plan review by the Planning Board for uses within the Industrial District.

§ 196-25. Accessory buildings and use.

When an accessory structure is attached to a principal building, it shall comply in all respects with the requirements of this chapter, applicable to principal buildings.

- A. Detached accessory building.
- (1) No accessory building shall be located closer to the street than the street wall of the principal building.
 - (2) No accessory building shall be located closer to a principal building than a distance equal to the height of the accessory building or the minimum requirements of applicable fire, health and safety regulations of the Building and/or Housing Codes and any state regulations.
 - (3) No accessory building shall be located closer to the side and rear lot lines than a distance equivalent to the height of the accessory building or 1/2 the distance required for a principal building, whichever is greater.
- B. Unenclosed accessory uses. Accessory uses in residential districts not enclosed in a building, including

swimming pools and tennis courts, shall be erected only on the same lot as the principal building and may not be constructed in the front or side yards of such lot. Such uses must not be located closer than 10 feet from the rear lot line and shall not adversely affect the character of any residential neighborhood by reason of noise, glare or safety hazards. When more than three feet in depth or 15 feet in length, whether above-ground, or in-ground, pools shall be enclosed by a fence with a minimum height of six feet.

[Amended 6-21-1989 by Ord. No. P-58]

§ 196-25.1. Temporary uses.

[Added 6-21-1989 by Ord. No. P-58]

Temporary uses shall be subject to site plan review to assure the absence of negative impacts on neighboring uses.

Article IX. General Supplementary Regulations

§ 196-26. Site plan review.

[Amended 6-21-1989 by Ord. No. P-58; 12-2-1998 by Ord. No. R-357; 6-7-2000 by Ord. No. R-445; 10-17-2001 by Ord. No. DR-14; 5-15-2002 by Ord. No. DR-39]

A. General conditions.

(1) Site plan review and approval by the Planning Board shall be required as described below:

(a) Site plan review shall be required for:

[1] New construction or substantial alteration resulting in 10 or more dwelling units;

[2] New nonresidential structures with more than 5,000 square feet of floor area;

[3] Additions and alterations to existing, nonresidential structures increasing by 50% or more the gross floor area or building coverage existing at the time of the passage of this section; and

[4] Major parking facilities.

[5] Wireless telecommunications towers subject to § 196-35.

[Added 5-7-2003 by Ord. No. DR-91]

(b) Minor site plan review shall be required for:

[1] New construction or external alterations resulting in three to nine dwelling units;

[2] New nonresidential structures with 3,000 to 4,999 square feet of floor area; or

[3] Additions and external alterations to existing nonresidential structures increasing by 25% to 49% the gross floor area or building coverage existing at the time of the passage of this section.

- [4] Any change in use or increase in intensity of use where the site occupant will require 10 or more additional parking spaces under the provisions of this chapter; such calculation is to be performed using the table provided in § **196-44** for nonresidential uses located anywhere in the R-1 district and anywhere on Washington Street even though no parking is permitted on-site in those locations.
- [5] Any request for an increase in permitted occupancy of a nonresidential use as measured by either the Uniform Fire Code, BOCA or other applicable code.
- [6] Wireless telecommunications antennas subject to § **196-35**.
[Added 5-7-2003 by Ord. No. DR-91]
If the proposed site plan involves one or more zoning discrepancies as specified in N.J.S.A. 40:55D-70d, the applications for site plan approval and zoning ordinance variance shall be submitted to the Zoning Board of Adjustment.

- (2) Site plans shall be submitted by the applicant to the appropriate Board for its review and action. Where a site plan involves a zoning discrepancy as described in N.J.S.A. 40:55D-70c, the Planning Board shall have the power to review the applications for site plan approval and a variance at the same time and render its decision thereon. If the proposed site plan involves one or more zoning discrepancies as specified in N.J.S.A. 40:55D-70a, 40:55D-70b or 40:55D-70d, the applications for site plan approval and zoning ordinance variance shall be submitted to the Zoning Board of Adjustment for its review and decision on both.
- (3) Site plan review may be conducted concurrently with special review, planned development and conditional use procedures specified elsewhere in this chapter. If approved, a site plan shall be signed and dated by the Chairman of the Planning Board and transmitted to the Zoning Officer. A site plan which has been denied or approved with conditions shall be returned unsigned to the applicant with a letter stating the conditions or reasons for denial. A copy of the letter and plan shall be submitted to the Zoning Officer.
- (4) Where review is required by the Historic Preservation Commission, such review shall precede that of the Planning Board/Zoning Board, which shall be informed of the Commission's findings by way of a written report or testimony given by a Commission member or staff person. See Chapter **42** of the Code of the City of Hoboken for establishment of historic districts and sites, the Historic Preservation Commission, and its procedures.
[Amended 8-15-2012 by Ord. No. Z-196]

- B. Procedures. Detailed checklists^[2] are available from the Planning Board/Zoning Board Secretary along with proper application forms. The applicant must review the appropriate checklist and provide all appropriate attachments called for by the checklist in addition to the completed application form and applicable fees. All initial submittals must be made through the Planning Board/Zoning Board Secretary in a single packet. The initial submittal will be reviewed by the Board professionals to insure that proper administrative and escrow fees have been posted, that the items required in the checklist have been provided, and that the architectural and engineering plans and calculations are technically complete and in conformance with City ordinances. Applicant must specifically request, in writing, any variances and/or waivers being sought. The results of this initial review will be submitted to the Planning Board's Subdivision and Site Plan Committee with copies to the applicant and applicant's professionals as appropriate. If site plan approval is being sought from the Zoning Board, the results will be reviewed by the Application Review Committee. The Subdivision and Site Plan Committee of the Planning Board or the Application Review Committee of the Zoning Board will determine which review agencies must receive copies of the application. The applicant will be responsible for the distribution. Proof of distribution will constitute one of the required

elements of completion prior to the hearing. Such proof shall be provided by the applicant in the form of certified mail receipts. Responses may be offered in writing or by way of expert testimony as the Board may decide. Final approval may be conditioned on adequate responses.

Reasonable effort will be made to advise the applicant prior to the Committee meeting if the application is deficient and unable to be deemed complete. In any event, the application must be deemed complete by the Committee in order to be placed on the next Board agenda for a hearing. If the next agenda is full, applicant will be notified by the Board Secretary as to the hearing date. At such time, applicant will be required to make the necessary publications and notifications.

Per § 44-33 of the Code of the City of Hoboken, applicant must provide proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of the application. If it is shown that taxes or assessment are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment thereof or the making of adequate provision for such payment in a manner that will adequately protect the municipality. Application fees must be paid up-to-date prior to being heard. Failure to do so will result in the application not being heard.

- (1) For Planning Board review, eight completed copies of the application for site plan review and eight full-sized and eight reduced 11 by 17 inches copies of each of the plan elements shall be submitted to the Planning Board Secretary at least 21 days prior to the next regularly scheduled Subdivision and Site Plan Review Committee meeting. Individual packets are to be provided directly to the Board's Planner, Engineer and Attorney. For Zoning Board review, three completed copies of the applications for site plan review and variance approval and three copies of each of the plan elements shall be submitted to the Zoning Board Secretary at least 14 days prior to the next regularly scheduled Application Review Committee meeting. Individual packets are to be provided directly to the Board's Planner, Engineer and Attorney. Consult the Secretary for the number of final submission sets for the Board hearing.
- (2) Within 45 days of the official date of receipt, the Planning Board/Zoning Board shall inform the applicant of any deficiencies in the application or preliminary plans, or the application will be deemed complete. If the application is incomplete, it shall be returned to the applicant for completion and resubmission.
- (3) Preliminary site plan approval shall be granted or denied by the Planning Board in accordance with N.J.S.A. 40:55D-46 within 45 days of submission of a complete application to the Planning Board Secretary for a minor site plan of 10 acres of land or less and 10 dwelling units or less; within 95 days for a site plan of more than 10 acres or more than 10 dwelling units; or, where the request includes a request for relief pursuant to N.J.S.A. 40:55D-60, within 120 days. Failure of the Planning Board to act shall be deemed to be preliminary approval.
 Minor site plan approval shall be deemed to be final approval of the site plan by the Board, provided that the Board may condition such approval on terms ensuring the provision of improvements pursuant to N.J.S.A. 40:55D-38, 40:55D-39, 40:55D-41 and 40:55D-53. Failure of the Board to act within the period prescribed shall constitute minor site plan approval.
- (4) Upon submission to the Planning Board/Zoning Board Secretary of completed conforming final plans for those applications previously granted preliminary site plan approval, the Planning Board/Zoning Board shall grant or deny final site plan approval in accordance with N.J.S.A. 40:55D-50. Failure of the Planning Board/Zoning Board to act within 45 days after submission of a complete conforming application shall constitute final site plan approval. Applications for final site plan approval shall be submitted for Planning Board/Zoning Board review prior to beginning construction of the building or buildings receiving preliminary site plan approval. First certificates of zoning compliance and building permits shall only be granted upon a showing of the resolution of approval of minor site plan or final site plan approval along with a set of the approved, signed site plan drawings.
 [Amended 5-7-2003 by Ord. No. DR-90; 6-18-2008 by Ord. No. DR-357]

- (5) In such cases as site plan review is conducted concurrently with applications for a variance, planned development or conditional use, public hearings and notice are required pursuant to N.J.S.A. 40:55D-12.
- (6) Whenever review of the application by the County Planning Board is required in accordance with Section 8 of P.L. 1968 (N.J.S.A. 40:27-6.6), the Planning Board shall condition any approval that it grants on timely receipt of a favorable report by the County Planning Board or approval by the County Planning Board evidenced by the failure to report thereon within the required time period.
- (7) An application not acted on within two years of its approval shall be subject to the conditions of N.J.S.A. 40:55D-52.
- (8) Decisions on appeals and development applications shall be granted or denied by the Zoning Board in accordance with N.J.S.A. 40:55D-73 within 120 days (or within such further time as may be consented to by the applicant) of submission of a complete application to the Zoning Board Secretary. Failure of the Zoning Board to act shall constitute a decision favorable to the applicant.

[2]: *Editor's Note: See Chapter 34A, Development Application Checklists.*

- C. Standards for site plan drawings. Site plan drawings shall be submitted at a scale of one inch equals 50 feet for tracts under one acre in size and at a scale of one inch equals 80 feet for tracts up to 10 acres. All plans shall be signed and sealed by a professional as required by the state, folded with Title Block revealed.
- D. Required submissions. Detailed checklists for preliminary, minor and final site plan as well as for minor and major subdivision applications are available from the Planning Board/Zoning Board Secretary along with proper application forms which may be revised from time to time. The checklist below applies to preliminary site plan review. The applicant must review the appropriate checklist and provide all appropriate attachments called for by the checklist in addition to the completed application form and applicable fees. Ten copies of each submission showing details of the following categories shall be submitted: building and impact; circulation; landscaping; facilities and utilities; topography; zoning compliance; recycling; and a signed and sealed survey.
 - (1) The building and impact plan shall include drawings which show the following:
 - (a) Ground floor/site plan clearly showing lot lines and lot numbers of the subject site as well as lot numbers of adjoining lots; proposed yards and building setbacks; location of buildings on adjacent lots; name, width and direction of travel of adjoining street(s) with distance to intersection indicated; north arrow;
 - (b) Key/location map showing zoning district boundaries;
 - (c) Two hundred feet radius diagram showing tax block and tax lot numbers within 200 feet of the site;
 - (d) Signature block.
 - (2) A written neighborhood impact report shall describe the proposed use or uses of the buildings, proposed numbers of employees and/or residents, projected vehicular traffic, anticipated generation of noise, glare, heat, odor and vibration, possible safety hazards, and anticipated future expansion; a detailed traffic impact report shall be provided for any project providing 50 or more parking spaces on-site.
 - (3) A circulation plan shall show access roads, curbs, curb cuts, paths, driveways, parking and loading facilities, interior circulation arrangements for vehicles and pedestrians and arrangements for exterior lighting; see checklist for details.

- (4) A landscaping plan shall show the location and characteristics of buffers and screening whether fencing or plant material, trees, and plantings; see checklist for details.
 - (5) A facilities and utilities plan shall show existing and proposed locations of facilities and utilities providing for water, sewerage, storm drainage, electricity, gas, fire protection and solid waste disposal. Provisions for underground distribution of electrical and signal utilities shall be shown.
 - (6) A topographic plan shall show existing elevations on the subject site. Show proposed spot elevations per checklist. A written notation shall be provided to indicate the site's relation to flood hazard boundaries as shown on the FEMA Flood Hazard Map.
 - (7) A zoning compliance table shall show all relevant district regulations (use, bulk, parking, standards for conditional uses, etc.) as set forth in Chapter **196**, providing the numerical section references in the first column. For each regulation, the table shall compare district requirements with values for the proposed project. The table shall indicate any values for the project which do not conform to district regulation standards in a column indicating "variance required." Additionally, where required standards or limitations are based on such characteristics as the number of dwelling units, square footage of customer service area percentage of roof area, prevailing height or front yard setback, etc. the calculation and/or a sketch must be provided. Instructions for calculating compliance with the facade and density regulations are available from the Board Secretary.
 - (8) A recycling plan shall show what materials will be collected, where they will be stored, where and by whom they will be picked up and with what frequency, the amount of material projected to be generated and how much storage area will be required for each material. See § **196-26.1** for state and local minimum standards for projecting and providing storage and handling space.
 - (9) A survey signed, sealed and dated by a licensed land surveyor shall be submitted with site plan review applications as well as with subdivision requests; the survey should clearly show all existing buildings on site. A copy of a survey shall be submitted with development applications requesting variances only.
- E. Considerations. In considering and approving site plans, the Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the general public and the general purposes and intent of this chapter.

[1]: *Editor's Note: For site plan applications and checklists see Chapter 34A, Development Application Checklists.*

§ 196-26.1. Recycling plan; storage and projection standards.

[Added 12-2-1998 by Ord. No. R-357]

- A. Purpose and application. Pursuant to the "Statewide Source Separation and Recycling Act," the City of Hoboken has adopted both a recycling plan and a Recycling Plan Element to effectuate the goals of the state and county to recover a mandated percentage of the municipal solid waste stream. Through site plan review, subject developments are to provide adequate and proper space per the standards presented below.
- B. Standards for storage.
 - (1) Residential development: sufficient storage for a week's worth of recyclables shall be provided both within each dwelling unit and, if a multi-family building, in a common area as specified below.
 - (a) Size: sufficient for eight gallons of storage in each unit; three square feet for each three tier stack

unit or for three to four gallons buckets.

(b) Location.

[1] Multifamily: under kitchen sink or in closet of each dwelling unit as well as in a common area near the refuse receptacle or a laundry room (preferably on each floor); a central storage area should be located so as to facilitate pick-up.

[2] Single-family homes: same as for apartment or in laundry room, basement or garage.

(2) Commercial/industrial development: sufficient storage space for a week’s worth of recyclables.

(a) Size: if development generates a large volume of recyclables, the loading dock area shall be of a sufficient size to hold small dumpsters, 55 gallon containers or four feet by four feet by four feet Gaylord containers or hampers which can be picked up by a fork lift. If a nonresidential use is not large enough to require a loading dock under the provisions of the Zoning Ordinance, the recycling plan shall provide for pick-up times frequent enough to make large storage areas unnecessary.

(b) Location: storage shall be provided indoors or, if outside, it shall be screened by a shed-like enclosure.

C. Standards for projection.

(1) Average generation rates are as follows:

Recyclable	Pounds/Person/Week
Glass	1.25-1.75 lbs.
Aluminum	0.10 lbs.
Tin cans	1.50 lbs.
Corrugated	2.00-2.50 lbs.
High-grade office paper	5 lbs./office worker
Mixed office paper	8 lbs./office worker

(2) Weight-to-volume ratios: some of these items may not be permitted at the time of application (it is the applicant’s responsibility to refer to the local recycling ordinance and related regulations at the time of submission to determine which items are to be recycled and in what form — crushed, in paper bags, etc.).

Recyclable	Weight-to-Volume
Glass	
Loose, whole	600 lbs. = 1 cu. yd. 175 lbs. = 55 gal. drum
Semi-crushed	1,000 lbs. = 1 cu. yd. 300 lbs. = 55 gal. drum
Crushed	1,800 lbs. = 1 cu. yd. 550 lbs. = 55 gal. drum
Newspaper	
Stacked	600 lbs. = 1 cu. yd. 30-35 lbs. = 1 (12”) stack
Aluminum cans	
Whole	74 lbs. = 1 cu. yd. 1.5 lbs. = 1 grocery bag

Flattened	21 lbs. = 1 lg. plastic garbage bag 250 lbs. = 1 cu. yd.
Tin cans	
Whole	(1,800 cans) 150 lbs. = 1 cu. yd. 1 lb. = 12 cans
Flattened	850 lbs. = 1 cu. yd.
Leaves/Chips/Grass	
Leaves (uncompacted)	250 lbs. = 1 cu. yd. 1 ton = 8 cu. yd.
Leaves (compacted)	450 lbs. = 1 cu. yd. 1 ton = 4.44 cu. yd.
Wood chips	500 lbs. = 1 cu. yd. 1 ton = 4 cu. yd.
Grass clippings	404 lbs. = 1 cu. yd. 1 ton = 4.95 cu. yd.
Other materials	
Used motor oil	7 lbs. = 1 gal. 1 ton = 285.7 gal.
Passenger car tires	12 lbs. = 1 tire 1 ton = 166.6 tires
Truck tires	60 lbs. = 1 tire 1 ton = 33.3 tires
Solid fats & liquid fats	412.5 lbs. = 55 gal. drum 1 ton = 4.8 drums

§ 196-27. Overlay districts.

[Amended 6-21-1989 by Ord. No. P-58; 3-15-1995 by Ord. No. R-116; 11-14-2005 by Ord. No. DR-209; 8-15-2012 by Ord. No. Z-196]

The R-1(E), R-1(CS), R-1(H)(CPT), CBD(H), CBD(H)(CS), W(RDV), W(H), W(N), and I-1(W) Subdistricts are designed to provide flexibility to district regulations. The subdistricts further the public interest by subtracting permitted district uses in the Higher Education Subdistrict and increasing district requirements in the Historic Districts.

- A. R-1(E) Higher Education Subdistrict. The R-1(E) Subdistrict isolates uses peculiar to higher education from the remainder of the district while acknowledging functional, economic, social and geographical relationships between the subdistrict and the larger district.
- B. CBD(H) Historic Subdistrict. The CBD(H) Subdistrict provides an additional review function within the portion of the CBD designated as an historic district by incorporating the provisions of the local ordinance establishing an historic district and the Historic Preservation Commission. Any application for a building permit to erect a new building, or to demolish or to alter the height, bulk, setback, location or exterior appearance of an existing building in the CBD(H) Subdistrict shall be subject to review by the Historic Preservation Commission and such further action as may be authorized by local ordinances. Reviews and recommendations by the Historic Preservation Commission shall not supersede the powers and responsibilities of other local legislative or regulatory bodies but shall be taken into consideration by the

Planning Board and Zoning Board of Adjustment in issues of mutual concern.

- C. Court Street (CS) Subdistrict. The Court Street Subdistrict is intended to preserve the distinctive scale and architecture of structures fronting on Court Street and to promote new development compatible with this unique service alley's limited accessibility to utilities and City services such as fire protection and sanitary services. Those portions within the CBD(H) Subdistrict are subject to review procedures by the Historic Preservation Commission.
- D. I-1(W) Subdistrict. The I-1(W) Subdistrict is designed to acknowledge the shift in demand for riverfront property from nonresidential to residential uses while protecting existing employing units and employment opportunities.
- E. W(H) Subdistrict. The W(H) Subdistrict indicates the location of a segment of the City's historic district within W-District boundaries. That segment is subject to review procedures by the Historic Preservation Commission.
- F. W(RDV) Subdistrict. The Waterfront Redevelopment Subdistrict represents the plan area within which the Waterfront at Hoboken, South Redevelopment Plan applies.
- G. W(N) Waterfront North Overlay Subdistrict. It is intended that the view of the bluffs associated with Castle Point along the Hudson River Waterfront be preserved as a natural amenity of the City. Therefore, all development located within this subdistrict shall be subject to a height limitation, restricting such development to no more than 35 feet in height. Permitted and conditional uses shall be otherwise the same as those established for the remainder of the W Waterfront District.
[Added 11-17-1989 by Ord. No. P-87]
- H. R-1(H)(CPT) Castle Point Historic Subdistrict. The purpose of the Castle Point Historic Subdistrict is to reinforce and safeguard the heritage of this area which has been one of the most prestigious neighborhoods in Hoboken. This subdistrict which is also designated the "Castle Point Historic District" is distinguished by being the only neighborhood in the City typified by large, freestanding one- and two-family homes. Through architectural and bulk controls, the height and density will be limited to maintain the historic character.
[Added 11-14-2005 by Ord. No. DR-2005]

§ 196-27.1. Urban design review for planned developments.

[Added 6-21-1989 by Ord. No. P-58; amended 11-17-1989 by Ord. No. P-87; 4-18-1990 by Ord. No. P-103; 3-15-1995 by Ord. No. R-116; 9-6-1995 by Ord. No. R-141]

- A. Urban design review is intended to be applied to planned developments in the I-1(W) District because of the unique characteristics of this district. Urban design review procedures are set forth in this section to ensure that any new planned development in this district will be compatible with its location and within the context of existing and proposed development. Such new development shall also further the purposes of this section and of the land use plan element of the Master Plan, as it may be amended. In the event of conflict between any provision of the urban design review (§ 196-27.1) and any other provision of this chapter, the urban design review provision shall prevail.
- B. Action by the Planning Board. The Planning Board shall review an application for urban design review in accordance with procedures for site review set forth in § 196-26. Prior to approving any planned development, the Planning Board shall find the facts and conclusions required under N.J.S.A. 40:55D-45 and make such further findings as are required under any other provisions of the Municipal Land Use Law

(N.J.S.A. 40:55D-1 et seq.). In its review, the Board shall also find that the applicant meets the following requirements:

- (1) That the development creates a vehicular and pedestrian circulation system of streets (either public or private), pathways and public open space which advance the following:
 - (a) Creation of a street system which:
 - [1] Interconnects with existing and adjacent streets in a design demonstrated by applicant's traffic studies to optimize traffic flow in and out of the planned unit development;
 - [2] Where a planned unit development is adjacent to any western bypass road (as discussed in the Circulation Plan Element of the City Master Plan) as may be constructed, it shall provide a linkage to such road thereby permitting access to the northern waterfront sector of the district by passing beneath the Park and Willow Avenue viaducts. If such bypass road has not been constructed at the time the subject planned unit development application is submitted, the layout of the planned unit development shall not preclude any future linkages.
 - [3] Creates a development block pattern which provides the framework for the application of **§ 196-27.1B(3)**.
 - [4] Creates and maintains view corridors (at street level) of the Hudson River primarily along the lines of adjacent east-west streets south of and including Fifteenth Street, and view corridors of Weehawken Cove — primarily along the lines of adjacent north-south streets west of and including Hudson Street.
 - [5] Where a developer chooses to make streets private he shall provide permanent public easements over all such streets in order to insure public access to the water's edge.
[Added 10-18-1995 by Ord. No. R-146]
 - (b) Creates a pedestrian circulation system and open space system which provides public access to and along the edge of the Hudson River and Weehawken Cove, built in conformity with at least the minimum standards of the New Jersey Department of Environmental Protection per N.J.A.C. 7:7E-8.11, Public Access to the Waterfront, N.J.A.C. 7:7E-1.1 et seq.
- (2) That off-street parking provisions are, at a minimum:
 - (a) In conformity with the provisions of Article **XI**.
 - (b) If a project is phased and accessory parking is not located in the principal building, parking facilities shall be completed prior to the issuance of certificates of occupancy.
 - (c) On-site parking facilities shall be within enclosed structures or, if in open areas, as permitted under **§ 196-17F(2)(b)**, parked vehicles must be shielded or screened in such manner as substantially to prevent them from being observed from grade level outside the planned development. Such shielding may be provided by buildings, landscaping, fences or walls within the planned development. Rooftop parking shall provide screening with structures, landscaping, horizontal trellises, etc. sufficient to screen 20% of the parking area. Trees shall be shown at their mature size in order to calculate coverage.
 - (d) The exterior wall materials and design of enclosed parking facilities located within a residential or commercial building shall be designed to the greatest extent practicable, the materials on the exterior walls of the building in which the parking is located or, in the case of a freestanding

parking structure, adjacent buildings in the planned development.

- (3) That the following bulk controls have been applied:
- (a) Rear walls of residential buildings shall not be more than 70 feet from the street line of any public or private street [except in the case of residential buildings located within 150 feet of the intersection of two streets, which buildings may have rear walls located not more than 125 feet from the street line].
 - (b) Building coverage for any one development block shall not exceed 75%, so long as average building coverage for all development blocks does not exceed 65%; provided, however, that where a parking structure is created under the principal building, up to four stories may cover up to 100% of the development block. Such stories of the building shall be excluded from the calculation of building coverage so long as the following conditions are met:
 - [1] The roofstop of the parking structure shall be landscaped and designed for the use and enjoyment of occupants of the building; and
 - [2] The stories of the building containing the parking levels fully comply with the requirements of § 196-27.1B(2)(d).
 - (c) Any development block within a planned development containing one or more residential buildings shall contain an open area for light and air [having no dimension less than 30% of the block width] commencing no higher than the level of the lowest residential floor facing the interior of the block. Open areas above buildings or structures, on-grade parking lots, driveways, sidewalks and other surfaces may satisfy this requirement.
- (4) That there is compatibility with adjacent existing and proposed development concerning but not limited to the following:
- (a) Vehicular and pedestrian circulation.
 - (b) Infrastructure improvements.
 - (c) Where applicable, public access to the waterfront and/or public open spaces.
 - (d) A minimum dwelling unit size of 400 net square feet.
- (5) Uses: Planned unit development may include the following uses: residential, commercial (except auto-related sales and service), bars, restaurants and river-borne public transportation as set forth in § 196-38S. Any of the above uses which are also set forth in § 196-17D(2) shall not be considered conditional uses in planned unit developments. Major parking facilities shall not be considered conditional uses in planned unit developments.

§ 196-27.2. Historic site standards.

[Added 3-20-1991 by Ord. No. P-136; amended 6-5-1991 by Ord. No. P-144; 8-15-2012 by Ord. No. Z-196]
See Chapter 42 of the Code of the City of Hoboken for historic preservation site standards.

§ 196-27.3. Building facades.

[Added 10-21-1998 by Ord. No. R-350]

- A. Purpose. The purpose of this section is to encourage development of residential buildings which are sympathetic to and compatible with the dominant "Hoboken look" in housing which has been identified as a mix of brick and brownstone characteristic of townhouses and small apartment buildings built in the late nineteenth and early twentieth century. Such buildings often have stoops with fences, bay windows, projecting cornices and a high ratio of glass to masonry on the street facade.
- B. Application.
- (1) All residential buildings, whether newly constructed or substantially altered, shall be subject to the regulations in this section whether or not they are subject to review and approval by either the Planning Board or Zoning Board of Adjustment for site plan or variance requests.
 - (2) The project architect will be responsible for providing sufficient drawings, calculations and general notes to specifically identify how the proposed building complies with the regulations set forth below.
 - (3) Terminology. The word "facade," as used in this section, refers to the building wall facing the street. In most instances, this will only be the front wall. In the case of a corner building, the regulations apply to both building walls facing the street.
- C. Materials.
- (1) To be used over at least 75% of the building facade:
 - (a) Standard brick masonry.
 - (b) Stone (e.g., brownstone, limestone, sandstone).
 - (2) To be limited to less than 25% of the building facade:
 - (a) Wood.
 - (b) Synthetic stucco systems or exterior insulation and finish systems.
 - (c) Cement stucco.
- D. Articulation. Variation in the surface is to be achieved with a combination of some or all of the following features: bay windows, balconies, stoops and vertical and/or horizontal demarcations as outlined below:
- (1) Vertical articulation: vertical demarcations shall be required no less than every 50 linear feet of street facade; these may be achieved by a change of color or material, by a stack of bay windows or balconies, or by a vertical "line" created by the application of a different material or by a variation in the surface of the facade (minimum variation of eight inches).
 - (2) Horizontal articulation: horizontal demarcations shall be required for any building taller than four stories; such elements as a cornice line, a course of brick or stone which projects or is differently colored or differently laid, a floor (such as the ground floor) which has a different material from that of the main facade, balconies located only on one floor across the face of the building will satisfy this requirement.
- E. Fenestration.
- (1) All windows shall be inset in the masonry opening a minimum of three inches and shall be operable (i.e., ribbon windows and extensive glazing such as curtain wall construction shall not be permitted).

- (2) The pattern or rhythm of fenestration shall be similar to that of the residential buildings on the balance of the same or opposite blockface to the greatest extent possible.
- (3) Glazing shall represent at least 45% of the total facade area of the residential floors (see garage fenestration below).
- (4) Openings in garage facades fronting on the street must also be of "punched" type. Decorative metal grilles must be used where there is no glazing. The pattern of openings must relate to the overall fenestration pattern of the building.

§ 196-28. Walls and fences.

Any wall or fence exceeding six feet in height shall be set back from any lot line one foot for each additional foot in height, except that along the boundary between the R District and any other district, the maximum permitted height of any fence or wall shall be eight feet.

§ 196-29. Swimming pools.

[Amended 6-21-1989 by Ord. No. P-58]

An in-ground or aboveground swimming pool for private use is permitted in residential districts as an accessory use, provided that it is located in the rear yard of the same lot as the principal building, that it meets the requirements of the Board of Health and other codes and authorities having jurisdiction, that any lighting installed in connection with such a pool shall not project direct or reflected light into adjoining properties and that no outdoor sound amplifying system shall be installed in conjunction with such pool, and when more than three feet in depth or 15 feet in length, the pool shall be enclosed by a fence of at least six feet in height. In-ground openings shall be covered when the pool is empty.

§ 196-30. Conversions.

Conversion from any use to a permitted use is allowed, provided that all requirements for the new use, including required off-street parking, are met and provided that a new certificate of occupancy is obtained.

§ 196-31. Signs and signage.

[Amended 3-20-1991 by Ord. No. P-136; 6-5-1991 by Ord. No. P-144; 10-19-1994 by Ord. No. R-84; 9-6-1995 by Ord. No. R-141; 10-2-1996 by Ord. No. R-208; 5-2-2012 by Ord. No. Z-177]

- A. Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

AWNING SIGN

A sign that is mounted, painted or attached to an awning or other window or door canopy. Awnings may be fixed or retractable. The sign area of an awning is based on the total gross printed area.

BANNER

See "temporary sign" below.

BILLBOARD

A commercial sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

BLADE SIGN

A vertically oriented wall sign that projects from the facade of the building to which it is attached.

BULLETIN BOARD

A sign that identifies an institution or organization on whose premises it is located and that contains the name of the institution or organization, the names of individuals connected with it and general announcements of events or activities occurring at the institution, or similar messages.

BUS SHELTER SIGN

Advertising signs that are enclosed by a frame, glass or are otherwise mounted to a bus shelter.

CANOPY SIGN

A sign that is affixed to a ridged building canopy. See also "awning signs."

DIRECTIONAL SIGN

Signs limited to directional messages such as "one way," "entrance" and "exit."

FEATHER FLAG SIGN

Temporary advertising signs made of lightweight cloth that are supported by a lightweight freestanding pole or frame.

FREESTANDING SIGN

Any of a group of sign types, including but not limited to: A-frames, poster signs, "swinger" or "springer" signs, specifically designed for use on the sidewalk and not permanently affixed to a building or other structure.

GOVERNMENTAL SIGN

A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance or other governmental regulation.

POLE SIGN

A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

POLITICAL SIGN

A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

PORTABLE SIGN

See "freestanding sign."

PROJECTING SIGN

A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from the facade of that building.

REAL ESTATE SIGN

A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

ROOF SIGN

A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roofline of a building with a flat roof, the eaveline of a building with a gambrel, gable or hip roof or the declline of a building with a mansard roof.

SIGN AREA

The entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure or the unprinted area of an awning.

SUSPENDED SIGN

A sign hanging from a marquee, awning, porch or canopy.

TEMPORARY SIGN

A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time. Other than political signs, temporary signs shall not remain in place more than four weeks unless expressly approved by the Zoning Officer.

WALL SIGN

A sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure.

WINDOW SIGN

A sign that is painted or mounted onto a windowpane, or that is hung directly inside a window, for the purpose or effect of identifying any premises from the sidewalk or street or for advertising special sales, events or products.

- B. Compliance, certification and permits.
- (1) All signs hereinafter erected, altered, enlarged, relocated or repaired shall require a certificate of zoning compliance issued by the Zoning Officer and a building permit issued by the Construction Code Official.
 - (2) Applications shall include the following:
 - (a) Drawings indicating plot plan, building elevation, sections showing sign location, size, type, material, method of attachment and indicating all other existing wall signs, projecting signs and/or other signs on the building, lighting and support details.
 - (b) Proof of ownership or authorization of the owner to erect a sign.
 - (3) Signs on buildings, structures or property, whether public or private, designated a historic site or located within any historic district, erected, altered, enlarged, relocated or repaired, must obtain prior approval from the Hoboken Historic Preservation Commission.
 - (4) Exceptions. Those signs enumerated in Subsection **C(1)** below do not require zoning or building permits.
- C. Signs permitted in all districts.

- (1) Signs Permitted in all districts.
 - (a) Any public notice, or warning required by a valid and applicable federal, state, county or local law, regulation or ordinance.
 - (b) Traffic control signs which meet Department of Transportation standards and which contain no commercial message of any sort.
 - (c) Governmental and public utility signs.
 - (d) Flags of the United States, New Jersey, the City of Hoboken, flags of any foreign nation, or other flags with purely noncommercial purposes.
 - (e) Signs or banners advertising public or quasi-public events that are posted with the permission of the City of Hoboken according to guidelines set by the City of Hoboken and with a set time limit to their posting.
 - (f) Any sign indicating the name of a building and/or date of construction and/or other incidental information about its construction, which may be cut into a masonry surface or made of bronze or of similar permanent material such as historic tables, cornerstones, memorial plaques and emblems. Such "address signs" shall be no larger than two square feet. No more than two such signs shall appear on any single building facade, and no more than three on any two adjoining facades.
 - (g) Any sign which is inside a building, not attached to a window or door, and is not readable from a distance of more than three feet beyond the lot line of the lot or parcel nearest to where such sign is located.
 - (h) Real estate signs for the sale or rental of the premises upon which the sign is posted, provided that the sign is no more than eight square feet and removed within one week of the date of sale or rental of the property. One sign shall be permitted per dwelling or commercial unit listed for sale or rent.
 - (i) Political signs may be displayed for a period of not more than 60 days prior to an election and no more than three days after the election.
- (2) Signs prohibited in all districts.
 - (a) Signs which interfere with, disrupt or block a pedestrian or vehicular circulation pattern or site line and which constitute a safety hazard to persons or vehicles.
 - (b) Signs attached in any manner to a public sidewalk.
 - (c) Illuminated signs which have interior or exterior flashing light sources, which have intermittent or variable intensity lighting or which cause glare on pedestrian or vehicular circulation patterns within or into residential areas.
 - (d) Privately owned or operated signs which simulate or resemble by color, size, shape or location any governmental, public utility, official, traffic, directional or warning sign or device.
 - (e) Advertising signs for products or services on any building exclusively used for residential purposes, or on any structure, fence or lot where the product or service is not made, produced, assembled, stored or sold.
 - (f) Signs which move either by wind, motion, mechanical or electrical means, except signs with time

or temperature messages.

- (g) Feather flags.
- (h) Roof signs.
- (i) Signs on any building facade not fronting on a public right-of-way or driveway with direct access to a public right-of-way.
- (j) Signs applied to the facade of a building which cover any portion of a window, cornice or other architectural detail of the building.
- (k) Billboard signs.

D. Signs permitted in Residential Waterfront and Redevelopment Districts. In addition to the permitted signs enumerated in Subsection **C(1)**, the following signs are permitted in Residential (R), Waterfront (W) and Redevelopment (RDV) Districts:

- (1) Home occupation signs, identifying a permitted use in residential districts, affixed to the structure and not exceeding one square foot in area.
- (2) Institutional identification signs for schools, colleges, churches or other institutions of similar public or semipublic nature, provided that:
 - (a) The sign does not exceed 25 square feet in area;
 - (b) If freestanding, the sign is not more than five feet in height; and
 - (c) Not more than one sign is placed on a property, unless such property fronts upon two nonadjoining streets, in which event two signs are permitted, one on each frontage.
- (3) Retail businesses and services, where permitted, shall be allowed one sign affixed to the front of the building. The total gross advertising area of a sign for a retail business or service shall not exceed 10% of the area of the first floor frontage, up to but not exceeding 100 square feet. For buildings with more than one retail use or where retail uses are located on floors other than the first or street level floor, each use shall be permitted one sign, and the maximum area of all signs on a building frontage shall not exceed 20% of the area of the first floor frontage.
- (4) Projecting signs are permitted, provided they comply with the following regulations:
 - (a) The maximum projection of a hanging sign from the building surface shall not exceed 48 inches. In no event shall a projecting sign extend over the street.
 - (b) The support of such signs shall be of materials in keeping with the character of the district and/or the supporting structure.
 - (c) If an existing sign, which predates the adoption of this section, is being refaced, then the sign size and style shall not be altered. New signs shall not exceed eight square feet.
 - (d) Signs shall be not less than eight feet above grade.
- (5) Awning and canopy signs. See Subsection **G**.
- (6) Window signs, not exceeding 30% of the window area to which the sign is affixed. Temporary signs hung in the window of a retail business or service location may not exceed 50% of the window area

and shall not obstruct visibility in such a manner as to be unsafe.

- (7) Freestanding directional signs for real estate open houses are permitted, provided they comply with the following regulations:
 - (a) The number of signs does not exceed three.
 - (b) The size of the freestanding directional sign does not exceed five square feet.
 - (c) Signs are placed and removed on the day of the open house. No sign shall remain on the right-of-way overnight.
 - (d) Signs are located not more than 500 feet from the subject location and must be located on the same block frontage.
 - (e) Signs do not block handicap accessibility or pedestrian egress.
- (8) Nonilluminated temporary signs on new construction sites, not exceeding 12 square feet, provided that a building permit for said construction has been issued and that said sign is removed prior to the issuance of a certificate of occupancy.
- (9) Directional signs for entry and exits to parking areas, not to exceed four square feet in area.

E. Signs permitted in the Central Business Districts (CBD). In addition to the permitted signs enumerated in Subsection **C(1)**, the following signs are permitted on Washington Street and in the CBD:

- (1) Those signs permitted in Residential, Waterfront and Redevelopment Districts.
- (2) Bus shelter advertisement signs. Information is available through the Office of the Director of Transportation and Parking.
- (3) Pole signs are permitted, affixed to lampposts on Washington Street, provided the bottom edge of any sign is not less than eight feet above grade, and the sign area does not exceed 12 square feet. These sign spaces are governed for use by the municipality. Information and applications are available through the Office of Cultural Affairs.
- (4) Freestanding signs, such as A-frames, poster stands or similar, are permitted for retail business and service locations, provided the following criteria are met:
 - (a) The number of signs shall be limited to one sign per business location.
 - (b) The sign shall be located immediately in front of the business for which it is advertising and shall not be more than six feet from the principal entrance to the business.
 - (c) No sign shall be located within the sight triangle of an intersection.
 - (d) The maximum size of any freestanding sign shall not exceed 24 inches by 36 inches.
 - (e) No sign shall have more than two display faces.
 - (f) No sign shall be displayed when there is snow covering more than 25% of any part of the sidewalk.
- (5) Restaurants shall be permitted one menu display, not to exceed three square feet, attached either to the facade of the building or to an approved cafe divider.

- (6) Temporary signs, provided:
 - (a) No temporary sign is displayed for more than four weeks.
 - (b) No more than one temporary sign is displayed at any time and the total area of the sign does not exceed 30 square feet.
 - (c) No sign shall be displayed that promotes the consumption of alcohol or cigarettes.
- F. Signs permitted in I-1 and I-2 Industrial Zones. In addition to the permitted signs enumerated in Subsection **C(1)**, the following signs are permitted in the I-1 and I-2 Industrial Zones:
 - (1) Those signs permitted in Residential, Waterfront and Redevelopment Districts and signs permitted in the Central Business Districts.
 - (2) Service stations shall be permitted one lighted pole sign and one lighted sign attached flat against the building. The pole sign shall not be closer to any street than 30 feet and shall not exceed a height of 25 feet or a sign area of 48 square feet.
- G. Awning and canopy signs.
 - (1) An awning or canopy sign may be used in lieu of or in combination with a permitted wall sign. In either case, the total sign area shall not exceed the coverage permitted in Subsection **D(3)** above.
 - (2) The sign area of an awning shall be calculated based on the total gross printed area.
 - (3) A fixed awning shall project no more than 36 inches from the front facade of the building to which it is attached.
 - (4) Retractable awnings are permitted to extend up to but not more than 10 feet from the building to which they are attached.
 - (5) The bottom edge of either a fixed or retractable awning shall be not less than eight feet nor more than 10 feet in height above the sidewalk.
 - (6) A fabric building canopy constructed over a fixed frame shall be limited in use to multiunit residential dwellings (where expressly permitted as part of site plan approval), funeral homes, nursing homes, senior housing facilities, assisted-living facilities, hospitals and acute patient care facilities. No canopy shall extend beyond the curblineline or 10 feet, whichever is less. No framework or supporting structure shall encumber the sidewalk or limit the public right-of-way.
 - (7) Awnings and canopies located at the entrance of any dwelling, store or other building shall be imprinted with the address of the building.
- H. Lighting regulations for signs.
 - (1) All signs to be lighted, including awning signs, shall be externally illuminated so that such light source is properly shielded from residences and streets.
 - (2) Signs using mechanical and/or electrical devices to display movement or the illusion of movement are prohibited in all districts.
 - (3) No sign with red, green, amber or blue in a flashing beam or beacon form shall be permitted.
 - (4) Backlit signs are not permitted in historic districts unless expressly permitted by the Historic

Preservation Commission.

- (5) Neon signs are not permitted in historic districts unless expressly permitted by the Historic Preservation Commission.
- (6) Signs affixed to a commercial structure that display time and/or temperature shall be permitted, provided all other sign regulations are met.

I. Historic districts; approval procedure and protections.

- (1) A zoning letter shall accompany all applications to the Historic Preservation Commission (HPC). No Historic Preservation Board hearing shall be scheduled until said letter has been filed with the Board secretary.
- (2) A certificate of appropriateness from the Historic Preservation Commission shall be required for all signs within a historic district or on a designated historic landmark.

J. General provisions, maintenance and appearance.

- (1) All signs shall be maintained in a clean and neat-appearing condition, and such maintenance, where applicable, shall include regular cleaning; regular painting and removal of any peeled, chipped or blistered paint; the renewal or replacement, in whole or in part, of any sign which has been caused to crack, break, peel or otherwise disintegrate or fall apart.
- (2) All signs attached to the ground or to a building or other structure shall be thoroughly and rigidly secured and shall be repaired and maintained as necessary to keep them secure, safe and free from causing any danger or damage to persons or property.
- (3) No sign shall be erected or maintained so as to obstruct access to any fire escape, window, door, exit or standpipe, or obstruct passage by either vehicular or pedestrian traffic on any public or quasi-public right-of-way.
- (4) Signs shall be constructed and erected in such a manner as to allow for the effects of high winds and other natural forces.
- (5) If the Zoning Officer or Building Inspector determines that any sign, now or hereafter erected or maintained, is unsafe or insecure or is a menace to the public, or has been constructed or erected or is being maintained in such a manner as to pose a hazard to persons or property, or has been constructed or erected or is being maintained in violation of the provisions of this chapter or any other law or ordinance, he/she shall give written notice via certified mail to the permittee, and, if there is no permittee, to the owner of the premises of such violation. If the permittee or owner fails to remove or alter the sign within 10 days after such notice is sent, such sign may be removed or altered by the City at the expense of the permittee or owner of the premises upon which it is located. The Zoning Officer or Building Inspector may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.
- (6) Any sign, now or hereafter erected or maintained, which no longer advertises a bona fide business conducted or product sold, or notice of a current or future event, shall be taken down and removed by the permittee or by the owner of the premises, if there is no permittee, within 30 days after such business ceases, such product ceases to be sold or such event occurs. Upon failure to comply, the Zoning Officer is hereby authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the permittee or owner of the premises upon which the sign is located. The Zoning Officer shall thereafter refuse to issue a permit for the erection of any sign, awning, canopy or

marquee in the City of Hoboken to any permittee or property owner who refuses to pay the cost of such removal.

- (7) Temporary signs erected for a special event or sale shall be removed by the property owner when the event shall have taken place, or after four weeks, whichever is less.
- K. Nonconforming signs. Signs lawfully in existence or approved by an action of the Planning Board, Zoning Board of Adjustment or Zoning Officer at the effective date of the section which shall be made nonconforming at the passage of this section shall be allowed to continue as of right, regulated as follows:
- (1) Repair of an existing sign is permitted, provided that the cost of repair does not exceed 50% of the replacement costs of the sign. If a sign is identified as a landmark sign by the Historic Preservation Commission, that sign may be maintained regardless of cost.
 - (2) The structural alteration of a nonconforming sign shall only be permitted if said alteration brings the sign into conformance with this section.
 - (3) No permits shall be issued for new signs on single-tenanted properties where nonconforming signs exist.

§ 196-32. Home occupations.

- A. Permitted in residential districts. Home occupations as defined in Article II shall be permitted as an accessory use in all residential districts subject to the limitations set forth in Subsection B.
- B. Conditions for home occupations. A home occupation shall be subject to the limitations expressed in the definition in Article II and the following conditions:
- (1) There shall not be conducted on the premises the business of selling stocks, supplies or products, incidental retail sales may be made in connection with other permitted home occupations.
 - (2) There must be no exterior storage on the premises of material or equipment used as part of the home occupation.
 - (3) No equipment or process shall be used in such home occupation which creates any glare, fumes, odors or other objectionable conditions (see definitions) detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit, if conducted in other than a single-family dwelling.
 - (4) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met off the street and not in a required yard adjacent to a street.
 - (5) Under no circumstances shall any of the following be considered a home occupation: antique shop, barbershop, beauty parlor, wig styling, clinic, mortuary, nursing home, restaurant, veterinarian's clinic or dancing studio.

§ 196-33. Retail business or service in residential district.

A retail business or service as defined in Article II of this chapter shall be permitted in any residential district

where it represents a new use or conversion of an existing use, upon issuance of a certificate of occupancy by the Building Inspector subsequent to his finding that:

- A. The block frontage on which the proposed activity wishes to be situated contains at least two other retail businesses as defined in Article II.
- B. If located in a building of two or more stories, the retail business or service will, except as otherwise specified in this chapter, be located on the ground floor or basement of the building with a separate exterior entryway permitting access only to the retail area.
- C. It will contain no more than 1,000 square feet of customer sales or service area.

§ 196-34. General development plan approval.

[Amended 11-17-1989 by Ord. No. P-87]

- A. As authorized herein, application can be made for general development plan approval for an area in excess of 25 acres, in conformance with the procedures set forth in the Land Use Procedures Ordinance, § 44-8G, and pursuant to N.J.S.A. 40:55D-39C. General development plan approval shall provide increased flexibility to promote mutual agreement between the applicant and the Planning Board on the basic scheme of a planned development. The general development plan may include any of the following elements, subject to the waiver of any element or portion thereof by the Planning Board:
 - (1) A general land use plan at a scale of one inch equals 200 feet, indicating the tract area, the general locations of land uses, the estimated land area to be occupied by each use, the maximum permitted number of dwelling units, the maximum overall residential density, the proposed types of nonresidential uses, the maximum amount of nonresidential floor space and an overall nonresidential floor area ratio.
 - (2) A circulation plan showing the general location and types of transportation facilities, including a general plan for pedestrian access, within the planned development and a general description of proposed improvements to the existing transportation system outside of the planned development.
 - (3) An open space plan showing the proposed land area and general location of parks and other land area to be set aside for conservation and recreation purposes and a general description of improvements to be made thereon, including a plan for the operation and maintenance of parks and recreational lands.
 - (4) A utility plan indicating the need for and showing the proposed locations of sewage and waterlines, any drainage facilities necessitated by the physical characteristics of the site, proposed methods of handling solid waste disposal, a plan for the operation and maintenance of proposed utilities and any proposed improvements to the existing transportation system outside of the planned development.
 - (5) A stormwater management plan, setting forth the proposed method of controlling and managing stormwater on the site.
 - (6) An environmental inventory, including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features and the probable impact of the development on the environmental attributes of the site.
 - (7) A community facility plan indicating the scope and type of supporting community facilities which may

include but not be limited to education or cultural facilities, historic sites, libraries, hospitals, firehouses and police stations.

- (8) A housing plan outlining the number of housing units to be provided and the extent to which any housing obligation assigned to the municipality pursuant to N.J.S.A 52:27D-301 et seq., will be fulfilled by the development.
 - (9) A local service plan indicating those public services which the applicant proposes to provide and which may include but not be limited to water, sewer, cable and solid waste disposal.
 - (10) A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by the City or school district as a result of the completion of the planned development. The fiscal report shall also include a detailed projection of property tax revenues which will accrue to the City and school district according to the timing schedule related to the development and following the completion of the planned development in its entirety.
 - (11) A proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned development prior to the completion of the development in its entirety.
 - (12) A municipal development agreement, which shall mean a written agreement between a municipality and a developer relating to the planned development.
- B. In review of an application for general development plan approval, the Planning Board shall employ the criteria and requirements of § 196-27.1, Urban design review for planned development.

§ 196-35. Wireless telecommunications.

[Added 5-7-2003 by Ord. No. DR-91; 8-13-2003 by Ord. No. DR-105]

- A. Purpose. The overall purpose of these ordinance provisions is to provide specific zoning conditions and standards for the location and operation of wireless telecommunications antennas and wireless telecommunications towers used for the transmission and reception of wave frequencies for the purposes of any wireless telecommunication (e.g., telephone, radio, paging and/or television communication within the City of Hoboken, which recognizes the need to safeguard the public good and preserve the intent and purposes of the City of Hoboken Master Plan and Zone Plan.
- B. Overall objective. The overall objective of these ordinance provisions is to enable the location within the City of Hoboken of those antennas and towers which are necessary to provide adequate wireless communication services while, at the same time, limiting the number of supporting towers to the fewest possible and minimizing the impact of the antennas, accessory equipment, and supporting structures on residences, streetscapes, and view corridors throughout the municipality.
- C. Specific goals.
 - (1) To encourage the location of antennas upon, or within, existing structures, including existing buildings, existing wireless communication towers, existing water towers, and existing telephone and electric towers, especially those existing structures situated in nonresidential districts;

- (2) To encourage the configuration of telecommunication facilities in a manner that minimizes and mitigates any adverse impacts upon affected properties, streetscapes, and vistas through careful design, siting, screening, landscaping, and innovative camouflaging techniques;
- (3) To encourage the co-location of as many antennas as possible, of as many wireless telecommunication carriers as possible, on existing towers and other structures in nonresidential districts;
- (4) To discourage the construction of new towers;
- (5) To minimize the total number of wireless telecommunications towers and antennas within the City of Hoboken;
- (6) To discourage adverse impacts on scenic corridors and historic sites and districts;
- (7) To formulate and maintain, for land use planning purposes, a complete inventory of all wireless telecommunications antennas, towers, and related facilities within the City of Hoboken, and others in the vicinity of the City, which are capable of providing service within the municipality;
- (8) To enhance the ability of the carriers of wireless communications services who adhere to the specific requirements and intent of these ordinance provisions to provide such services quickly, effectively, and efficiently; and
- (9) To comply with the mandate of the Federal Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7), which preserves local government authority to enforce zoning requirements which protect public safety, public and private property, and community aesthetics.

D. Overall comprehensive plan. In order to effectuate the purposes, objectives, and goals of these ordinance provisions as noted hereinabove, any applicant to the City of Hoboken for approval to erect a wireless communication antenna, in addition to all other information required by this section, shall provide threshold evidence that the proposed location of the proposed antenna(s), and any proposed supporting tower and for ancillary cabinets or structures enclosing related electronic equipment, has been planned to result in the fewest number of tower locations within the City of Hoboken and the least possible impact on designated scenic corridors and historic sites and districts.

The applicant shall provide an overall comprehensive plan indicating how it intends to provide full service throughout the City of Hoboken and, to the greatest extent reasonably possible, shall indicate how its plan specifically relates to and is coordinated with the needs of all other providers of wireless communication services within the around the municipality.

More specifically, the overall comprehensive plan shall indicate the following:

- (1) Proof that the applicant is a licensed provider of cellular telecommunications services by the Federal Communications Commission and that all requisite franchises including, but not limited to, franchises from other communications carriers, have been obtained for provision of such services;
- (2) The mapped location and written description of all existing antennas and existing and approved supporting structures within one mile of the subject site;
- (3) The mapped location and written description of all existing or approved tall structures such as water towers, smokestacks and existing telephone or electric towers within one mile of the subject site;
- (4) How the proposed location of the proposed antenna(s) specifically relates to the suitability or unsuitability of such existing structures to be utilized to provide the intended wireless communication;
- (5) How the proposed location of the proposed antenna(s) specifically relates to the anticipated need for

additional antennas and supporting structures within and near the City of Hoboken by the applicant and by other providers of wireless communication services within the City of Hoboken;

- (6) How the proposed location of the proposed antenna(s) specifically relates to the overall objective of providing full wireless communication services within the City of Hoboken while, at the same time, limiting the number of supporting towers to the fewest possible through the use of co-location, through the use of alternate technologies which do not require the use of towers, or through the use of existing structures; and;
- (7) How the proposed location of the proposed antenna(s) specifically relates to the objective of minimizing the impact of the antennas, accessory equipment, and supporting structures on residences, streetscapes, and view corridors throughout the municipality.

E. Location priorities. Based upon the overall comprehensive plan submitted by the applicant, hereinabove, if the City of Hoboken determines the proposed antenna(s) to be needed for closing significant gaps in wireless communication services within the City, utilizing the fewest number of towers as reasonably possible and locating on existing structures where reasonably possible:

- (1) Wireless communication antennas shall be permitted as accessory uses on existing structures except for public school buildings and public school sports facilities, at the following prioritized locations: (note that where location is intended for a government or agency owned building, it is so stated below)
 - (a) The first priority location shall be co-location on an existing wireless telecommunication tower or other similar existing structure within the I-1 or I-2 zoning district but not including the Northwest Redevelopment Area;
 - (b) The second priority location shall be an existing nonresidential building within the I-1 or I-2 zoning district but not including the Northwest Redevelopment Area;
 - (c) The third priority location shall be an existing building within the I-1 or I-2 zoning district (but not including the Northwest Redevelopment Area), owned by the municipality (whether directly or through its agencies) or any other governmental agency;
 - (d) The fourth priority location shall be an existing nonresidential building within the CBD zoning district, provided that the proposed building shall be no less than 50 feet in height as measured to the top of the roof slab;
 - (e) The fifth priority location shall be an existing residential building within the CBD zoning district other than those previously listed, provided that the proposed building shall be no less than 50 feet in height as measured to the top of the roof slab;
 - (f) The sixth priority location shall be an existing building in the CBD or R zoning districts or Northwest Redevelopment Area, owned by the municipality (whether directly or through its agencies) or any other governmental agency provided that the proposed building shall be no less than 50 feet in height as measured to the top of the roof slab in the CBD zoning district and no less than 40 feet in height in the R zoning district or Northwest Redevelopment Area;
 - (g) The seventh priority location shall be any existing nonresidential building within the R zoning districts or Northwest Redevelopment Area, provided that the building shall be no less than 40 feet in height as measured to the top of the roof slab; and
 - (h) The eighth priority location shall be any existing residential building within the R zoning districts or Northwest Redevelopment Area provided that the building shall be no less than 40 feet in

height as measured to the top of the roof slab.

- (i) The ninth priority location shall be any existing building within the I-1(W) and W zoning districts including the South Waterfront Redevelopment Area, provided that the building shall be no less than 80 feet in height as measured to the top of the roof slab.
 - (2) New wireless telecommunication towers along with the antennas and equipment facilities associated with such new towers shall be permitted as principal uses in the I-1 and I-2 industrial zoning districts, provided that:
 - (a) Co-location shall be required for no less than three carriers and a letter of intent by the applicant to meet the co-location requirement shall be provided to the Planning Board; and
 - (b) All of the separation distance, area, setback, height, and design criteria requirements listed herein shall be met.
 - (3) Any wireless communication antenna in the Historic District shall be subject to review by the Historic District Commission whose written recommendations shall be transmitted to the Planning Board prior to the Planning Board's hearing on the subject matter.
- F. Separation distance requirements. The following separation distance requirements shall apply to new wireless telecommunication towers:
- (1) Minimum distance from existing or proposed residential buildings 500 feet.
 - (2) Minimum distance from any historic district line or designated site (national or state register): 500 feet.
 - (3) Minimum distance between towers: 1,500 feet.
- G. Area and setback requirements.
- (1) Where a proposed antenna(s) will be attached to an existing building or an existing or approved tower or structure, no land area shall be required in addition to the land area upon which the existing structure is situated; or
 - (2) Where a new wireless telecommunication tower is proposed:
 - (a) No tower structure shall be permitted within 25 feet of any street line, or any existing or proposed property line (this prohibition does not apply to ancillary equipment cabinets); and
 - (b) Setback areas adjacent to street lines and side lot lines shall be landscaped as required below (See subsection **I(2)(e)**).
- H. Maximum height.
- (1) For a proposed antenna:
 - (a) The maximum height of any proposed antenna extending above the roof slab of any existing building or existing structure shall be the minimum height necessary for the proposed installation to satisfactorily operate (See subsection **I(1)(e)** below); and
 - (b) The maximum height of any proposed rooftop antenna and/or equipment cabinet(s) shall not exceed the height of the tallest accessory rooftop structure such as a stair or elevator housing, provided that no equipment cabinet shall be located on the rooftop of any building less than 60

feet in height.

(c) In no event shall any rooftop installation extend more than eight feet above the roof slab.

(2) For a proposed wireless telecommunication tower: maximum height shall not exceed 100 feet.

I. Design criteria. All applications for wireless communication antennas shall adhere to the following design criteria:

(1) For location on an existing building or structure:

(a) Microcell antenna(s) located on an existing building shall be surface-mounted on the building facade so as to blend in with the architectural features of the building.

(b) Antenna(s) and supporting electrical and mechanical equipment applied to the side of a building shall be of a neutral color that matches, as closely as possible, the background color of the facade on which it is mounted so as to make the antenna(s) and related equipment as visually unobtrusive as possible.

(c) Antenna(s) placed on a rooftop shall be set back as far as possible from the edge of the roof and clustered to the greatest extent possible around existing rooftop appurtenances.

(d) All cable and/or wiring that must run across the facade shall be located along architectural features that help to make such cables as visually unobtrusive as possible.

(e) All ancillary electronic and mechanical equipment shall be housed within an enclosed area inside the existing building (evidence must be presented to document why such a location may not be possible); in the alternative, equipment may be located on the rooftop of the building provided;

[1] The height of rooftop equipment facilities shall not exceed the height of the tallest accessory rooftop structure such as a stair or elevator housing, and shall be fully enclosed by Stealth screening in a color which will match those of the existing rooftop accessory structures as closely as possible, such that the total of all rooftop appurtenances including the subject equipment does not exceed 30% of the roof area; and

[2] Documentation by a qualified expert that any existing structure will have sufficient structural integrity to support the proposed antennas and ancillary equipment shall be provided to the Planning Board.

(f) Any additional public utility lines and/or cables deemed necessary for the operation of the proposed antenna facility shall be located underground. The applicant shall provide documentation to the Planning Board as to the necessity of the additional lines.

(g) No signage shall be permitted that is visible from adjacent properties or from the public right-of-way.

(2) For a new wireless telecommunication tower:

(a) Any proposed new tower shall be a monopole. Antennas shall be applied to the interior of the monopole or, if applied to the exterior of the monopole, they shall be flush-mounted.

(b) Unless otherwise required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC), all towers shall be either constructed of a neutrally colored material or painted a neutral color so as to reduce the visual obtrusiveness. All applicable FAA or FCC standards regarding color or materials that may apply to the proposed tower shall be

provided to the Planning Board.

- (c) No lighting is permitted on a tower except lighting that is specifically required by the FAA and any such required lighting shall be focused and shielded, to the greatest extent possible, so as not to project towards adjacent and nearby properties. All applicable FAA standards regarding lighting that may apply to the proposed tower shall be provided to the Planning Board.
- (d) All ancillary electronic and other equipment shall be located within a building or enclosed structure which structure shall meet the following design criteria:
 - [1] Regardless of the number of wireless communication service providers located on the site, there shall be a maximum of one structure enclosing the required electronic equipment, which structure shall not exceed 12 feet in height nor more than 400 square feet in area.
 - [2] The enclosed structure shall use materials, textures, and colors that together with required screening and landscaping will cause it to blend into the natural setting and surroundings, to the greatest extent possible.
 - [3] Provision for co-location of equipment shall be incorporated into the design of the building/structure.
 - [4] Electronic equipment shall be designed in such a way so as not to interfere with any public safety communication.
 - [5] All equipment shall be automated so that, to the greatest extent possible, the need for on-site maintenance and associated vehicular trips to and from the site will be minimized.
 - [6] Lighting shall be limited to a single light at the entrance to the building, which shall be focused downward.
- (e) Landscaping shall be provided to screen the tower and any building or structure used to house ancillary equipment from any public street or residential dwelling unit or residential zoning district in accordance with the following:
 - [1] Required landscaping shall consist of sufficient density of evergreen planting to effectively screen the view of the tower base and, in addition, sufficient other plantings which may consist of a combination of shrubs and deciduous trees to screen the tower and enhance the appearance of, to the maximum extent reasonably possible, from any surrounding residential properties and from any public street.
 - [2] Any newly planted evergreen trees shall be at least eight feet high at the time of planting and any newly planted deciduous trees shall be a minimum caliper of 3.5 inches at the time of planting.
 - [3] No signage shall be permitted except "warning" and/or equipment information signs as deemed necessary or as required by state and/or federal regulatory agencies for safety purposes and are specifically approved by the Planning Board.
- (f) Minimal off-street parking shall be permitted as needed to provide maintenance at the site and as specifically approved by the Planning Board.
- (g) No antenna shall be located on any tower in order to provide noncellular telephone service; such service shall be provided via existing telephone lines if available to the site or by the underground extension of telephone lines to the site if necessary.

- (h) Any new tower shall be located behind existing buildings in order to screen the tower's base from being visible from adjacent properties and from any street right-of-way to the greatest extent possible.
- (i) Towers shall be enclosed by security fencing consisting of eight-foot high one inch chain link "nonclimbable" mesh which shall be fully screened by the required landscaping.
- (j) Documentation by a qualified expert that any existing structure will have sufficient structural integrity to support the proposed antennas and ancillary equipment shall be provided to the Planning Board.

J. Radio frequency emissions.

- (1) Applicants shall provide current FCC information concerning wireless telecommunication towers and Radio Frequency (RF) emission standards to the Planning Board, whenever applicable. Upon documentation by a qualified expert, proposed wireless communication antenna projects, which meet the current FCC standards shall not be conditioned or denied on the basis of RF impact.
- (2) If the FCC adopts a superseding emission standard, such new standard shall be controlling and become effective as directed in the FCC rulemaking. In such event, the applicant shall, within 45 days of the superseding emission standard's effective date, submit to the approving authority documentation of compliance with the superseding emission standard. Failure to submit such documentation shall result in a declaration by the approving authority that the equipment is no longer operative and the removal provisions stated below shall apply.

K. Removal of abandoned/obsolete antennas and towers.

- (1) Any wireless communication antenna facility not used for its intended and approved purpose for a period of one year shall be considered "no longer operative and shall be removed by the responsible party within 60 days thereof.
- (2) In addition to the regular application fee, the applicant (or landowner in the instance of leased property) shall provide a performance bond that will cause the antennas, any supporting tower, associated equipment cabinets, any building enclosing associated equipment cabinets, and all other related improvements to the land to be removed, at no cost to the City, when the antennas are no longer operative. The amount of the performance bond shall not be less than 120% of the cost (as determined by the City Engineer at the time of application) of such demolition, removal, and restoration of the site to a state required under all applicable City ordinances, including, but not limited to, the City property maintenance code.

§ 196-35.1. Solar installation.

[Added 1-5-2011 by Ord. No. Z-78]

- A. Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

ARRAY

A linked collection of photovoltaic modules which are in turn made of multiple interconnected solar cells.

GROUND-MOUNTED INSTALLATION

Installations that are freestanding or attached to framework that is at grade.

NONHABITABLE BUILDING INSTALLATION

Includes but is not limited to shade structures, carports, solar trellises, and the like.

PHOTOVOLTAIC (PV)

Capable of producing a voltage, usually through photoemission, when exposed to radiant energy, especially light. Collectively used to refer to "solar panels."

SOLAR ENERGY SYSTEM

A complete design or assembly consisting of a solar energy collector, and energy storage facility (where used), and components for the distribution of transformed energy.

B. Roof installation.

- (1) Installation type shall meet or exceed the minimum design load for wind speeds established by the American Society of Civil Engineers (ASCE) for Hoboken, New Jersey, of 110 miles per hour.
- (2) A ten-foot setback is required from any frontage that is accessible from the public right-of-way by a fire department aerial ladder truck, except:
 - (a) Buildings over 75 feet are exempt from the setback requirements.
 - (b) Corner buildings where access to one frontage is obstructed by electrical lines, utility poles or other immovable objects shall provide a ten-foot setback on the frontage side that is least encumbered.
- (3) Three feet of clearance must be provided around all fire escape ladders and/or other points of emergency access.
- (4) Installations on a flat roof shall not exceed six feet in height above the surface of the roof.
- (5) Access and spacing requirements shall be observed in order to ensure safe passage for egress from the roof, maintenance of equipment and to provide smoke ventilation opportunity areas.
- (6) No solar photovoltaic array or related equipment shall be attached to a common or adjoining exterior wall between two buildings.
- (7) Remote disconnect. Direct current circuits shall be equipped with a means for remote disconnect located downstream from the photovoltaic array. Control of the remote disconnect shall be located within five feet of the building's main electrical panel and shall meet all requirements of the New Jersey Electrical Code.
- (8) For installation on a multiple ownership or condominium building, a letter from the owners' association stating its complicity shall be required.

C. Nonhabitable building installation.

- (1) Nonhabitable building installations include but are not limited to shade structures, carports, solar trellises, and the like.
- (2) Nonhabitable solar array structures shall not be applied as lot coverage; however, no lot shall be covered more than 85% by structures including solar.

- (3) Minimum standards for installation shall be the same as for roof installations. [See Subsection **B(1)** and **(2)**.]

D. Ground-mounted installation.

- (1) Setback requirements do not apply to ground-mounted, freestanding photovoltaic arrays, except as stated in Subsection **D(3)** below.
- (2) Ground-mounted arrays shall not be applied as lot coverage; however, no lot shall be covered more than 85% by structures including solar.
- (3) Ground-mounted installations exceeding six feet in height as measured from grade shall be set back from any lot line two feet for each additional foot in height.

E. Signage requirements.

- (1) Marking is needed to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. This will facilitate identifying energized electrical lines that connect the solar panels to the inverter, as these should not be cut when venting for smoke removal.
- (2) All signs shall be made of reflective weather-resistant material suitable for the environment; UL 969 shall be used as a standard for weather rating. All "caution" signs shall have a red background with white lettering, a minimum letter height of 1/2 inch and all capitals in Arial or similar font, unless otherwise specified. The "PV" sign shall be of the same color and weather-resistant material, but shall be five feet by five feet square and shall have a letter height of three inches.
 - (a) PV. Signage signifying the presence of a solar photovoltaic array shall be posted at the main entry door of the structure and at all other points of access to the roof.
 - (b) CAUTION: SOLAR ELECTRICAL SYSTEM CONNECTED. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking shall be placed on the outside cover. For commercial applications, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.
 - (c) CAUTION: SOLAR ELECTRIC CIRCUIT. Marking is required on all interior and exterior DC conduit, raceways, enclosures, cable assemblies and junction boxes to alert emergency responders to avoid cutting them. Markings shall be placed every 10 feet, at turns and above and/or below penetrations, and at all DC combiner and junction boxes.
 - (d) CAUTION: SOLAR CIRCUIT DISCONNECT. Signage shall be located immediately next to the remote disconnect control.
 - (e) CAUTION: SOLAR ARRAY DISCONNECT. Signage shall be located immediately next to, or on, the array disconnect.

F. Approval and permitting.

- (1) No installation of solar energy systems shall be permitted without a first certificate of zoning compliance and a building permit.
- (2) The Zoning Officer is hereby authorized to issue first certificates of zoning compliance for the purposes of erecting or maintaining solar energy systems.

- (3) For site plans falling outside of the parameters expressly set forth herein, the Zoning Officer shall issue a denial of zoning compliance and shall refer the application to the Planning Board for review.
- (4) The Construction Official shall issue the necessary building permit(s), provided that:
 - (a) All safety and installation requirements listed in Subsection **B** or **C** above have been met; and
 - (b) All Uniform Construction Code (UCC) provisions as set forth in N.J.A.C. 5:23 et seq., and National Fire Protection standards (NFPA), have been met.
- G. Location in Historic District. In the event that an application is made pursuant to the terms of this article for premises that are located in the Hoboken Historic District, or on a designated historic site or structure, approval must be obtained from the Hoboken Historic Preservation Commission (HPC). Applicants shall submit preliminary plans to the Zoning Officer for review, and, if appropriate, a letter of pending approval shall be issued by the Zoning Officer to the HPC, prior to its review. Upon approval by the HPC, a first certificate of zoning compliance shall be issued, and construction permits may be sought from the Building Department.
- H. Enforcement; violations and penalties.
 - (1) The Construction Official, Fire Code Official and Zoning Officer of the municipality are authorized to investigate suspected violations of any subsection of this section and pursue enforcement activities.
 - (2) Violation of any provision of this section shall be cause for the revocation of the first certificate of zoning compliance and/or construction permit(s).
 - (3) Violation of any provision of this section shall be subject to a civil penalty for each offense of not more than \$3,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional separate and distinct offense.
- I. Right to require removal. The City of Hoboken expressly reserves the right to require the removal of any solar energy system, or portion thereof, which is improperly constructed or maintained or which poses an imminent public safety hazard.

Article X. Conditional Uses

§ 196-36. General provisions.

[Amended 8-13-2003 by Ord. No. DR-105]

- A. Conditional uses defined. Those uses designated as conditional uses in the district regulations (Article IV) are those which, because of their unique characteristics and potential impact on the surrounding area, require that each specific use shall be considered as an individual case and as to further conformance to additional standards as specified in this article.
- B. Conditional uses as permitted uses. Uses designated as conditional uses may be considered to be permitted uses in their respective districts, subject to satisfaction of the requirements and standards set forth in this article in addition to all other requirements of this chapter.

§ 196-37. Procedure.

[Amended 8-13-2003 by Ord. No. DR-105]

A. Application.

- (1) Each application for a conditional use permit shall be made to the Building Inspector for referral within 10 days of receipt of the completed application to the Planning Board for action.
- (2) Applications for conditional use permits shall contain the same information as required for site plan review by § 196-26. No application shall be considered as officially submitted until such time as the Building Inspector has received all required information and documentation.

B. Planning Board action.

- (1) Planning Board jurisdiction. The Planning Board shall have jurisdiction to review and take action on all applications for conditional use permits in accordance with N.J.S.A. 40:55D-67.
- (2) Time. The Planning Board shall act on all conditional use permit applications within 95 days of the first Planning Board meeting on or after the date of referral. In the absence of Planning Board action, within such ninety-five-day period, the application shall be deemed approved as submitted. The review period may be extended by mutual agreement of the planning Board and applicant.
- (3) Public hearing. The Planning Board shall hold a public hearing on each application, with notice as required by N.J.S.A. 40:55D-12.
- (4) Written report.
 - (a) The Planning Board's decision on each application must be set forth in a written report to the Building Inspector, which report shall authorize the Building Inspector to grant or deny the application or to grant the application subject to conditions.
 - (b) Whenever review or approval of the application by the County Planning Board is required by Section 8 of P.L. 1968 (N.J.S.A. 40:27-66), the Planning Board shall condition any approval that it grants on timely receipt of a favorable report from the County Planning Board or approval evidenced by failure of the County Planning Board to report thereon within the required time period.
- (5) Conditions and safeguards. The Planning Board shall attach such conditions and safeguards to any approved use and development plan as are, in its opinion, necessary to ensure initial and continual conformance with all applicable standards and requirements. In all cases, the Planning Board shall retain continuing jurisdiction.
- (6) Application of standards. No conditional use permit shall be granted, except upon a finding by the Planning Board that the standards and requirements for such use set forth in this article, in addition to all other applicable regulations, have been met. The Board's written permit shall set forth such finding. A written report denying such permit shall set forth findings, in specific terms, as to the standards and requirements which have not been met.
- (7) Expiration.
 - (a) Any conditional use permit, not exercised within one year of the date of issuance, shall expire

without further hearing by the Planning Board.

- (b) A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the authorized conditional use shall cease for more than six months for any reason.

§ 196-38. Standards for particular use.

A. Automobile laundry.

- (1) Lot size shall be sufficient to provide off-street waiting space for at least eight vehicles.
- (2) Access to automobile laundries shall be designed so as to cause minimum interference with movement of traffic.
- (3) Drainage shall be sufficient to prevent runoff over sidewalks.
[Added 6-21-1989 by Ord. No. P-58]
- (4) Lot size shall be sufficient to accommodate automobiles without blocking sidewalks.
[Added 6-21-1989 by Ord. No. P-58]

B. Automobile sales or rental area.

[Amended 2-18-1998 by Ord. No. R-294]

- (1) Minimum lot area shall be 20,000 square feet.
- (2) No hazards shall be created for pedestrian or vehicular movement.
- (3) Lighting shall not adversely affect adjacent properties.
- (4) All outdoor display and service areas shall be paved without asphalt or other similar suitable material commonly used in highway construction.
- (5) Any wash and/or repair area shall be indoors.
- (6) One on-site parking space shall be provided for each employee in addition to the requirement for one space for each 5,000 square feet of lot area.

C. Automobile service station.

- (1) No service station shall be located within 1,000 feet of any existing service station, along the same or opposite frontages of a street.
- (2) No service station shall be located within 200 feet of any church, school, hospital, library or theater.
- (3) No outdoor oil drainage pits or hydraulic lifts shall be permitted.
- (4) All major repair operations shall be conducted within a building.

D. Bar. Bars shall meet the following requirements:

- (1) Such use shall not be located within 500 feet of schools or churches.
- (2) In residential districts, sounds emanating from bars shall not be audible beyond the property line.

- (3) In residential districts, bars shall be subject to the requirements specified for retail business in § **196-33**.
- E. Club, lodge, social or fraternal organization. Clubs, lodges, social or fraternal organizations shall meet the following requirements:
- (1) Eating and drinking facilities shall be open only to members and their guests.
 - (2) Eating and drinking facilities shall be accessible only from within the main structure, except for loading and unloading areas or emergency exits.
- F. Commercial garage. Commercial garages used for the servicing, repair, storage or sale of motor vehicles shall meet the following requirements:
- (1) All major repair activities shall be conducted within the building.
 - (2) No unenclosed oil drainage pits or hydraulic lifts shall be permitted.
 - (3) The outside storage of vehicles for use as scrap or for salvageable parts shall be considered a separate and distinct use not permitted in relation to this use.
 - (4) All open areas in which vehicles or parts are stored shall not be visible from any public street. The Planning Board may require the installation of opaque screening under such circumstances.
- G. Essential utility or public service. In any residential district, an essential utility or public service shall meet the following requirements:
- (1) Essential public service, such as firehouses and emergency squads, shall not be located within 500 feet of a school, church or place of public assembly.
 - (2) In such event that essential public utilities and related facilities cannot be installed underground, facilities such as pumping stations or transformers shall be enclosed in buildings or effectively screened with an evergreen hedge.
- H. Factory outlet stores. Factory outlet stores in the same building which manufactures or assembles the products being merchandised shall meet the same requirements for off-street parking as a retail business or service. Such requirement shall be in addition to that for the manufacturing or assembly use.
- I. Funeral home or mortuary. Funeral homes shall be required to provide a driveway or other off-street area sufficient to permit the off-street assembling of funeral processions so as to avoid congestion of adjoining streets.
- J. Instructional use. Instructional uses shall be permitted on condition that there is no excessive noise, vibration or other performance standard violated.
- K. Loft building. In any district which permits residential uses, loft buildings shall be permitted subject to the following standards:
[Amended 6-21-1989 by Ord. No. P-58; 3-3-1999 by Ord. No. R-371]
- (1) Residential and nonresidential uses shall be conducted on separate floors.
 - (2) No nonresidential use shall be permitted on a floor above a residential use.
 - (3) No residential use shall be so located as to be exposed to potentially hazardous or noxious fumes or other by-products generated by nonresidential activities in the same building. Hazardous and noxious

by-products shall be classified in accordance with NJDEP standards.

- (4) Residential areas shall be accessible by a separate entrance and shall meet all requirements of the City of Hoboken Housing and Building Codes.
- (5) There shall be a sign on the outside of the building to inform firemen of residential occupancy.
- L. Nursery school. Nursery schools shall be permitted subject to approval by the Zoning Officer with recommendation by the Planning Board.
[Amended 6-21-1989 by Ord. No. P-58]
- M. Nursing home. Nursing homes shall meet the following requirements:
- (1) The applicant must be in receipt of an approved certificate of need issued by the Department of Institutions and Agencies.
- (2) The applicant must demonstrate compliance with applicable state and local regulations.
- N. Office buildings. Multistory office buildings shall be permitted in the R-1 District subject to the following standards:
- (1) The use is a conversion from a nonconforming manufacturing, wholesale or other nonresidential use permitted in industrial districts.
- (2) There is conformity with the requirements of Article **XII** of this chapter.
- O. Restaurants. Restaurants shall be permitted in residential districts when in conformity with the requirements of § **196-33**.
- P. Helistop. Any activity related to construction and use of a landing place for a helicopter shall meet all relevant performance standards set forth in § **196-49** of this chapter. Written evidence of such compliance shall be furnished by the New Jersey Departments of Transportation and Environmental Protection. Approval shall, in addition, be conditional upon the applicant's receipt of a state license to operate a helistop.
- Q. (Reserved)^[1]
[1]: *Editor's Note: Former Subsection Q, Sidewalk cafe, added 5-19-1982 by Ord. No. C-212, was repealed 11-13-2012 by Ord. No. Z-220.*
- R. Major parking facilities. Major parking facilities shall require the studies listed below in addition to those required by § **196-26**, Site plan review. To permit evaluation of these studies by independent experts of the Planning Board's choice, any applicant for a major parking facility whether as a principal or accessory use shall comply with the conditions of § **196-63** of this chapter, Escrows. Studies to be conducted are traffic impact, environmental impact and neighborhood impact.
[Added 6-21-1989 by Ord. No. P-58]
- S. Riverborne public transportation. In reviewing proposals for terminals serving ferries and other riverborne public transportation, the Planning Board shall employ all applicable criteria for site plan review set forth in § **196-26**. Where such terminal is an element of a planned unit development, it shall be considered in such context. Where applicable, terminals shall meet major parking facilities requirements.
[Added 6-21-1989 by Ord. No. P-58]
- T. Maritime industrial use, including shipping facilities, shall be subject to the following standards:
[Added 11-17-1989 by Ord. No. P-87]

- (1) No such use shall be included within a planned unit development.
 - (2) The proposed use shall be screened from view of residential development, provided that such required screening shall not exceed 10 feet in height.
- U. Transportation terminal facilities shall be subject to the following standard:
[Added 11-17-1989 by Ord. No. P-87]
- (1) The use is related to, or in replacement of, existing transportation terminal facilities.
- V. Public parking facility.
[Added 2-18-1998 by Ord. No. R-294]
- (1) Freestanding parking structures as well as aboveground parking below residential or commercial floors shall be clad architecturally to resemble, to the greatest extent possible, the residential or commercial floor, above.
 - (2) Where parking structures are located within residential zones or adjacent to residential properties, openings for ventilation must have decorative iron-work grilles or comparable installations.
 - (3) Where the frontages of parking structures exceed 50 feet in length, non-parking uses such as retail or professional uses, shall be provided for to the extent permitted by this chapter.
 - (4) Facilities in residential zones shall provide monthly rates only. No hourly parking will be permitted.
 - (5) Operators of the facilities must participate in Park and Shop programs for businesses within 800 feet of the facility. The program must be approved by the City Attorney. Preference must also be given to residents within 800 feet of the facility.
- W. Conditional uses in the R-1(E) Subdistrict. Any part of any building or facility containing auditoriums and lecture halls with 100 or more seats, non-university laboratories and offices, physical plant, facilities maintenance and other similar buildings and parking facilities shall be located at least 100 feet from any property line adjacent to a residential district.
[Added 6-20-2001 by Ord. No. R-484; 7-12-2001 by Ord. No. DR4; amended 10-17-2001 by Ord. No. DR-15]

Article XI. Off-Street Parking and Loading Regulations

§ 196-39. Application.

[Amended 2-18-1998 by Ord. No. R-294; 12-2-1998 by Ord. No. R-357; 6-7-2000 by Ord. No. R-445; 10-17-2001 by Ord. No. DR-14]

Except as noted below, there shall be provided, at the time any building or structure is erected, enlarged or changed in use, off-street parking spaces and loading and unloading areas in accordance with the requirements of this article. Such standards shall apply only where parking areas containing nine or more spaces are provided. Required facilities shall be available for use prior to the issuance of a certificate of occupancy.

There will be no curbcuts permitted anywhere in the R-1 district for new or existing development. There will be no curbcuts permitted on Washington Street within the CBD or R-1 district for new or existing development. No curbcuts will be permitted in any zone on development sites with less than a fifty-foot frontage. No curbcuts will be permitted on east-west streets with rights-of-way measuring 50 feet where the travel lane has less than 14 feet except where access is being provided for multiple lot sites.

§ 196-40. Design standards for off-street parking areas.

[Amended 2-18-1998 by Ord. No. R-294; 12-2-1998 by Ord. No. R-357; 10-17-2001 by Ord. No. DR-14]

For accessory parking facilities with fewer than 25 spaces, the applicant must demonstrate that there is a minimum of 300 square feet of gross area for each parking space to be provided. A parking layout, which may include tandem parking spaces (see limitations below), must be shown to demonstrate that the required number of cars can maneuver in the area provided but it will not be used as a basis for variances. The layout should be based on the dimensions below. Note that any accessory facility with more than 25 spaces and any public parking facility of any size must comply with the dimensions below:

A. Dimensions of parking spaces. Except as modified below, every such space provided shall measure at least 8.5 feet in width and 18 feet in length, exclusive of access drives and aisles. In parking structures with assigned spaces, 40% of all spaces or stalls may be dimensioned and marked for compact vehicles. Such stalls may have a minimum width of 7.5 feet and a minimum length of 16 feet.

[Amended 6-21-1989 by Ord. No. P-58]

- (1) All accessory parking facilities must be based on a self-park design with a minimum of 300 square feet of gross area per parking space. Tandem parking spaces may be provided for compact cars only and for no more than the maximum number of compacts permitted.
- (2) Public parking facilities based on a self-park design must provide a minimum of 300 square feet of gross area per parking space. No tandem parking spaces are permitted.
- (3) Public parking facilities based on a valet design must provide a minimum of 200 square feet of gross area per parking space. If the facility is purely public parking, no layout is required. The total number of parking spaces will be calculated based on gross square footage only. There is no limitation on number of compact cars or tandem spaces. In a large-scale project where accessory and public spaces may be proposed within the same facility, a parking layout must demonstrate that all required accessory parking can be provided on a self-park design basis before any area is used for public parking. If such proof is given, the entire layout may then be designed for valet parking. The Board may condition the approval to provide for re-submission of a parking layout if the facility reverts to self-park in the future.

B. Access, aisles and driveways. Every parking facility shall have direct access to a street or alley by means of a driveway and shall provide aisles behind spaces in accordance with the following:

[Amended 6-21-1989 by Ord. No. P-58; 7-15-1998 by Ord. No. R-322]

(1) Access aisles. Access aisles located directly behind parking stalls shall have minimum dimensions as shown in Table:

Parking Angle	Aisle Width
90°	20 feet
75°	20 feet
60°	14 feet
45°	11 feet

- (2) Driveway. Driveways shall have a minimum width of 10 feet for one-way traffic and 12 feet for two-way traffic with appropriate warning devices for pedestrians.
- (3) Sidewalk crossing. All driveways shall cross sidewalks at grade.
- (4) Different zone. No access drive, driveway or any other means of egress or ingress located in a

residential district shall provide access to uses other than those permitted in a residential district.

- (5) Adjacent driveways. Garage doors and driveways must be placed so as to minimize loss of public curb parking. Where an adjacent property has an existing driveway, the proposed driveway should either be placed in such a manner as to abut the existing one or to leave 22 feet of curb space for public parking to the greatest extent possible.
- C. Curbing and pedestrian circulation. Any public parking area containing more than 20 spaces shall provide striped pedestrian ways, providing a safe path into and out of the parking facility. Such pedestrian ways shall be at least three feet wide, and shall be painted in a reflective paint. The design of parking areas must prevent cars from overhanging or extending over sidewalks, driveways, access aisles or striped pedestrian ways by the use of wheel stops.
- D. General standards for parking area.
- (1) Design. Parking areas for six or more vehicles and access to this parking shall be designed and planned in accordance with accepted engineering and parking design principles, such as contained in the 1978 Eno Foundation publication, Parking Garage Planning and Operation.
[Amended 6-21-1989 by Ord. No. P-58]
 - (2) Review. All plans may be reviewed by the City Engineer and/or the Parking Authority and recommendations forwarded to the Planning Board for their use in accordance with § **196-26**, Site plan review.
 - (3) Paving and drainage. Where parking areas are paved with asphalt, they shall be paved and drained in accordance with good engineering and construction practices, such as defined in the Construction Code of the City of Hoboken. Where other surfacing materials are used, standard practice yielding corresponding performance standards shall be followed.
[Amended 6-21-1989 by Ord. No. P-58]
 - (4) Markings and access. Parking space, driveways and aisles shall be clearly marked and delineated. For safety and fire-fighting purposes, free access between adjacent parking areas shall be provided.
 - (5) Lighting. For reasons of safety, all parking areas for six or more cars shall be lighted, but all lighting shall be installed as not to shine on adjacent properties.
 - (6) Safety. Visual or auditory warnings shall be provided to warn pedestrians of exiting vehicles. Adequate signage should be provided to control entering and exiting turning movements.
 - (7) Garage doors. Garage doors shall be a similar rather than a contrasting color to that of the principal building in order to minimize its visual appearance.
- E. Joint facilities. Pursuant to the policies expressed in Chapter 5.23 of the Circulation Plan Element of the City's master plan, any two or more land uses may collectively join in providing required off-street parking spaces provided that the number of spaces contained in such parking facilities shall equal the sum total of spaces required for all participating establishments. A legal agreement ensuring that the facility will be available to all participants shall be approved by the Planning Board Attorney before approval is granted to such joint facilities.
- (1) In the case of two similar land uses sharing "off-site parking" the number of spaces contained in such parking facilities shall equal the sum total of spaces required for all participating establishments. Accessory off-street parking provided pursuant to this section will not be considered a conditional use.
 - (2) In the case of "time-shared parking", two different land uses may share space according to the

conditions discussed in Chapter 5.23 of the Circulation Plan subject to adequate documentation of the usage characteristics of each land use.

- F. (Reserved)
[Amended 1-7-1987 by Ord. No. V-91; 6-21-1989 by Ord. No. P-58; 2-18-1998 by Ord. No. R-294; 6-7-2000 by Ord. No. R-445; repealed 10-17-2001 by Ord. No. DR-14]
- G. Responsibilities of owners. It shall be the responsibility of the owner of the property to maintain all off-street parking, loading and unloading areas, driveways, aisles and accessways in good condition, free of sagging condition, potholes, cracked pavement, etc.

§ 196-41. Calculation of required spaces.

- A. Minimum required off-street parking schedule. The number of off-street parking spaces required for any use shall be determined by reference to the minimum required off-street parking requirements.^[1]
[Amended 11-4-1987 by Ord. No. V-140]
 - (1) **Unscheduled uses.** Off-street parking requirements for uses not listed in the minimum required off-street parking requirements shall be established by the Planning Board using the closest comparable use for which standards have been set.
[Amended 2-18-1998 by Ord. No. R-294]
 - (2) **Combined uses.** In the case of a combination of uses, the off-street parking requirement shall consist of the sum of the spaces required for each individual use, unless it can be demonstrated that staggered hours would permit modification.
 - (3) **Fractional spaces.** Whenever the application of the minimum required off-street parking requirements results in the requirements of a major fraction of a space [in excess of 40%], a full space shall be required.
[1]: *Editor's Note: See § 196-44.*
- B. Credit for spaces in public facilities. Spaces in Hoboken Parking Authority facilities or in privately owned public parking garages, where available, may be credited toward the off-street parking requirements of a new or expanded use under the following conditions: Such space or spaces shall be within 800 feet of the use claiming credit. Evidence of a lease or other contractual arrangement within the Hoboken Parking Authority or the private operator of a public parking facility shall be furnished to the Building Inspector or, in conjunction with site plan review, to the Planning Board or Zoning Board of Adjustment.
[Amended 2-18-1998 by Ord. No. R-294]

§ 196-42. Required off-street loading facilities.

- A. Dimensions of loading berths. Required off-street loading berths shall be a minimum of 40 feet long, 12 feet wide and 14 feet high. Berths for funeral homes shall be a minimum of 20 feet long, 10 feet wide and 10 feet high, if covered.
- B. Location of loading berths. All loading areas (other than loading areas in planned developments) shall be on the same lot as the use which is to be served. Such areas shall not encroach on any required front yard, required open space, accessway, off-street parking area or public right-of-way. In planned developments,

loading berth locations may be determined on the basis of the uses served but without regard to the subdivision of the subject tract into separate lots.
 [Amended 9-6-1995 by Ord. No. R-141]

- C. Access. All required off-street loading areas shall provide sufficient turning spaces and access in accordance with the standards set for off-street parking facilities.
- D. Calculation of required spaces. The number of off-street loading berths for any use shall be determined by application of the standards set forth in § 196-45, the minimum off-street loading space requirements. In planned developments, loading berth requirements shall be calculated on the basis of the uses and their gross use areas considering the planned development as a whole and without regard to subdivision of the subject tract into separate lots.
 [Amended 9-6-1995 by Ord. No. R-141]

§ 196-43. Fencing and landscaping.

[Amended 2-18-1998 by Ord. No. R-294]

All parking and loading areas within a residential zone or abutting such zone shall be screened in accordance with the following standards:

- A. Fencing. Fencing along the street line must be of an ornamental nature such as rail or picket tubular steel fencing, stockade fencing or decorative masonry walls at least four feet in height. Chain link fence may be used only on the interior lot lines except where there is a need to shield adjacent residential uses from headlights. In that event, the fencing must provide opacity up to a height of four feet. Screen planting may be used to provide opacity.
- B. Screen plantings used for opacity must be of a hardy (salt, shade and drought resistant), evergreen hedge-forming shrub variety. The shall be planted in a ground in an area large enough for the plant selected. The planting area shall be surrounded by a curb. In addition, wheel stops shall be placed so that cars do not damage the foliage. Plants shall be maintained permanently, and any plant material which does not live shall be replaced within six months. Where approvals are granted between December 1 and March 1, the applicant may be given 90-150 days to complete the planting upon posting of a performance bond in an amount to be determined by the City's Planner or Engineer.

§ 196-44. Minimum off-street parking requirements.

[Amended 12-2-1998 by Ord. No. R-357]

Where a nonresidential use is located in the R-1 zone or on Washington Street and is located within 800 feet of a public parking garage, the parking requirement shall be satisfied through participation in the Park & Shop program or its successor program. Evidence of a lease or other contractual arrangement with the Hoboken Parking Authority or the private operator of a public parking facility shall be furnished to the Building Inspector or, in conjunction with site plan review, to the Planning Board or Zoning Board of Adjustment.

Use	Minimum Number Off-Street Spaces
Assembly halls and auditoriums, community centers, places of worship, theaters and other places of assembly in every district with the following exceptions: for R-1(E) see § 196-14F(2); for hospitals see § 196-15F(2); for PUDs see below in this table	Zero spaces for the first 5,000 square feet of floor area; one space for every additional 1,000 square feet of floor area

[Amended 2-6-2008 by Ord. No. DR-344]

Automobile laundry or car wash

2 spaces for each washing bay

Automobile sales

1 space for each 5,000 square feet of lot area;

[Amended 2-18-1998 by Ord. No. R-294]

1 space for each employee

Automobile service station

3 spaces for each service bay, plus 1 space for each service vehicle

Bar, restaurant

1 space for each 4 seats or

[Amended 6-29-1994 by Ord. No. R-58; 10-19-1994 by Ord. No. R-84; 12-2-1998 by Ord. No. R-357]

1 space for 16 square feet of customer service area, whichever is greater and 1 space per every additional 4 patrons permitted pursuant to increased occupancy load

Clinic, medical office

1 space for each 800 square feet of floor area

[Amended 3-3-1999 by Ord. No. R-371]

Club

1 space for each 400 square feet of floor area

College

1 space for every 3 beds in all dormitories or sorority or fraternity houses on campus; all other uses per § **196-14F**

Commercial repair garage

3 spaces for each bay

Commercial indoor recreation

[Amended 6-29-1994 by Ord. No. R-58; 2-18-1998 by Ord. No. R-294]

Bowling alley

2 spaces per alley

Racquet sports

2 spaces per court

Skating rink

1 space per 200 square feet

Gyms, health clubs

1 space per 1,000 square feet

Educational facility

2 spaces per classroom

Funeral home, mortuary

6 spaces per viewing room

Hospital, nursing home

1 space for every 8 beds

[Amended 3-3-1999 by Ord. No. R-371]

Hotel, motel

1 space per rentable unit, plus additional spaces for facilities, such as restaurants, serving the public

Instructional use

1 space per 400 square feet of instructional area

[Amended 6-29-1994 by Ord. No. R-58]

Loft building

1 space per dwelling unit, other uses per use table

[Amended 3-3-1999 by Ord. No. R-371]

Lumberyard

1 space per 2,000 square feet of storage area

Manufacturing, processing or assembly of materials

1 space per 1,500 square feet of gross floor area

Marina

1 space per berth

Nursery school

1 space for every 2 employees

Office, professional or business

1 space per 400 square feet of gross floor area

Planned unit development

Residential

1 space per dwelling unit

Nonresidential

1 space per 400 square feet of gross floor area

[Added 4-21-1999 by Ord. No. R-378]

Public buildings, including libraries	1 space for each 400 square feet of office area, plus 1 space per 1,000 square feet for other uses.
Research laboratory	1 space for each 400 square feet of gross floor area
Residential buildings [Amended 2-18-1998 by Ord. No. R-294]	None required for first 5 units; 1 space per dwelling unit after first 5 units
Retail business or service	1 space per 400 square feet of gross floor area
Senior citizen housing [Added 2-18-1998 by Ord. No. R-294]	1 space per 4 dwelling units
Shipping terminal	1 space per 5,000 square feet of gross storage area
Warehouse	1 space per 1,000 square feet of gross floor area

§ 196-45. Minimum loading facility requirements.

[Amended 9-6-1995 by Ord. No. R-141; 2-18-1998 by Ord. No. R-294]

Minimum off-street loading facility requirements shall be provided when the development reaches the minimum square footage listed under "First;" and additional berths shall be provided for each additional unit of gross floor area shown in the column titled "Next" as follows:

Use	Minimum Gross Floor Area in Square Feet	
	First	Next
Funeral home, mortuary	10,000	90,000
Hospital	10,000	90,000
Manufacturing process and assembly	5,000	35,000
Marina	5,000	35,000
Shipping terminal	10,000	15,000
Warehouse 5,000	35,000	
Planned unit development		
Commercial (single store, 25,000 square feet or more)	25,000	10,000
Retail business, service, restaurant	One designated loading zone or berth per block	
Other uses see table above		

Article XII. Performance Standards

§ 196-46. General application.

- A. As a condition of site plan approval in any district, the Planning Board may, after reviewing the report to be submitted in conjunction with. § 196-26D (1), require the applicant to supply evidence, satisfactory to the Planning Board or to its designated representative, that the proposed use, structure process or equipment will conform fully to all of the applicable performance standards. As evidence of compliance, the Board may require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant. The Planning Board may require that specific types of equipment, machinery or devices be installed, or that specific operating procedures or methods be

followed if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods are required in order to assure compliance with the applicable performance standards. Permits and certificates required by other government agencies shall be submitted to the Planning Board as proof of compliance with applicable codes.

- B. For use variances which must meet these performance standards, the Zoning Board of Adjustment shall not issue a permit for any use, structure, process or equipment until it receives a report or recommendation from the Planning Board regarding compliance with the performance standards established herein.

§ 196-47. Conditional permit.

In the event that a determination cannot be made at the time of application that a proposed use, process or piece of equipment will meet the standards established in this article, the Planning Board may issue or may recommend issuance of a conditional permit. The conditional permit would be based on submission of evidence that the proposed use, process or equipment will meet the standards established herein after completion or installation and operation. Within 30 days after a temporary certificate of occupancy is granted, a final permit shall be applied for and satisfactory evidence submitted that all standards established by this article have been met.

§ 196-48. Continued compliance.

Continued compliance with the performance standards stated herein shall be a requirement for the continued occupancy of any structure or the continuation of any use granted approval in accordance with this article.

§ 196-49. Standards to be enforced.

No activity or use shall be permitted in any district, unless such activity or use complies with the following standards:

- A. Air, water and environmental pollution. No use shall emit heat, odor, vibration, noise or any other pollutant into the ground, water or air that exceeds the most stringent applicable state or federal regulation. These regulations include, but are not limited to, the New Jersey Air Pollution Control Act (N.J.S.A. 26:2C-1 et seq.) as amended, the Noise Control Act of 1971 (N.J.S.A. 13:16-1 et seq.) as amended, and the various statutes administered by the New Jersey Department of Environmental Protection to prevent water pollution.
- B. Storage and waste disposal. No materials or wastes shall be deposited on a lot in such form or manner that they can be transferred off the lot, directly or indirectly, by natural forces, such as precipitation, evaporation or wind. All materials or wastes which might create a pollutant, a hazard or facilitate the breeding of vermin shall be stored indoors or be enclosed in appropriate containers to eliminate the potential pollutant or attraction.
- C. Fire and explosion hazards. If it appears that any proposed use, structure, process or resulting product or material may constitute a fire or explosion hazard, the Planning Board may require the applicant to supply proof that the use, structure, process or resulting product or material has been approved by the State Department of Labor and Industry or other state agency competent to render a judgment.

D. Buffers.

- (1) Location. Buffer areas shall be provided in industrial districts along street and lot lines for new industrial uses at the following locations:
 - (a) Where industrial districts abut residential and special districts.
 - (b) Along the majority entryways to the City where passing through industrial areas: Park Avenue, Willow Avenue and Observer Highway.
- (2) Installation and maintenance.
 - (a) To ensure proper protection for adjacent properties, the Planning Board shall approve density and species of proposed trees and shrubs.
 - (b) It shall be the responsibility of owners and/or occupants to maintain any plantings in buffer strips.

Article XIII. (Reserved)

[1]: *Editor's Note: Former Art. XIII, Nonconforming Uses, Structures and Lots, as amended, was repealed 8-15-2012 by Ord. No. Z-197.*

§ 196-50. through § 196-53. (Reserved)

Article XIV. (Reserved)

[1]: *Editor's Note: Former Art. XIV, Zoning Board of Adjustment, as amended, was repealed 4-16-2014 by Ord. No. Z-288.*

§ 196-54. through § 196-58 (Reserved)

Article XV. Administration and Enforcement

[Amended 11-4-1987 by Ord. No. V-140; 1-6-1988 by Ord. No. V-148]

§ 196-59. Zoning Officer.

- A. Position created. There is hereby created the position of Zoning Officer who shall be assigned to the office of the Director of the Department of Administration.
[Amended 11-22-1993 by Ord. No. R-20]
- B. Appointment and term of office. The Zoning Officer shall be appointed by the Director of the Department of Administration.

[Amended 11-22-1993 by Ord. No. R-20]

- C. Qualifications. An associate's degree or its equivalent in either training or experience is required.
- D. Duties. The duties of the Zoning Officer shall be as follows:
 - (1) To enforce the zoning ordinances of the City of Hoboken.
 - (2) To review all applications for building permits and assign those needing review and approval to the appropriate board.
 - (3) To issue zoning certifications following, where necessary, review and approval by the appropriate individual or board. Applications within the original jurisdiction of the Planning Board may be filed directly with the Planning Board.
 - (4) To answer all inquiries with regard to zoning.
 - (5) To keep a record of all applications for permits and of all permits and certifications issued, with a notation of all special conditions involved.
 - (6) To file and safely keep copies of all plans submitted.
 - (7) To collect and record fees for zoning certifications.
 - (8) To prepare a semiannual report for the City Council summarizing all activity of the previous months concerning the duties of the Zoning Officer.
 - (9) To conduct field inspections and special investigations either in response to a complaint by an individual, municipal agency or board or on his own initiative to ensure compliance with this chapter.

§ 196-60. Certificates of compliance.

[Amended 10-17-2001 by Ord. No. DR-14]

- A. Purposes. To ensure compliance with the provisions of this chapter, no person shall erect, alter or convert any structure or building or part thereof nor alter the use of land subsequent to the adoption of this chapter until the proper certification has been issued by the Zoning Officer.
- B. Application for first certificate of zoning compliance.

[Amended 12-20-2000 by Ord. No. R-470]

 - (1) Applications for zoning certifications shall be the same as applications for building permits.
 - (2) The Zoning Officer shall act upon applications either to approve, refer to the Planning Board, Zoning Board of Adjustment or deny, within 10 business days of the receipt of a complete application.
 - (3) Any application not acted on by the Zoning Officer within 10 business days of the receipt of a complete application shall be deemed to be an approval.
- C. Issuance of certification. The first certificate of zoning compliance shall be issued by the Zoning Officer on a form approved by the office of the Business Administrator. Where action is required by the Planning Board or the Zoning Board, no first certificate of zoning compliance shall be issued until the Zoning Officer is in receipt of the resolution of approval of minor site plan or final site plan approval along with a set of the

approved, signed site plan drawings. No building permit shall be issued until the Construction Code Official is in receipt of the first certificate of zoning compliance.

[Amended 5-7-2003 by Ord. No. DR-90; 6-18-2008 by Ord. No. DR-357]

- D. Denial of certification. When the Zoning Officer is not satisfied that the applicant's proposal will meet the requirements of this chapter, he shall refuse to issue a certification and shall so notify the applicant and the Construction Code Official, in writing, giving the reasons for denial. The applicant may appeal to the Zoning Board of Adjustment for a modification or reversal of the Officer's decision.
- E. Revocation of zoning certification. If it shall appear at any time to the Zoning Officer that the application or accompanying plan is in any respect false or misleading or that work is being done upon the premises differing materially from that called for in the application filed with him under existing laws or ordinances, he shall forthwith revoke the certification, by written notice to the applicant and Construction Code Official, which thereby invalidates the building permit. As a condition for reinstating the zoning certification, he may, in his discretion, before issuing the new certification, require the applicant to file an indemnity bond in favor of the City of Hoboken, with sufficient surety conditioned for compliance with this chapter and all laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building or structure if it does not so comply.
- F. Expiration of building permits. If a permit has not been acted upon by the commencement of construction within one year from the date of issuance, said permit and all rights created thereby shall expire.

§ 196-61. Final certificate of compliance.

- A. New uses. No building, structure or land shall be occupied or used until such time as the certificate of occupancy issued by the Construction Code Official is certified by the Zoning Officer as to its compliance with this chapter. Such final certificate of zoning compliance shall be issued, in writing, to the applicant and Construction Code Official upon application by the owner, prospective occupant or purchaser only after the Zoning Officer determines that the facts represented on the application are correct and that the building, structure or use is in conformance with the provisions of this chapter. A temporary certificate of occupancy may be issued for any structure or use for which the conditions of minor site plan or final site plan approval have been complied with. The Planning Board or Zoning Board (as appropriate) shall approve the issuance and terms of any temporary certificate of occupancy.
[Amended 5-7-2003 by Ord. No. DR-90; 6-18-2008 by Ord. No. DR-357]
- B. Existing uses.
 - (1) At the time of passage of this article. Upon any reasonable written request from the owner or other interested party, the Zoning Officer, after inspection, shall certify a use or structure legally existing at the time this article is made effective, indicating the extent and kind of use and whether such existing use conforms to the provisions of this chapter.
 - (2) Change of use or structure. No change or extension of use shall be made in a structure, use or land without a final certificate of zoning compliance's having first been issued by the Zoning Officer, stating that such change, extension or alteration is in conformity with the provisions of this chapter and all other applicable ordinances.
- C. Scope of final certificate of zoning compliance. The final certificate of zoning compliance shall contain sufficient information as to the extent and kind of use or uses such that any future investigation of the premises would disclose the extent to which a use was altered. It shall also indicate whether such use is

permitted or nonconforming and the extent to which the use does not conform to the provisions of this chapter.

- D. Revocation. On the serving of notice of any violation of any of the provisions of this chapter with respect to any structure or use thereof, as provided in § 196-62 of this chapter, but final certificate of zoning compliance for such use shall thereupon, without further action, be null and void, and a new final certificate of zoning compliance shall be required for any further use of such structure or land.

§ 196-62. Violations and penalties.

- A. Complaints of violations. Any person, municipal agency or board may file a complaint if there is any reason to believe a violation of this chapter exists. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate.
- B. Procedures for abatement of violation. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter or any other applicable ordinance, the Zoning Officer or other proper official, in addition to other remedies, shall institute any appropriate legal action or proceedings, including the issuance of a stop-work order, a municipal court complaint and a superior court complaint for an injunction, as necessary, to prevent such unlawful erection, construction, repair, reconstruction, alteration, conversion, maintenance or use; to restrain, correct and abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use about such premises.
- C. Penalties. Any person, firm or corporation violating or resisting the enforcement of any of the provisions of this chapter or any order, decision or determination by the Board of Adjustment or Planning Board and who refuses to abate such violation within 30 days after written notice has been served upon such violator by registered mail or by personal service from the Zoning Officer, the Zoning Board of Adjustment or the Planning Board shall, for each and every violation, be subject to a fine not to exceed \$500 or to be imprisoned for a term not exceeding 30 days, or both, at the discretion of the court or judicial officer before whom a conviction may be had. Each day that a violation occurs or is continued shall constitute a separate offense. In the event that any penalty provided herein is in excess of that allowed by any other applicable code or ordinance, the penalty provisions of such other code or ordinance shall apply.
[Amended 11-4-1987 by Ord. No. V-140]

§ 196-63. Application and escrow fees.

[Amended 6-21-1989 by Ord. No. P-58; 3-20-1991 by Ord. No. P-136; 5-1-2002 by Ord. No. DR-36; 5-7-2003 by Ord. No. DR-90; 6-18-2008 by Ord. No. DR-357; 9-1-2010 by Ord. No. Z-53; 8-15-2012 by Ord. No. Z-196; 4-16-2014 by Ord. No. Z-288]

Action Request	Project Size	Application Fee	Escrow Fee
Zoning Review			
Residential	1-4 dwelling units	\$100	None
Residential	5+ dwelling units	\$100 plus \$25/dwelling unit over 4	None
Nonresidential	Under 5,000 square feet	\$100	None
Nonresidential	5,000-9,999 square feet	\$200	None

Nonresidential	10,000-49,999 square feet	\$400	None
Nonresidential	50,000 square feet and over	\$500	None

§ 196-63.1. Off-tract improvements.

[Added 6-21-1989 by Ord. No. P-58]

- A. General requirements. Where the agency having jurisdiction determines that off-tract improvements are necessary for the proper development and use of the proposed site or subdivision and the surrounding area, it may require either that such off-tract improvements be installed or that the developer contribute to the installation of such off-tract improvements. Where the agency having jurisdiction has determined that off-tract improvements are required, a condition for granting final approval shall be that such improvements be constructed or that the developer shall make payments toward the ultimate installation of off-tract improvements such as, but not limited to, streets, curbs and gutters, sidewalks, water mains, sanitary sewers, storm sewers, culverts and other underground utilities as they occur, monuments and streetlights, all in accordance with the specifications governing on-tract improvements.
- B. Cost allocation. If the Planning Board determines that the developer may contribute toward required off-tract improvements in lieu of such improvements being installed, the Planning Board shall allocate the cost of said off-tract improvements in accordance with the standards hereinafter set forth. The improvement of a stream and/or widening of or the construction of drainage or other improvements in a street or road fronting on the tract to be subdivided and/or developed shall not constitute an off-tract improvement and the cost of said improvement shall not be allocated.
- (1) Allocation considerations. The allocation of the cost of off-tract improvements shall be determined in accordance with the following:
- (a) The Planning Board may consider the total cost of the off-tract improvements, the benefits conferred upon the site or subdivision, the needs created by the site or subdivision, population and land use projections for the general areas of the site or subdivision and other areas to be served by the off-tract improvements, the estimated times of construction of off-tract improvements and the condition and periods of usefulness, which periods may be based on the criteria of N.J.S.A. 40A:2-22. The Planning Board may further consider the criteria set forth below.
 - (b) Road, curb, gutter and sidewalk improvements may be based on the anticipated increase of traffic generated by the site or subdivision. In determining such traffic increase, the Planning Board may consider traffic counts, existing and projected traffic patterns, quality of roads and sidewalks in the area and the other factors related to the need created by the site or subdivision and anticipated thereto.
 - (c) Drainage facilities may be based on the percentage relationship between the site or subdivision acreage and the acreage of the total drainage basins involved or on calculations developing the percentage contribution that the storm runoff from a particular site or subdivision bears to the total design capacity of any improvement; the particular methods to be selected in each instance by the City Engineer or City engineering consultant.
 - (d) Water supply and distribution facilities and sewerage facilities shall be based upon a proportion as determined by the current rules and regulations or procedures of the City of Hoboken Department of Public Works.

- (2) Use of funds collected. All moneys received by the municipality in accordance with the provisions of this section shall be paid to the Department of Revenue and Finance, which shall provide for a suitable depository therefor. Such funds shall be used only for the improvements for which they are deposited or improvements serving the same purposes unless such improvements are not initiated for a period of five years from the date of payment, after which time said funds shall be transferred to the capital improvement funds of the municipality.
 - (3) Apportionment of costs. The apportionment of costs shall be determined by the Planning Board. The developer shall be afforded an opportunity before said Board to present evidence relative thereto.
- C. Assessment not precluded. Nothing in this section of this article shall preclude the municipality from assessing any property benefiting from installation of any off-tract improvements as provided in this section, pursuant to the provisions of the Revised Statutes of New Jersey, an allowance being made to the respective parcels of realty for payments herein.

§ 196-63.2. Assessments for off-tract improvements.

[Added 6-21-1989 by Ord. No. P-58]

Per N.J.S.A. 40:55D-42, Chapter 291, Laws of New Jersey, 1975, and in conjunction with the approval of any site plan by the Planning Board or Zoning Board of Adjustment, a fee established by the Mayor and Council of the City of Hoboken shall be assessed against the approved structure for deposit in a municipal infrastructure fund for off-tract improvements such as the City water supply system, public underground utilities, storm sewers, sanitary sewers serving the project and the sewerage treatment plant. Such assessment may be levied against any development with an approved site plan which has not yet been connected to the sewer system.

Article XVI. (Reserved)

[1]: *Editor's Note: Former Art. XVI, Amendments, Interpretation and Validity, was repealed 8-15-2012 by Ord. No. Z-197.*

§ 196-64. through § 196-67. (Reserved)

Article XVII. (Reserved)

[1]: *Editor's Note: Former Art. XVII, Affordable Housing, added 5-18-1988 by Ord. No. P-6, was repealed prospectively 10-17-2012 by Ord. No. Z-208. This ordinance also provided that "It shall remain in full force and effect for all applications for residential development pending before the Board of Jurisdiction on the effective date of this ordinance seeking a use variance to allow residential development in a zoning district or redevelopment plan where such uses are not currently permitted or seeking an increase in residential density or floor area ratio (FAR). This ordinance shall further remain applicable to all applications having received approval under its terms."*

§ 196-68. through § 196-81. (Reserved)