



THE LAND USE ORDINANCE OF THE CITY OF PLAINFIELD



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ARTICLE I – GENERAL PROVISIONS AND DEFINITIONS

§17:1-1. TITLE

A comprehensive ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures and determining the area of yards and other open spaces; regulating and limiting the density of population; dividing the City of Plainfield into zone districts for such purposes; adopting a map of said City showing boundaries and the classification of such zone districts; establishing rules, regulations and standards governing the subdivision of land within the City; establishing a planning board, zoning board of adjustment, and historic preservation commission; and prescribing penalties for the violation of its provisions.

§17:1-2. SHORT TITLE

The short form by which this Ordinance may be known shall be “THE LAND USE ORDINANCE OF THE CITY OF PLAINFIELD.”

§17:1-3. PURPOSE

It is the intent and purpose of this ordinance to exercise the authority delegated to municipalities under the Municipal Land Use Law (N.J.S.A 40:55D-1 et seq.) to regulate development.

The implementation of the City of Plainfield Master Plan through the provisions of this ordinance is intended:

- A. To guide the appropriate use or development of all lands in a manner that will promote the public health, safety, morals and general welfare;
- B. To secure safety from fire, flood, panic and other natural and manmade disasters;
- C. To provide adequate light, air and open space;
- D. To ensure that the development of the City of Plainfield does not conflict with the development and general welfare of neighboring municipalities, the county and state as a whole;
- E. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;

- F. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- G. To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- H. To encourage the location and design of transportation routes that will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion or blight;
- I. To provide a desirable visual environment through creative development techniques and good civic design and arrangements;
- J. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land;
- K. To encourage senior citizen community housing construction;
- L. To encourage the coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- M. To promote utilization of renewable energy sources;
- N. To promote the maximum practical recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the state recycling plan goals and to compliment municipal recycling programs;
- O. To preserve existing residential neighborhoods and to protect and enhance their character;
- P. To encourage development and redevelopment responsive to the needs of the Plainfield community;
- Q. To encourage housing redevelopment and rehabilitation consistent with the City's housing element of the master plan;
- R. To preserve and protect the City's historically and architecturally significant buildings and neighborhoods in accordance with the master plan's "historic preservation element;"
- S. To promote a diverse and strong economy;
- T. To emphasize the Central Business District (CBD) and nodes of economic development identified in the Master Plan as the primary economic development areas for the City of Plainfield;
- U. To preserve and acquire open space in order to enhance the quality of life in the City of Plainfield in a manner consistent with the "open space/recreation element" of the master plan;
- V. To promote the arts as an important element of the City's culture and character;
- W. To encourage traffic and circulation policies that support land use objectives in accordance with the master plan;
- X. To support the State's redevelopment goals as expressed in the State Development and Redevelopment Plan;
- Y. To monitor areas identified in the land use element of the City's master plan as transitional areas, and to encourage specific actions that will prevent further decline, and;

Z. To assure that social services are adequate and appropriately located to meet specific community needs.

§17:1-4. SCOPE

The provisions of this ordinance shall be held to be the minimum requirements for the health, safety and general welfare of the City of Plainfield.

The provisions and requirements of this ordinance shall be held paramount to any corresponding or similar, but less restrictive, provisions and requirements of any existing law, ordinance, rule, regulation, deed restriction or private covenant affecting lands and premises in the City of Plainfield.

§17:1-5. WORD USAGE

Words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular; the word “lot” includes the word “plot”; the word “building” includes the word “structure”; the word “zone” includes the word “district”; the word “occupied” includes the word “designed” as well as including the phrase “intended to be occupied;” the word “use” includes the words “arranged” and “designed” and phrase “intended to be used;” and the word “abut” includes the words “directly across from, adjacent and next to.”

The word “shall” is mandatory and not directory.

§17:1-6. DEFINITIONS

Any word or term not defined below shall first have the meaning set forth in the Municipal Land Use Law. If there is no definition in the Municipal Land Use Law, the word shall have the meaning set forth in the Uniform Construction Code. If not defined in either statute, the word shall have the meaning given in Webster’s unabridged dictionary. For the purposes of this chapter, unless the context clearly indicates a different meaning, the following terms shall have the meanings indicated:

abandonment – The relinquishment of property, cessation of the use of the property or other overt act or failure to act by the owner or lessee with the intention to abandon the use.

accessory structure – A structure or building detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. Where a structure is attached to a principal building by a breezeway, roof, common wall, or the like, such a structure shall be considered part of the principal building.

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

acre – A measure of land area containing 43,560 square feet.

adaptive re-use – The development of a new use for a building or site. Adaptive re-use is not to be construed to permit the commencement of a use that is not allowed in a particular zone district.

administrative officer – The Director of Planning of the City of Plainfield, except for where this ordinance designates specific duties to the Zoning Officer.

adult entertainment venue – A building or viewing area(s) used predominantly for presenting photographs, film, books, magazines, videos or live entertainment depicting, describing or relating to sexual activities or anatomical genital areas.

alley – A thoroughfare less than thirty (30) feet in width dedicated for the public use of vehicles and/or pedestrians, which may afford access to property, but is not intended for general traffic circulation.

alteration of building– Any change in the supporting members of a building, bearing walls, columns, beams, girders, or interior partitions, or any addition to or diminution of a building.

amusement arcade – Any place or premises where six (6) or more automatic amusement machines are maintained for use and operation by the public.

apartments – One of a group of three (3) or more dwelling units in one building.

approving authority – The Planning Board, Zoning Board of Adjustment or Historic Preservation Commission of the City of Plainfield.

area of special flood hazard – The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in a given year.

as built survey – A property survey prepared and certified by a licensed land surveyor to reflect the actual location of structures and other improvements constructed on a property.

assisted living facility – A facility that is licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining for four or more adult persons unrelated to the proprietor.

automatic amusement machine – Any machine, apparatus, contrivance, appliance, or other device, which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for the use as a game, entertainment or amusement, whether or not registering a score. It shall include, but not be limited to, such devices as marble machines, pinball machines, skill ball, mechanical grab machines, baseball or tennis, hockey, or bowling machines, coin-operated electronically controlled games that are carried out on an electronic screen, and all games, operations, or transactions similar thereto.

automobile dealership – The display or sale of new or used motor vehicles of any type.

automobile service station – Any building, land area, or other premises, or portion thereof, used for the retail sale and direct delivery to motor vehicles of fuel and lubricating oil and the making of mechanical repairs.

automobile body shop – Any building, land area or premises, or portion thereof, used primarily for auto body work, welding and painting.

automobile repair shop- A facility which is used primarily for the maintenance, servicing, or repair of automobiles but does not involve auto body work, welding, painting or the dispensing of motor fuels.

awning – Any structure with a frame attached to a building or other structure which can be raised to a closed position against the building or structure.

bank – A financial organization that provides direct banking services including but not limited to tellers, drive-through areas and automatic teller machines.

banners, pennants or bunting – Temporary announcement device constructed of cloth, canvas, fabric or other light material.

banquet hall – A mixed use eating and drinking facility that incorporates multiple uses such as one or more restaurants combined with one or more bars, cocktail lounges, banquet facilities or catering facilities.

basement – Any area of a building having its floor located at or below a grade level on all sides.

bed & breakfast homestay – An owner-occupied dwelling unit providing no more than five (5) guest rooms for compensation, overnight accommodations and a morning meal.

bed & breakfast guesthouse – An owner-occupied dwelling unit providing between six (6) and fifteen (15) guest rooms for compensation, overnight accommodations and a morning meal.

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

building coverage – The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

building, elevated – A non-basement building: (A) built in an Area of Special Flood Hazard to have the top of the elevated floor or when in a Coastal High Hazard Area to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by the means of piling, columns (posts or piers), or shear walls parallel to the flow of the water; and (B) adequately anchored so as to not impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an Area of Special Flood Hazard elevated buildings shall also include a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In areas of Coastal High Hazard elevated building shall also include a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls.

building envelope – An area, generally described by building setback lines, depicting the area within which building(s) can be constructed.

building footprint – The horizontal area contained within the outer dimensions of the foundation walls of a building

building height – The vertical distance from the average elevation of the original pre-development grade five (5) feet from the proposed foundation to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the ridge level for gable, hip, and gambrel roofs.

building line – A line formed by the intersection of an exterior wall of a building with the ground.

canopy – Any structure, other than an awning or marquee, made of cloth, plastic, metal or other substance and providing a roof-like shelter over a public or quasi- public right- of- way.

car wash – A structure used for washing vehicles.

cellar – See “basement.”

change of use – Any use that substantially differs from the previous use of a building or land.

change in exterior appearance- A change in material or design, change in paint color is not considered a change in exterior appearance.

channel – The area between the top of the banks of any watercourse, with or without continuous flow, wherein surface

waters are contained under conditions less than flood stage. This area shall also consist of lands lying between two (2) or more branches of the same watercourse.

child care center – An establishment licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1, et seq., providing for the care, supervision and protection of children.

commercial recreation facility – A facility designed and equipped for the conduct of leisure, sport or other recreational activities operated as a business and open to the public for a fee.

commercial vehicles – Any commercially registered vehicle except a passenger car. Vehicles normally associated with a commercial use, but not registered for commercial use, shall be deemed commercial vehicles.

common ownership – Ownership of two (2) or more contiguous lots of real property by one (1) person or persons.

community center – A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or non-profit group or agency.

community residence for the developmentally disabled – Any communal community residential facility licensed pursuant to P.L. 1977, c. 448 (C.30:11B-1 et seq.) N.J.S.A. 30:11B-1 et seq., providing, food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the “Health Care Facilities Planning Act,” P.L. 1971, c. 136 (C.26:2H-1 et al.). In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. As used in this act, “developmentally disabled person” means a person who is developmentally disabled as defined in section 2 of P.L. 1977, c. 448 (C.30:11B-2), and “mentally ill person” means a person who is afflicted with a mental illness as defined in R.S. 30:44-23, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity of having been found unfit to be tried on a criminal charge.

conservation easement – The grant of a property right stipulation that the described land is subject to development restrictions.

convalescent home – see definition of nursing home.

conversion – Alteration in an existing residential structure resulting in an increase in the number of dwelling units.

court, inner – A court entirely enclosed by walls or opening on a side lot line.

court, outer – A court opening for its full width on a street, front yard, rear yard, or side yard.

deck – An above grade, unroofed structure without walls that is attached to a residential dwelling unit. An exterior floor system supported by piers, columns or posts.

density, gross – The permitted number of dwelling units per total area of land to be developed.

development – Development means the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any

mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land.

development permit – A document issued by the zoning officer which acknowledges that the building, structure, sign, fence, occupancy or use complies with all provisions of this ordinance or a duly authorized variance.

distribution facility – An establishment engaged in the receipt, storage and distribution of goods, products, cargo, and materials, including transshipment by rail or motor vehicle.

driveway – A private right of way providing access for motor vehicles to a garage, dwelling, other building or use from a street or other right of way.

drive-through facility – An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive service or obtain goods while remaining in their motor vehicles.

drive-in restaurant – Any establishment that sells food or beverages to customers in a motor vehicle.

duplex – A two-unit dwelling sharing a common horizontal or vertical separation with independent means of ingress and egress for each unit.

dwelling unit – A building or entirely self-contained portion thereof intended or designed for non-transient residential use by a single housekeeping unit, (A) separated from all other spaces by lockable doors, (B) having access to the outside without crossing another dwelling, (C) having any cooking facilities, fixed or portable, or food refrigeration facilities, and (D) having any sanitary facilities. A house trailer, a boarding or rooming house, convalescent home, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, or other similar structure shall not be deemed to constitute a dwelling unit.

dwelling unit, single-family – A building containing a single housekeeping unit that is not attached to any other dwelling by any means.

dwelling, two-family – A building on single lot containing two (2) dwelling units, each of which is separated from the other by an unpierced wall extending from ground to roof, or an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairwell.

easement – A grant of one (1) or more of the property rights by the property owner to another person or entity.

family – A single, non-profit housekeeping unit, which bears the generic character of a relatively stable and permanent functioning unit.

family day care home – Any private residence approved by the Division of Youth and Family Services or an organization with which the division contracts for family day care and which is operated in accordance with N.J.S.A. 40:55D-66.4- 5 et seq. and which provides child care services to no more than five children at any one time excluding children legally related to the provider, children cared for as part of an employment agreement where no payment of care is made.

fence – A barrier of any material or combination of materials erected to enclose, screen or separate areas.

final approval – The official action of the Planning Board or Zoning Board of Adjustment taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

flag – Any local, state or national flag.

flood or flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from (A) the overflow of inland or tidal waters and/or, (B) the unusual and rapid accumulation or runoff of surface waters from any source.

flood fringe area – That portion of the flood hazard area outside of the floodway which is subject to less severe flooding.

flood, design – Design flood (floodway or flood hazard area) is the relative size or magnitude of a flood, expressed as a design discharge in cubic feet per second, which is developed from hydrologic criteria, represents a major flood of reasonable expectancy, reflects both flood experience and flood potential, and is the basis of the delineation of the floodway and the flood hazard area and of the water surface elevations thereof.

flood hazard area – The flood hazard area shall consist of the floodway and flood fringe area, being the areas that are subject to flooding.

flood hazard area, special – The land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in a given year.

Flood Insurance Rate Map (FIRM) – The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

flood insurance study – The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as Flood Boundary-Floodway Map and the water surface elevation of the base flood.

flood plain – Same as the flood hazard area.

flood of record – The greatest flood in a given area for which accurate records are available and/or as determined by the New Jersey State Department of Environmental Protection.

floodway – The channel of a river or other water-course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

floor area – The sum of the gross horizontal areas of all the floors of the building or buildings on a lot measured from the exterior faces of exterior walls equal to or in excess of 7'-6" or from the center line of party walls separating two (2) buildings, excluding cellar and basement areas used only for storage or the operation and maintenance of the building.

floor area, livable – All finished spaces within the exterior walls of a dwelling exclusive of garages, breezeways, unheated porches, cellars and basements having a window area of less than ten percent (10%) of the square foot area of the room. Usable floor area shall include all finished spaces not otherwise excluded above such as: principal rooms, utility rooms, bathrooms, all closets and hallways opening directly into any rooms within the dwelling unit and all attic spaces having a clear height of six (6) feet from finished floor level to pitch of roof rafter with a clear height of seven (7) feet six (6) inches from finished floor level to ceiling level over fifty percent (50%) of the area of such attic space.

floor area ratio – The floor area in square feet of all buildings on a lot divided by the area of such lot in square feet.

floor, lowest – The lowest level of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other

non-elevation design requirements.

funeral home – A building used for the preparation of the deceased for burial and/or the display of the deceased and rituals connected therewith before burial or cremation.

garage, private – A detached accessory building, or a portion of a principal building, used primarily for the storage of vehicles owned or used by the occupant of the principal building, or used for the storage of incidental items to which the garage is an accessory.

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

guarantee, maintenance– Any security that may be accepted by the City for the maintenance of any required improvements.

health & fitness club – An establishment that provides facilities for physical exercises and/or saunas, showers and lockers.

historic integrity – the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic or prehistoric period.

historic property or historic resource – A district, site, building, structure or object significant in American history, architecture, engineering, archeology or culture at the national, state or local level.

historic sites inventory – a list of historic properties determined to meet criteria of significance specified herein.

home occupation – Any endeavor carried on for profit in a dwelling unit by a member of the family in residence in accordance with the standards contained in this chapter.

homeowner’s association – An association of owners of the various properties of a common ownership community, formed under the provisions of a Master Deed, Declaration of Covenants and Restrictions or other legal instrument.

hospital/medical center – An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, training facilities, medical offices and emergency care facilities.

hotel – Any building or portion thereof providing transient lodging accommodations and no cooking facilities containing six (6) or more rooms that are rented or hired out for sleeping purposes for compensation for no more than forty-five (45) consecutive days, with common areas and additional services such as eating, entertainment, recreational and conference facilities, and so constructed that access to and egress from rooms to the outside pass a control desk.

house of worship – A church, synagogue, temple, mosque or other facility that is used for prayer or formal religious services by a religious congregation.

impervious coverage – Any material or structure, including but not limited to gravel, concrete, and asphalt, that prevents or restricts absorption of stormwater into the ground.

improvable area – the area of a lot for the placement of principal buildings, off-street parking lots, and off-street loading areas which is located within the envelope delineated by the required yards, or buffers of the zone district and which is not encroached upon by, (A) an existing or proposed public right of way, (B) an area classified as a floodway or stream corridor by the New Jersey Department of Environmental Protection and Energy or as an area of special flood hazard or floodway,

(C) wetlands or any required wetlands transition area pursuant to the New Jersey Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1, et seq.), except where construction, fill, or disturbance has been authorized pursuant to the Freshwater Wetlands Act, (D) slope areas where the inclination of the land's surface from the horizontal is fifteen (15) percent or greater for a ten (10) foot interval, or (E) stream corridors.

industry – Those fields of economic activity including construction, manufacturing, warehousing and wholesale trade, that must meet the performance and bulk standards established by this ordinance.

junk – Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition. This definition also includes, but is not limited to, unregistered, inoperable vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood and lumber.

junkyard – Any space, whether inside or outside a building, used for the storage, sale keeping, or abandonment of junk.

kennel – Any building, structure, or premises in which cats, dogs or other domesticated animals are kept, boarded, bred or trained for a fee or compensation.

laundromat – An establishment providing washing, drying, or dry cleaning machines for clothes on the premises for rental use to the general public.

loading space, off-street – Any off-street space on the same lot available for the loading or unloading of goods.

lot – A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or build upon as a unit.

lot, corner – A lot at the junction of and abutting on two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

lot, through – A lot other than a corner lot which adjoins two (2) street lines which are at opposite ends of the lot. A through lot shall be considered to have two front yard lines.

lot depth – The mean distance between the front and rear property lines of any lot, measured along a line either parallel to or making equal angles with the side lines.

lot width – A distance measured at the front yard setback line along a line perpendicular to parallel side lines or making equal angles with both converging side lines. Where a front yard is not required, the lot width shall be measured along the street line. For the purposes of this Chapter, lot width shall not be less than lot frontage.

lot frontage – The length of the street line of a lot.

lot line – A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

lot line, front – The lot line separating a lot from a street right of way.

lot line, rear – The lot line opposite and most distant from the front lot line. In the case of a corner lot, the lot line opposite

the shorter front street line shall be considered the rear lot line.

lot line, side – Any lot line other than a front lot line or rear lot line.

manufactured home – A structure transportable in one or more sections which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term manufactured home also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term manufactured home does not include park trailers, travel trailers and other similar vehicles.

manufacturing and assembly – Any process whereby the nature, size, or shapes of articles or raw materials are changed, or where articles are assembled or packaged.

marquee – A permanent, roof- like structure extending from part or all of a building or other structure over a public or quasi-public right of way and constructed of some durable material such as metal, glass or plastic.

membership club – A building, lot, or land area, used as a private club or social organization not conducted for profit or gain, and which is not an adjunct to or operated by or in connection with or as a public tavern, café, restaurant or other like public space.

mezzanine – An intermediate level between the floor and ceiling of any story and covering not more than 33% percent of the floor area of the room in which it is located.

mixed use residential dwelling– A structure that contains residential and non-residential uses.

motor vehicle – A self-propelled device used for transportation of people or goods over land surfaces.

mortuary – See “funeral home.”

national register criteria – the established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

new construction – Structures for which the start of construction commenced on or after the effective date of this ordinance.

nightclub – An establishment dispensing liquor and meals and providing live entertainment.

nonconforming – A lot, use, activity, sign, structure or building whose area, size, dimensions, location, use or activity does not conform to applicable zone requirements.

nuisance – An interference with the enjoyment and use of property.

nursing home/convalescent home – A nursing home or convalescent home shall mean a nursing home, convalescent home, or boarding home for sheltered care as defined in N.J.S.A. 30:11-8.

nursery and landscaping facility – Land, greenhouses or structures used to raise flowers, shrubs and plants for sale.

office – A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files and communication equipment.

official map – The tax map of the City of Plainfield.

office, medical – A structure occupied by one or more practitioners of the medical and related arts.

off-site – Located outside the lot lines of the lot in question but within the property which is the subject of a development plan or on a contiguous portion of a street or right of way.

off-tract – Not located on the property that is the subject of a development plan or on a contiguous portion of a street or right of way.

on-site – Located on the lot in question.

on-tract – Located on the property that is the subject of a development plan or on a contiguous portion of a street or right of way.

open space – Any parcel or area of land or water essentially unimproved, except for buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

open space, common – An open space area within or related to a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

ordinary maintenance and repair – Repair or exact replacement of any existing improvement provided that the work does not alter the exterior appearance of the structure. The following are some of the activities which are permitted as ordinary maintenance and repairs: (A) identical replacement of existing windows and doors; (B) repairs of existing windows and doors and the installation of storm doors and windows that do not change their design, scale or appearance; (C) maintenance and repair of existing roofing materials involving no change in the design, scale or appearance of the structure; (D) replacement of existing clapboards, shingles or other siding with identical materials and in an identical configuration. Maintenance and repair of existing clapboards, shingles, or other siding including masonry involving no change in the design, scale or appearance of the structure.

outdoor dining area – A designated area on the premises of a retail food establishment, but outside the principal building, where persons may sit at tables while consuming foods and beverages ordered from the retail food establishment.

outdoor storage – The keeping other than in a building of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

parking area – An open area other than a street or other public road or way, used for the parking of motor vehicles, including access drives or aisles for ingress and egress.

parking garage – A building or structure consisting of more than one (1) level and used for the temporary storage of motor vehicles.

parking lot – An improved off-street, ground-level open area for the temporary storage of motor vehicles

parking space, off-street – A paved or surfaced area for off-street motor vehicle parking.

patio or terrace – A level, landscaped, and/or surfaced area on a lot with a principal building and not covered by a permanent roof.

performance guarantee – Any security which may be accepted by the City to assure required improvements associated with an application for development will be satisfactorily completed.

permit – Any required City approval for exterior work to any structure or property in a historic district or on a historic site, which exterior work is subject to public view. Permit shall include, but is not limited to a building permit, a demolition permit, a permit to move, convert, relocate or remodel or to change the use or type of occupancy of any structure or property in a historic district which involves exterior changes to the structure or the property on which it is located. All actions requiring a certificate of appropriateness as specifically set forth in Section 17:10-10 shall require a permit.

person- an individual, proprietorship, partnership, corporation, association, or other legal entity.

personal service establishment – Any business use that provides services to an individual or group of individuals, such as barbershops, pickup/drop-off dry cleaning establishments, beauty salons, travel agencies, instructional training facilities, and substantially similar type uses, and does not provide goods for retail sale or consumption.

porch – A roofed, open area attached to and with direct access to or from a building.

preliminary approval – The conferral of certain rights pursuant to the Municipal Land Use Law, prior to final approval of a major site plan or major subdivision, after specific elements of a development have been approved by the delegated approving authority and agreed to by the applicant.

preservation – the act or process of applying measures to sustain the existing form, integrity and material of a building or structure, and the landscape features and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

principal structure – A building in which the principal use of the lot is conducted.

principal use – The primary or predominant use of any lot.

prohibited use – Any use that is not specifically permitted by this ordinance.

protection – The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury.

public purpose use – The use of land or buildings by the City of Plainfield or by any other federal, state, county or municipal governmental body including the City of Plainfield Board of Education.

reception and banquet hall – A facility for groups to congregate, socialize or celebrate.

reconstruction – the act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or any part thereof, as it appeared at a specific period of time.

refuse and recycling area – A designated area either within a building, or a space on the exterior of a building, specifically designed to hold waste or recyclable materials.

rehabilitation – The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

research facility – An establishment for conducting investigation in the natural, physical, or social sciences, which may include engineering and product development.

restaurants – Any establishment at which the principal use is the selling of food for consumption on the premises.

restoration – The act or process of accurately recovering the form and details 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.

retail sales – Establishments engaged in selling goods or merchandise to the general public for consumption, which may include rendering services incidental to the sale of such goods.

right of way – A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, and other similar uses.

right of way line – A line separating a right of way from abutting properties.

rooming / boarding house- A structure containing a guest room or rooms provided to two (2) or more persons for compensation.

row house – See “townhouse.”

setback – The distance between the building and any lot line.

setback line – That line that is the required minimum distance from any lot line and that establishes the area within which the structure must be located.

sexually oriented business- (1) A commercial establishment which as one of its principal business purposes offers for sale, rental, or display any of the following: Books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides or other visual representations which depict or describe a "specified sexual activity" or "specified anatomical area"; or still or motion picture machines, projectors or other image-producing devices which show images to one person per machine at any one time, and where the images so displayed are characterized by the depiction of a "specified sexual activity" or "specified anatomical area"; or instruments, devices, or paraphernalia which are designed for use in connection with a "specified sexual activity"; or (2) A commercial establishment which regularly features live performances characterized by the exposure of a "specified anatomical area" or by a "specified sexual activity," or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a "specified sexual activity" or "specified anatomical area."

sidewalk café area – A designated area of the public right of way where patrons may sit at tables while consuming food and beverages ordered from the retail food establishment.

sign – Any name, identification, description, display or illumination which is affixed to or painted on or represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to a person, organization, institution, activity, event, place, object, product, commodity, business, entertainment, service or profession or which conveys any message, notice or greeting.

sign, awning – A sign that is mounted, painted, attached to or part of an awning.

sign, contractor – A temporary sign that identifies the tradesperson or architect of a specific improvement on the property for which the improvement is being made.

sign, directory – A ground or wall sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

sign, flashing – A sign, the illumination of which is not kept constant in intensity at all times.

sign, freestanding – A single or multi-faced sign not attached to a building, and with an upright base extending from the ground.

sign, ground – Any sign, other than a freestanding sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

sign, illuminated – A sign having characters, letters, figures, designs or outlines illuminated by electric light or luminous tubes as a part of the sign.

sign, indirectly illuminated – An illuminated, non-flashing sign whose illumination is derived from an external artificial source and is so arranged that no direct rays of light are projected from the artificial source into an area where anyone resides or into any public street or public way.

sign, political – A temporary sign denoting a political campaign headquarters, party affiliation, cause or candidate.

sign, portable – A sign that is not securely affixed to the ground or otherwise affixed in a permanent manner to a building or other structure.

sign, project – A temporary sign intended to identify a project under construction, which may include the project name, general contractor, architect and prime real estate agent.

sign, projecting – A sign that is wholly or partly dependent on a building for support and that projects more than nine (9) inches from such building.

sign, public purpose – A sign designed to promote the public health, safety and welfare, including official government notices, government signs, signs to control and direct traffic on public streets, street identification signs, signs erected by public utility companies to warn of dangerous or hazardous conditions and political signs.

sign, reader board – A temporary, portable sign that incorporates changeable lettering and is intended primarily for advertising or announcement purposes.

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

sign, residential development – A sign identifying a residential major subdivision, condominium, apartment or townhouse complex, and located entirely on the property which it is identifying.

sign, residential nameplate – A wall sign permitted for the sole purpose of identifying the inhabitant residing therein, the house name and/or identifying the address of the house.

sign, roof – A sign that is mounted on the roof of a building or is wholly dependent on a building for support, and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

sign, sidewalk – A temporary, moveable, non-illuminated sign located within the public right of way that is not permanently affixed to a wall, structure or to the ground.

sign, traffic-control – A permitted sign for the purpose of identifying private parking areas and directing the flow of traffic on private property.

sign, wall – A sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall.

sign, window – A sign which is part of or affixed or attached to the interior or exterior of a window or otherwise part of a window and located within eighteen (18”) inches of the interior of the window and which can be seen from a public street or public parking facility.

sign alteration – The enlargement, extension or relocation of an existing sign or support structure.

sign area – The entire area within a contiguous perimeter enclosing the limits of a sign and including the frame of the sign, but not including structural elements outside the limits of such sign, which do form an integral part thereof.

sign face – The area or display surface used for the message.

sign restoration – The routine maintenance and painting of existing, approved signs that does not change the approved design or increase the total sign area.

sign supporting structure – All frames, glass or other coverings, gooseneck arms, light bulbs, lights, shields, shades, reflectors, supports, brackets, braces, screws, bolts, fastenings or other items or devices which constitute a part of the support system for any sign, awning, canopy or marquee.

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, drainage, flood plains, marshes and waterways; 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, and screening devices; and any other information that may be reasonably required in order to make an informed determination pursuant to Article VIII of this ordinance.

specified anatomical area- (1) Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or (2) Human male genitals in a discernibly turgid state, even if covered.

specified sexual activity- (1) The fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast; or (2) Any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse.

start of construction – The date the building permit is issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement is commenced within 180 days of that date.

storage shed – An accessory construction that is exclusively used by the occupant of the principal building to which it is incidental, and contains items customarily associated with residential use such as personal items, lawnmowers, tools and hardware.

story – That portion of a building consisting of at least seven (7) feet of vertical height, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. If the ceiling or underside of supporting members is less than four (4) feet above average grade of any space, then that space shall not be considered a story nor counted as floor area.

story, one-half – A space under a pitched roof at the top of a building, the floor of which is not more than two (2) feet below

any plane, which will not qualify for living space under BOCA (Building Officials and Code Administrators International).

stream corridor – Any river, stream, pond, lake or wetland, together with adjacent upland areas, that supports protective bands of vegetation that line the water’s edge.

structure – A combination of materials constructed for use, occupancy, or ornamentation whether installed on, above, or below the surface of land.

subdivision – The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this act, if no new streets are created: (A) divisions of land found by the approving authority to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size, (B) divisions of property by testamentary or intestate provisions, (C) divisions of property upon court order, including but not limited to judgments of foreclosure, (D) consolidation of existing lots by deed or other recorded instrument and (E) the conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term “subdivision” shall also include the term “resubdivision.”

subdivision, major – Any subdivision not classified as a minor subdivision.

subdivision, minor – A subdivision of land for the creation of not more than three (3) lots, provided such subdivision does not involve (A) a planned development, (B) any new street or (C) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42.

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

survey as-built – A property survey prepared and certified by a licensed land surveyor to reflect the actual location of structures and other improvements constructed on a property.

swimming pool – An accessory structure whether located above or below the ground, designed and maintained for swimming and bathing purposes by a private residence for use by household members and guests, having a depth of more than 18 inches and/or a water surface in excess of 100 square feet.

swimming pool, portable – A swimming pool which is located above ground level, otherwise not permanently installed, does not require water filtration, circulation and purification, does not exceed a water surface of 100 square feet, and does not require braces or supports.

tavern – An establishment at which the primary use is the serving and consumption of liquor by the drink to the general public on-site as a principal use. Any establishment possessing a liquor license shall be considered a tavern, absent credible

evidence presented to the contrary.

theater – A building designed for the presentation and viewing of live performances and/or motion pictures. An Adult Entertainment Venue shall not be considered a Theater.

topsoil – The top six (6) inch layer of arable soil.

townhouse – A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and secondary access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

trailer – A wheel-based non-commercial structure that is used for the transportation or storage of goods or materials, as a construction office, or for temporary short-term habitation in case of calamity.

use – The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

wall, breakaway – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

wall, decorative – A wall constructed of stone or other material erected for the sole purpose of providing a decorative and/or landscaped feature, and not to include structural support walls, retaining walls or any other walls constructed for a purpose other than aesthetics.

warehouse – A building used primarily for the storage of goods and materials.

wireless communication facility – A structure that facilitates personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services such as cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or may be developed in the future.

yard, front – An open, unoccupied space (unless occupied by a structure hereinafter specifically permitted) extending across the full width of the lot and lying between the street line and the foundation line of the principal structure. All yards abutting a street shall be considered a front yard. A front yard is not measured to the front of a porch, but to the main foundation line of the principal structure.

yard, rear – An open, unoccupied space (unless occupied by an accessory structure) extending across the full width of the lot between the rear lot line and the building line of the principal structure.

yard, side – An open, unoccupied space (unless occupied by an accessory structure) extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the building line of the principal structure.

zoning officer – An agent appointed by the City Council who shall be responsible for the administration and enforcement of the provisions, requirements, regulations and standards contained in this ordinance and who shall have such other duties and responsibilities as may herein specified or assigned by an appropriate body.

§17:1-7. ADMINISTRATIVE PROCEDURES

The Planning Board, Zoning Board of Adjustment and Historic Preservation Commission shall adopt, and shall amend, reasonable rules and regulations consistent with N.J.S.A. 40:55D-8a, or this ordinance for the administration of its functions, powers and duties and shall furnish a copy thereof to any person upon request and may charge a reasonable fee, as established by Article XIV of this ordinance. Copies of all such rules and regulations and amendments thereto shall be maintained in the office of the City Clerk and board secretary.

§17:1-8. MEETINGS

See N.J.S.A 40:55D-9.

§17:1-9. PUBLIC MEETINGS AND MINUTES

All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law (N.J.S.A. 10:46-6 et seq.) and this ordinance, and in accordance with N.J.S.A. 40:55D-12. An executive session for the purpose of discussing and studying matters to come before either Board shall not be deemed a regular or special meeting.

Minutes of every regular or special meeting of both Boards shall be kept in accordance with N.J.S.A. 40:55D-9. Any interested party shall be charged a fee for the reproduction of minutes as provided for in Article XIII of this ordinance.

§17:1-10. HEARINGS

See N.J.S.A. 40:55D-10 and N.J.S.A. 40:55D-10.2.

§17:1-11. NOTICE REQUIREMENTS FOR HEARING

Whenever a hearing is required on an application for development pursuant to N.J.S.A. 40:55D-1 et seq. and this ordinance, when an appeal of an administrative officer's decision has been made, and when an interpretation of the provisions of this ordinance is requested, the applicant shall give notice in accordance with N.J.S.A 40:55D-11 and N.J.S.A. 40:55D-12. The following exceptions do not require notice:

- A. Final subdivision or site plan approval pursuant to Article VIII of this ordinance;
- B. Minor subdivisions that require no relief from any provisions of this ordinance.

§17:1-12. CERTIFIED LIST OF PROPERTY OWNERS

See N.J.S.A. 40 55D-12c.

§17:1-13. NOTICE CONCERNING MASTER PLAN

See N.J.S.A. 40:55D-13.

§17:1-14. ACTION ON CAPITAL IMPROVEMENT OR OFFICIAL MAP

See N.J.S.A. 40:55D-15.

§17:1-15. FILING OF DEVELOPMENT REGULATIONS

See N.J.S.A. 40:55D-16.

§17:1-16. CONDITIONAL APPROVALS

See N.J.S.A. 40:55D-22.

§17:1-17. TOLLING OF RUNNING OF APPROVAL

See N.J.S.A. 40:55D-21.

§17:1-18. ADMINISTRATIVE OFFICER

The administrative officer shall review all applications for development to ensure they meet the requirements of this ordinance except for those sections where another official is specifically given enforcement or administrative responsibilities.

The administrative officer for the Planning Board, the Zoning Board of Adjustment and the Historic Preservation Commission shall be the City Planner / Director of the Division of Planning and Community Development.

§17:1-19. ENFORCEMENT

The City Council shall enforce this ordinance and any ordinance or regulation made and adopted hereunder. To that end, the City Council may require the issuance of specified permits, certificates or authorizations as a condition precedent to:

- A. The erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any structure;
- B. The use or occupancy of any structure or land; and,
- C. The subdivision or re-subdivision of any land.
- D. The City Council hereby establishes an administrative officer and offices for the purpose of issuing such permits, certificates and authorizations upon the submission of such data, plans, plats and information as is authorized hereunder and upon the express approval of the appropriate state, county, or City agencies, and may establish reasonable fees to cover administrative costs for the issuance of such permits, certificates and authorizations. In case any structure is erected, constructed, altered, repaired, converted, or maintained or any structure or land is used in violation of any section of this ordinance, the Zoning Officer of the City or an interested party, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

§17:1-20. ENFORCEMENT BY ZONING OFFICER

The Zoning Officer is hereby given the duty, power and authority to enforce the provisions of this ordinance. The Zoning Officer shall in no case, except upon a written order of the appropriate approving authority, approve a development permit for the erection or structural alteration or occupancy of any structure or land where the proposed erection, structural alteration or use thereof would be in violation of any of the provisions of this ordinance. The Zoning Officer shall examine all applications for permits and together with the administrative officer and the Construction Official issue such permits as may

be required for the construction, alteration, enlargement, and occupancy of all uses and structures which are in accordance with the requirements of this ordinance. The Zoning Officer shall also deny, and file all applications for permits, with accompanying plans and documents, that are not in accordance with this ordinance for the review of the Planning Board, Board of Adjustment or Historic Preservation Commission. The Zoning Officer, Director of Planning and Construction Official shall maintain records of all applications, plans and documents filed for permits and make such reports to the boards as may be required.

In accordance with the above enforcement powers, the Zoning Officer, upon becoming aware of a violation of this ordinance, is to forward a letter to the owner of the property upon which the violation has been found to exist and request immediate compliance with this ordinance, or the halting of the construction activity, within ten days of the date of the letter. If no, or an inadequate, response is received from the property owner within that time, the Zoning Officer is to forward a certified letter to the property owner requesting compliance within ten (10) days from the date of the receipt of the letter and advise that fines may be imposed for failure to comply with this ordinance. If the violation is not resolved within that time period, and the Zoning Officer is not satisfied with any attempts by the owner to resolve the violation, a summons is to be issued to the property owner and a complaint is to be prosecuted through the municipal court. Every ten (10) days after the initial summons is issued, and compliance is not achieved, the Zoning Officer is to issue an additional summons for the violation. Every ten (10) days day of noncompliance is deemed an additional offense subject to the re-issuance of a separate summons. This procedure does not, in any way, restrict the ability of the Zoning Officer to impose a "stop work order" upon a project at any time and seek immediate resolution of the matter if a determination is made that it is the appropriate course of action.

§17:1-21. RECORDS

It shall be the duty of the Zoning Officer to maintain records of all applications for development permits together with a notation of all special terms or conditions imposed thereunder. These records shall be maintained within the confines of City owned or designated property. The Zoning Officer shall be responsible for the filing and safe keeping of all plans and specifications submitted with any applications and the same shall form a part of the records of his office and shall be available to all officials of the City. Duplicate copies of any permits or certificates shall be furnished to any person who shall have a right thereto by law, upon payment of a fee as specified in Article XV of this ordinance.

§17:1-22. VIOLATIONS

For any violation of this ordinance, or any approval by an approving authority, including, but not limited to the erection or alteration of a structure prior to obtaining a development permit, the utilization of any land prior to obtaining a development permit, the use or occupancy in whole or in part of any structure in which the nature of the use has been changed, or wherein there has been a modification of utilization, or which has been erected or altered, the use or occupancy in whole or in part of any land on which the nature of the use has been changed, or whereon there has been a modification of utilization or upon which an improvement has been made prior to obtaining a development permit, the Plainfield City Council, the Zoning Officer or other proper official, in addition to other remedies may institute any appropriate legal action or proceedings to prevent unlawful erection, repair, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said structure, or land, or to prevent any illegal act, conduct, business or use about such premises. Each day the violation shall continue after notice and reasonable opportunity to correct or remedy the violation has been given shall constitute a separate violation. Imposition of fines or imprisonment shall be at the

discretion of the Municipal Court, except when the Plainfield City Council has legislated otherwise.

ARTICLE II – PLANNING BOARD

§17:2-1. ESTABLISHMENT

The Planning Board previously established is hereby continued pursuant to the *Municipal Land Use Law*. (N.J.S.A. 40:55D-1, et. seq.)

§17:2-2. MEMBERSHIP

The Planning Board shall consist of nine (9) members of the following four (4) classes:

- A. **Class I** - The Mayor or the Mayor's designee in the absence of the Mayor. Such appointment shall be made in writing to the Planning Board secretary and filed subsequently in the office of the City Clerk.
- B. **Class II** - One of the officials of the City other than a member of the City Council, to be appointed by the Mayor, with the advice and consent of the Plainfield City Council.
- C. **Class III** - A member of City Council appointed by the City Council.
- D. **Class IV** - Six (6) other citizens of the City to be appointed by the Mayor with the advice and consent of the Plainfield City Council. The members of Class IV shall hold no other municipal office except that one (1) member may be a member of the Zoning Board of Adjustment, and one (1) member may be a member of the Board of Education, and one (1) member may be a member of the Historic Preservation Commission.
- E. **Alternates** - Two (2) alternate members shall be appointed by the Mayor with the advice and consent of the City Council for Class IV members and shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2." Alternate members may participate in discussions of the Board proceedings, but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

§17:2-3. TERMS OF OFFICE

- A. The term of the Mayor, composing Class I, shall correspond with his or her official tenure. The term of any person appointed as the Mayor's designee to sit in the Mayor's place and stead shall serve at the pleasure of the Mayor and such designee's term of office shall terminate automatically at the conclusion of the official tenure of the Mayor appointing such designee.
- B. The terms of the members, composing Class II and Class III, shall be for one (1) year or terminate at the completion of the respective terms of office.
- C. The term of a Class IV member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever such member is no longer a member of such other body or at the completion of his or her Class IV term, whichever occurs first.
- D. The terms of all Class IV members shall be four (4) years.

- E. The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one (1) alternate member shall expire in any one year.
- F. All terms shall run from January 1 of the year in which the appointment is made.
- G. Nothing herein shall affect the term of any member of the Planning Board at the time of the adoption of this ordinance, all of whom shall continue in office until the completion of the terms for which they were appointed.
- H. If a vacancy in any class shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term only.

§17:2-4 CONFLICTS OF INTEREST

No member of the Planning Board shall be permitted to act on any matter in which the member has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, such member shall not continue to sit with the Board on the hearing of such matter and shall not participate in any discussion or decision relating thereto as a member of the Board. Any member of the Board, other than a Class I member, after a public hearing if such member requests one, may be removed by the City Council for cause.

§17:2-5. SUBSTITUTE MEMBERS WHEN CONFLICTS EXIST

If the Planning Board lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A. 40:55D-23 or N.J.S.A. 40:55D-23.1 from acting on a matter due to the member's personal or financial interests therein, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board. Zoning Board members shall be called in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the chairman of the Board of Adjustment shall make the choice.

§17:2-6 ORGANIZATION

The Planning Board shall elect a chair and a vice-chair from the members of Class IV, select a Secretary who may be a member of the Planning Board or a City employee designated by it, and create and fill such other offices as established by ordinance at an annual reorganization meeting in January of each year.

§17:2-7. EMPLOYEES AND CONSULTANTS

- A. There is hereby created the office of Planning Board Attorney. The Planning Board shall annually appoint and fix the compensation of, or agree upon the rate of, compensation of the Planning Board Attorney. Such compensation shall be within the appropriation made by the City Council. The Board Attorney shall not be the City Attorney.
- B. The Planning Board may employ or contract for the services of licensed planning consultants, a licensed engineer, and other staff and services as it may deem necessary, not exceeding, exclusive of gifts, grants, or professional service fees, the amount appropriated by the City Council for its use.

§17:2-8. POWERS AND DUTIES

A. The Planning Board shall follow the provisions of this ordinance and the Municipal Land Use Law (N.J.S.A. 40:55D-1, et. seq.) and shall accordingly exercise its powers in regard to:

1. The City Master Plan pursuant to Article V;
2. The official map pursuant to Article VI;
3. The capital improvements program and capital project review pursuant to Article VII;
4. Variances and certain building permits in conjunction with subdivision and site plan approval pursuant to Article IX;
5. Subdivision and site plan control and review pursuant to Articles VIII and IX;
6. Design standards pursuant to Article XII;
7. Storm water management controls pursuant to Article XIV; and,
8. Sign controls pursuant to Article XI.

B. The Planning Board may:

1. Participate in the preparation and review of programs or plans required by state or federal law or regulations;
2. Assemble data on a continuing basis as part of a continuous planning process;
3. Perform such other advisory duties as are assigned to it by ordinance or resolution of City Council for the aid and assistance of the City Council or other agencies or offices;

C. The Planning Board may adopt by-laws governing its procedural operations.

D. The Planning Board shall perform such other advisory duties as are assigned to it by ordinance or resolution of the City Council for the aid and assistance of the City Council or other agencies or offices.

§17:2-9. ANCILLARY POWERS

The Planning Board, when reviewing applications for development, including applications for approval of subdivision plats or site plans, shall have the power to grant or deny, to the same extent and subject to the same restrictions as the Board of Adjustment the following:

- A. Variances, pursuant to N.J.S.A. 40:55D-70(c);
- B. Direction, pursuant to N.J.S.A. 40:55D-34 for issuance of a permit for a building or structure not related to a street, in the bed of a mapped street or public drainage-way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.

§17:2-10. REFERRAL POWERS

A. Prior to the adoption of a development regulation, or revision or amendment thereto, the City Council shall refer any amendment to the Planning Board. The Planning Board shall make and transmit to the City Council, within thirty-five

(35) days after referral, a report including recommendations concerning the proposed development regulation, revision or amendment to ensure consistency with the master plan and other matters the Board deems appropriate.

- B.** The City Council, when considering the adoption of a development regulation or revision or amendment thereto, shall review the report of the Planning Board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations. Failure of the Planning Board to transmit its report within the thirty five (35) day period provided herein shall relieve the City Council from the requirements of this section in regard to the proposed development regulation, revision, or amendment thereto referred to the Planning Board.

ARTICLE III - ZONING BOARD OF ADJUSTMENT

§17:3-1. ESTABLISHMENT

The Zoning Board of Adjustment previously established is hereby continued pursuant to the *Municipal Land Use Law* (N.J.S.A. 40:55D-69, et. seq.).

§17:3-2. MEMBERSHIP

- A.** The Zoning Board of Adjustment shall consist of seven (7) residents of the City of Plainfield appointed by the Mayor with the advice and consent of City Council.
- B.** The Mayor shall also appoint two (2) alternate members with the advice and consent of the City Council. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2." Alternate members may participate in discussions of the Board proceedings but may not vote except in the absence or disqualification of a regular Board member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

§17:3-3. TERMS OF OFFICE

- A.** The term of each Board member shall be four (4) years.
- B.** The term of each alternate member shall be two (2) years, except that the terms of the alternate members shall be such that the term of not more than one (1) alternate member shall expire in any one year.
- C.** Nothing herein shall affect the term of any member of the Zoning Board of Adjustment at the time of adoption of this ordinance, all of whom shall continue in office until the completion of the terms for which they were appointed.
- D.** All terms shall run from January 1 of the year in which the appointment is made.

§17:3-4. VACANCIES

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

§17:3-5. CONFLICTS OF INTEREST

No member of the Zoning Board of Adjustment may hold any elective office or position under the City. No member of the Board shall be permitted to act on any matter in which said member has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, said member shall not continue to sit with the Board on the hearing of such matter and shall not participate in any discussion or decision relating thereto as a member of the Board. Any member of the Board, after a public hearing if requested by said member, may be removed by the City Council for cause.

§17:3-6. SUBSTITUTE MEMBERS WHEN CONFLICTS EXIST

If the Zoning Board of Adjustment lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A.

40:55D-23 or N.J.S.A. 40:55D-23.1 from acting on a matter due to the member's personal or financial interests therein, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Zoning Board of Adjustment. The Class IV members of the Planning Board shall be called in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the chair of the Planning Board shall make the choice.

§17:3-7. ORGANIZATION

The Zoning Board of Adjustment shall elect a chair and vice-chair from the members, and select a Secretary who may be a member of the Zoning Board of Adjustment or a City employee designated by it, and create and fill such other offices as established by ordinance at an annual reorganization meeting in January of each year.

§17:3-8. EMPLOYEES AND CONSULTANTS

- A. There is hereby created the office of Zoning Board of Adjustment Attorney. The Zoning Board of Adjustment may annually appoint, fix the compensation of or agree upon the rate of compensation of the Zoning Board of Adjustment Attorney. Such compensation shall be within the appropriation made by the City Council. The Board Attorney shall not be the City Attorney or the Planning Board Attorney.
- B. The Zoning Board of Adjustment may employ or contract for the services of licensed planning consultants, a licensed engineer, and other staff and services as it may deem necessary, not exceeding, exclusive of gifts, grants, or professional fees, the amount appropriated by the City Council for its use.

§17:3-9. POWERS AND DUTIES

The Zoning Board of Adjustment shall have the power to:

- A. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning ordinance;
- B. Hear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning or official map ordinance in accordance with this act;
- C. Grant, upon an application or an appeal relating to a specific piece of property, variances from the strict application of any regulation pursuant to Articles IX of this ordinance:
 - 1. Where exceptional narrowness, shallowness or shape of a specific piece of property, or (b) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon results in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property.
 - 2. Where the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation substantially outweigh any detriment. No "c" variance shall be granted for variances enumerated in Section D below and the fact that a proposed use is an

inherently beneficial use shall not be dispositive of a decision for a variance under this Section.

- D.** Grant variance to allow departure from regulations pursuant to Article IX of this ordinance in particular cases and for special reasons, to permit:
1. A use or principal structure in a district restricted against such use or principal structure;
 2. An expansion of a non-conforming use;
 3. An increase in the permitted floor area ratio as defined in N.J.S.A. 40:55D-4;
 4. An increase in the permitted density as defined in N.J.S.A. 40:55D-4 except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision;
 5. An increase in height of a principal structure which exceeds by ten feet or 10% the maximum height permitted in the zone district for a principal structure.
 6. A "d" variance shall be granted only by affirmative vote of at least five (5) members.
- E.** No variance or other relief may be granted unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan, zoning ordinance, and master plan.

§17:3-10. ADDITIONAL POWERS

- A.** If the Zoning Board of Adjustment has primary jurisdiction of an application based on the powers set forth above, then the Board shall also have the power to:
1. Direct issuance of a permit pursuant to N.J.S.A. 40:55D-34, for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32; or
 2. Direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.
- B.** The Zoning Board of Adjustment shall have the power to grant to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval pursuant to Article VIII of this ordinance or conditional use approval pursuant to N.J.S.A. 46:55D-67 whenever the proposed development requires approval by the Zoning Board of Adjustment of a variance pursuant to Section d. of N.J.S.A. 40:55D-70. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision or site plan. The separate approval of the variance shall be conditioned upon grant of all required subsequent approvals by the Board of Adjustment. No such subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance.
- C.** The number of votes of board members required to grant any such subsequent approval shall be as otherwise provided in this ordinance for the approval in question and the special vote pursuant to the aforesaid Section d. of N.J.S.A. 40:55D-70 shall not be required.

§17:3-11. APPEALS TO THE ZONING BOARD OF ADJUSTMENT

- A. Appeals to the Zoning Board of Adjustment may be taken by any interested party aggrieved by any decision of the Administrative Officer based on or made in the enforcement of the Zoning Ordinance or Official Map. Such appeal shall be taken within twenty (20) days of the date of the written decision of the Administrative Officer by filing a notice of appeal with the board secretary and Administrative Officer specifying the grounds of such appeal. The Administrative Officer shall immediately transmit to the board secretary all of the papers constituting the record upon which the action appealed from is taken. The Board secretary shall schedule the appeal for the next scheduled Board meeting provided that the date of the filing is not less than ten days prior to the next scheduled Board meeting. If the appeal filing date is less than ten days from the next Board meeting, the appeal shall be scheduled for the following Board meeting.
- B. The Zoning Board of Adjustment shall render a decision no later than one hundred and twenty (120) days or such time as consented to by the applicant from the date the appeal of the decision of the Administrative Officer is filed. The Board may reverse or affirm, in whole or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the Administrative Officer from whom the appeal is taken.
- C. Failure of the Zoning Board of Adjustment to render a decision within the one hundred and twenty (120) day period or within such time period as may be consented to by the applicant shall constitute a decision favorable to the applicant.

§17:3-12. STAY OF PROCEEDINGS BY APPEAL; EXCEPTION

An appeal to the Zoning Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the officer from whose action the appeal is taken certifies to the Zoning Board of Adjustment, after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is taken and on due cause shown.

§17:3-13. ANNUAL VARIANCE REPORT

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

§17:3-14 EXPIRATION OF VARIANCE

Any variance or exemption granted under this ordinance shall expire if construction, alteration or conversion is not commenced within one year from the date of the resolution granting the variance or exception, provided however that if the developer is barred or prevented directly or indirectly from proceeding because of a legal action instituted by a state agency or other party to protect the public health and welfare or by an order or directive of a state agency, political subdivision or court of competent jurisdiction to protect the public health or welfare and the developer is otherwise ready, willing and able to proceed with the development, in which event this time period shall be suspended during the pendency of the legal action. The applicant has the right to apply for an extension from the approving authority for good cause shown upon submittal of

fee set forth herein.

ARTICLE IV – HISTORIC PRESERVATION COMMISSION

§17:4-1. ESTABLISHMENT

The Historic Preservation Commission previously established is hereby continued.

§17:4-2. MEMBERSHIP

The Historic Preservation Commission shall consist of nine (9) regular members and two (2) alternate members. All members are to be appointed by the Mayor with the advice and consent of City Council. Existing members will continue to serve the balance of their respective terms. Members at the time of the passing of this ordinance shall serve without compensation and shall be interested in or qualified to contribute to the preservation of historic resources. At the time of appointment, members shall be designated by the following classes:

Class A – A person who is knowledgeable in building design and construction or architectural history.

Class B – A person who is knowledgeable, or with a demonstrated interest in, local history.

Class C – Citizens of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board or Board of Adjustment.

Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2." Of the nine regular members, at least four members shall be of Classes A and B. All members shall reside in the City. No more than four members may reside outside of Historic Districts.

§17:4-3. TERMS OF OFFICE

The terms of the members first appointed under the 1991 Ordinance shall be so determined that to the greatest practicable extent the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment; provided that the initial term of no regular member shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, the term of a regular member shall be four years; the term of an alternate member shall be two years. A vacancy occurring otherwise than by expiration of term shall be filled within 60 days for the unexpired term only. Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the term of membership on the Planning Board; and the term of any member common to the Historic Preservation Commission and the Zoning Board of Adjustment shall be for the term of membership on the Zoning Board of Adjustment. The alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

§17:4-4. VACANCIES

A vacancy occurring otherwise than by expiration of term shall be filled within sixty (60) days as above for the unexpired term only.

§17:4-5. CONFLICT OF INTEREST

No member of any Historic Preservation Commission shall be permitted to act on any matter in which said member has, either directly or indirectly, any personal or financial interest.

A member of the Historic Preservation Commission may, after a public hearing, if requested, be removed by the Plainfield City Council for cause.

§17:4-6. ORGANIZATION

The Historic Preservation Commission shall elect a chairperson and vice-chairperson from its members and select a secretary who need not be a member of the Commission and may be a City employee.

§17:4-7. BUDGET/EMPLOYEES

The Plainfield City Council shall make provision in its budget and appropriate funds for the expenses of the Historic Preservation Commission. The Historic Preservation Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the municipal attorney at the rate of compensation determined by the Plainfield City Council unless the Plainfield City Council by appropriation provides for separate legal counsel for the Commission. Expenditures pursuant to this section shall not exceed, exclusive of gifts or grants, the amount appropriated by the Plainfield City Council for the Commission's use.

The Commission shall appoint a consultant who is a recognized professional in the field of architectural history, historic preservation or similar discipline to advise the Commission on applications before it. If the consultant has rendered an oral or written opinion, the Commission must consider the opinion of the consultant in rendering its decision and must give a statement of reasons in the event that the consultant's recommendations are not followed.

The City Administrator, administrative officer and the Director of the Division of Planning shall provide such technical, administrative and clerical assistance as the Historic Preservation Commission shall require. For budgeting and purchasing purposes, however, the Commission shall be allocated its own budget.

§17:4-8. RULES OF COMMISSION

The Historic Preservation Commission shall adopt written rules for the transaction of its business and for the consideration of applications for Certificates of Appropriateness and for designations of historic districts and sites. Such rules shall not be inconsistent with the provisions of this section of the City Zoning Ordinance and shall include but not be limited to rules pertaining to all notices and hearings required herein.

In order to make available to the public information useful to the preservation and protection of historic resources and to provide the basis for consistent policy, the Commission shall maintain complete files and records including, but not limited to, data used in the classification of buildings, places and structures, minutes of Commission meetings, applications for

Certificates of Appropriateness along with collateral data, decisions and appeals associated therewith, and information, materials and references submitted to the public related to historic preservation.

Such materials shall be the property of the City but held in the custody of the Commission which shall keep a complete file of all records in the offices of the Division of Planning and Community Development, the City libraries or other suitable facilities or depositories and lend materials from time to time for public display.

§17:4-9. MEETING QUORUM

The Historic Preservation Commission shall establish a regular schedule of meetings on at least a quarterly basis. Additional meetings may be called by the chairperson or vice chairperson when the regular meetings are inadequate to meet the needs of its business, to handle emergencies, or to meet time constraints imposed by law.

Five (5) members shall constitute a quorum. Ex-officio members are not entitled to vote. A majority vote of those present and voting shall prevail, and shall be sufficient to grant or deny a Certificate of Appropriateness. Not less than a majority of the appointed membership shall be required to designate or de-designate a historic site or district.

A record of the proceedings shall be kept and made available but a formal verbatim record shall not be required.

§17:4-10. INFORMATIONAL MEETINGS

Persons considering action that may require a Certificate of Appropriateness, even if they are in doubt as to whether such is required, are encouraged to request an informal "Informational Meeting" with the Historic Preservation Commission. Requests for such informational meetings can be made to the administrative officer. The Commission shall hold such informational meetings within forty-five (45) days of receipt of such request. The purpose of an informational meeting is to inform the persons of the standards of appropriateness and the procedures for obtaining a Certificate of Appropriateness, if such is required.

The Commission may grant a Certificate of Appropriateness at an informational meeting, if the preliminary data and drawings are sufficiently explicit, for projects which it deems to be very minor, involving exterior repairs or alterations to existing buildings, signs, walls or fences.

§17:4-11. EMERGENCY PROCEDURES

When a structure or improvement requires immediate repair to preserve the continued habitability of the structure and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with City Codes, without first obtaining a Certificate of Appropriateness. Under such circumstances, the repairs performed shall be only such as are necessary to protect the health and safety of the occupants of the structure or others and/or to maintain the habitability of the structure. A request for the Commission's review shall be made simultaneously with the onset of emergency work. Such emergency work shall be permitted only if the Construction Official certifies to the administrative officer the immediate necessity for such permit issuance. Upon notice, by the administrative officer to the full Historic Preservation Commission by telephone, personal contact or other appropriate means of communication, at least three members of the Commission shall convene as soon as possible and such convening members shall proceed to review the Certificate of Appropriateness application as provided in this ordinance.

Subsequent to such review, a Certificate of Appropriateness may be issued upon a majority vote of the members convened.

§17:4-12 DUTIES, POWERS AND RESPONSIBILITIES OF COMMISSION.

The Historic Preservation Commission shall have the following duties, powers and responsibilities:

- A.** To identify, record and maintain a system for survey and inventory of all buildings, sites, places, landmarks and structures of historical or architectural significance based on the United States Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Standards and Guidelines for Identification); and to aid the public in understanding their worth, methods of preservation, techniques of gathering documentation and related matters.
- B.** To advise the Planning Board on the relationship of the Historic Preservation Plan Element of the Master Plan to other Master Plan elements.
- C.** To advise the Planning Board on the inclusion of historic sites and landmarks in the recommended capital improvement program.
- D.** To advise the City Council and Planning Board on the relative merits of proposals involving public funds to restore, preserve and protect historic buildings, places and structures, including the preparation of long-range plans therefore, securing State, Federal and other grants and aid to assist therein and monitoring such projects once underway.
- E.** To recommend to the Planning Board and the City Council the designation of additional historic districts and sites where appropriate, in accordance with the procedures and criteria for designation of set forth in Sections 17:10-8 and 9.
- F.** To draft and recommend to City Council and the Planning Board ordinances or amendments to existing ordinances that would resolve any conflicts which may exist between the design standards of the Historic Preservation Ordinance and the building or zoning regulations of the City.
- G.** Provide written reports pursuant to N.J.S.A. 40:55D-111 and Sections 17:10-10 and 11 on the application of the Zoning Ordinance provisions concerning historic preservation.
- H.** To advise the Planning Board and Zoning Board of Adjustment on applications for development pursuant to N.J.S.A. 40:55D-110 and Section 17:10-14.
- I.** To purchase estates, easements, rights, restrictions and less than fee acquisitions, with the approval of City Council, and to acquire grants, assistance or aid either outright or in exchange in order to further the intent and purposes of this article and the welfare of the City. The Commission may negotiate and recommend such arrangements subject, however, to approval of the City Council as necessary for any monetary expenditures, and, at the direction of City Council. Corporation Counsel shall assist the Commission in such arrangements.
- J.** To advise and assist City officers, employees, boards and other bodies, including those at county, state and federal levels, on all matters which have potential impact on the historic buildings, places and structures in the City or on the physical character and ambiance of a historic district.
- K.** To assemble and arrange for the proper care, cataloging and availability of materials relevant to the City's history.
- L.** To secure the voluntary assistance of the public, and within the limits of the budget, to retain consultants and experts to assist the Commission in its work or to provide testimony in support of the Commission's position before other bodies,

boards, commissions or courts.

- M.** To cooperate with local, county, state or national historical societies, governmental bodies and organizations to maximize their contributions to the intent and purposes of this article.
- N.** To recommend to applicable County, State and Federal agencies, where appropriate, recognition and protection of historic districts and historic sites and to review National and State Register nominations.
- O.** To request the City Council to seek, on its own motion or otherwise, injunctive relief of violations of this article or other actions contrary to the intent and purposes of this article.
- P.** To carry out such other advisory, educational and informational functions as will promote historic preservation in the municipality.

ARTICLE V – MASTER PLAN

§17:5-1. PREPARATION: CONTENT AND MODIFICATIONS

- A.** The Planning Board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the City in a manner which protects public health and safety and promotes the general welfare.
- B.** The master plan shall generally comprise a report or statement and land use and development proposal with maps, diagrams, and text, presenting, at least the elements 1 through 3 and, where appropriate, elements 4 through 12:
- 1.** A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the City are based:
 - 2.** A land use element:
 - a.** Taking into account and stating its relationship to the statement provided for in Section (1) hereof, and other master plan elements provided for in Sections (3) through (12) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands;
 - b.** Showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, recreational, educational and other public and private purposes or combination of purposes; and stating the relationship thereof to the existing and any proposed zone plan and any proposed zone plan and zoning ordinance;
 - c.** Showing the existing and proposed location of any airports and the boundaries of any airport hazard areas delineated pursuant to the "Air Safety and Hazardous Zoning Act of 1983," P.I. 1983, c. 260 (C. 6:1-80 et seq.); and
 - d.** Including a statement of the standards of population density and development intensity recommended for the City.
 - 3.** A housing plan element pursuant to The Fair Housing Act, N.J.S.A. 52:27D-310), including, but not limited to, residential standards and proposals for the construction and improvement of housing;
 - 4.** A circulation plan element showing the location and types of facilities for all modes of transportation required for the efficient movement of goods into, about, and through the City, taking into account the functional highway classification system of the federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail;
 - 5.** A utility service plan element analyzing the need for and showing the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities, and including any storm water management plan required pursuant to the provisions of P.L. 1981, c. 32 (C.40:55D-93 et. seq.);

6. A community facilities plan element showing the existing and proposed location and type of educational or cultural facilities, historic sites, libraries, hospitals, firehouses, police stations, and other related facilities, including their relation to the surrounding areas;
 7. A recreation plan element showing a comprehensive system of areas and public sites for recreation;
 8. A conservation plan element providing for the preservation, conservation, and utilization of natural resources, including, to the extent appropriate, energy, open space, water supply, forests, soil, marshes, wetlands, harbors, rivers and other waters, fisheries, endangered or threatened species of wildlife and other resources, and which systematically analyzes the impact of each other component and element of the master plan on the present and future presentation, conservation and utilization of those resources;
 9. An economic plan element considering all aspects of economic development and sustained economic vitality, including:
 - a. A comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the labor pool resident in the City and nearby areas, and
 - b. An analysis of the stability and diversity of the economic development to be promoted.
 10. A historic preservation plan element:
 - a. Indicating the location, significance, proposed utilization and means for preservation of historic sites and historic districts, and
 - b. Identifying the standards used to assess worthiness for historic site or district designation
 11. Appendices or separate reports containing the technical foundation for the master plan and its constituent elements; and
 12. A recycling plan element which incorporates the State Recycling Plan goals, including provisions for the collection, disposition and recycling of recyclable materials designated in the City recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development proposal for the construction of fifty (50) or more units of single-family residential housing or twenty-five (25) or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land.
- C. The master plan and its plan elements may be divided into sub-plans and sub-plan elements projected according to periods of time or staging sequences.
- D. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the City as developed in the master plan to:
1. The master plans of contiguous municipalities;
 2. The master plan of the county in which the City is located;
 3. The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," Sections 1 through 12 of P.L. 1985, c. 398 (C.52:18A-196 et. seq.); and

- 4.** The district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.I. 1970, c. 39(C. 13:1E-1 et seq.) of the county in which the City is located.
- E.** The Planning Board shall submit an annual report to the Mayor and City Council stating what actions have been taken in the past year to advance the Master Plan and outlining what actions the Board wants to advance in the coming year.

ARTICLE VI – OFFICIAL MAP

§17:6-1. ESTABLISHMENT

The City Council may by ordinance adopt or amend an official map of the City which shall reflect the appropriate provisions of the City of Plainfield, which shall reflect appropriate provisions of the City’s Master Plan, provided that the City Council may adopt an official map or an amendment or revision thereto which, in whole or in part, is inconsistent with the appropriate designations in the sub-plan elements of the master plan, but only by the affirmative vote of a majority of its full authorized membership with the reasons for so acting recorded in the minutes when adopting the official map. Prior to the hearing on the adoption of any official map or any amendment thereto, the City Council shall refer the proposed official map or amendment to the Planning Board pursuant to N.J.S.A. 40:55D-1 et. seq.

The official map shall be deemed conclusive with respect to the location and width of streets and public drainage ways and the location and extent of flood control basins and public areas, whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence. Upon receiving an application for development, the City may reserve for future public use, the aforesaid streets, ways, basins, and areas in the manner provided in N.J.S.A. 40:55D-1 et. seq.

§17:6-2. CHANGE OR ADDITION TO MAP

The approval by the City by ordinance under the provisions of any law other than as contained in this article of the layout, widening, changing the course of or closing of any street or the widening or changing the course of any public drainage way or changing the boundaries of a flood control basin or public area, shall be subject to relevant provisions of N.J.S.A. 40:55D-1 et seq.

§17:6-3. ISSUANCE OF PERMITS FOR STRUCTURES

For purpose of preserving the integrity of the official map of the City, no permit shall be issued for any building or structure in the bed of any street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32 et. seq. as shown on the official map, or shown on a plat filed pursuant to this ordinance before adoption of the official map, except as herein provided. Whenever one or more parcels of land, upon which is located the bed of such a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32 cannot yield a reasonable return to the owner unless a building permit is granted, the Board of Adjustment may, in a specific case, by an affirmative vote of a majority of the full authorized membership of the Board, direct the issuance of a permit for a structure in the bed of such mapped street or public drainage way or flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32 which will as little as practicable increase the cost of opening such street, or tend to cause a minimum change of the official map and the City shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public.

The Board of Adjustment shall not exercise the power otherwise granted by this section if the proposed development requires approval by the Planning Board of a subdivision or site plan in conjunction with which the Planning Board has power to direct the issuance of a permit pursuant to N.J.S.A. 40:55D-60.

§17:6-4. BUILDING LOT TO ABUT STREET

No permit for the erection of any structure shall be issued unless the lot abuts a street giving access to such proposed structure. Such street shall have been duly placed on the official map or shall be:

- A. An existing State, County or municipal street or highway; or
- B. A street shown upon a plat approved by the Planning Board; or
- C. A street on a plat duly filed in the office of the county recording officer prior to the passage of an ordinance under this act or any prior law which required prior approval of plats by the City Council or other authorized body.

Before any such permit shall be issued, such street shall have been certified to be suitably improved to the satisfaction of the City Council, or such suitable improvements shall have been assured by means of a performance guarantee, in accordance with standards and specifications for road improvements approved by the City Council, as adequate in respect to the public health, safety and general welfare of the special circumstance of the particular street.

§17:6-5. APPEALS

Where the enforcement of the above section hereof would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require the structure to be related to a street, the Board of Adjustment may upon application or appeal, vary the application of the above section hereof and direct the issuance of a permit subject to conditions that will provide adequate access for fire-fighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety and that will protect any future street layout shown on the official map or on a general circulation plan element of the City's master plan.

The application process identified in Article VIII of this ordinance shall apply to applications or appeals pursuant to this article.

The Board of Adjustment shall not exercise the power otherwise granted by this section if the proposed development requires approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to direct the issuance of a permit pursuant to N.J.S.A. 40:55D-60.

ARTICLE VII – CAPITAL IMPROVEMENTS PROGRAM AND CAPITAL PROJECTS REVIEW

§17:7-1. PREPARATION OF CAPITAL IMPROVEMENT PROGRAM

- A.** The City Council may authorize the Planning Board from time to time to prepare a program of municipal capital improvement projects projected over a term of six (6) years, and amendments thereto. Such program may encompass major projects being currently undertaken or future projects to be undertaken, with Federal, State, county and other public funds or under federal, state or county supervision.
- 1.** The first year of such program shall, upon adoption by the City Council, constitute the capital budget of the City as required by N.J.S.A. 40A:4-43 et seq. The program shall classify projects in regard to the urgency and need for realization, and shall recommend a time sequence for their implementation. The program may also contain the estimated cost of each project and indicate probable operating and maintenance costs, the source and amount of probable revenues, if any, as well as existing sources of funds or the need for additional sources and amounts of funds for the implementation and operation of each project. The program shall, as far as possible, be based on existing information in the possession of the departments and agencies of the City and shall take into account public facility needs indicated by the prospective development shown in the master plan of the City as permitted by other municipal land use controls.
 - 2.** In preparing the program, the Planning Board shall confer, in a manner deemed appropriate by the Board, with the mayor, the chief fiscal officer, other municipal officials and agencies, and the school board or other appropriate boards or commissions.
 - 3.** Any such program shall include an estimate of the displacement of persons and establishments caused by each recommended project.
- B.** In addition to any of the requirements in Section A. of this section, whenever the Planning Board is authorized and directed to prepare a capital improvements program, every municipal department, authority or agency shall, upon request of the Planning Board, transmit to said Board a statement of all capital projects proposed to be undertaken by such City department, authority or agency, during the term of the program, for study, advice and recommendation by the Planning Board.

§17:7-2. ADOPTION OF CAPITAL IMPROVEMENT PROGRAM

Whenever the Planning Board has prepared a capital improvement program pursuant to the above section, it shall recommend such program to the City Council. The City Council may adopt such program with any modification approved by affirmative vote of a majority of the full authorized membership of the City Council and with the reasons for said modification recorded in the minutes and forwarded to the Planning Board for review.

§17:7-3. REVIEW OF CAPITAL PROJECTS

Any public agency proposing a capital project shall refer the action to the Planning Board before taking action necessitating the expenditure of any public funds for the project. The Planning Board shall have the right to review the location, character or extent of the project for recommendation in conjunction with the master plan. The public agency shall not act on the

project without the Planning Board's review and recommendations. The Planning Board shall have forty-five (45) days from the date of the referral to conduct its review and make its recommendations. This requirement shall apply to action by any housing, parking, highway, special district, or other authority, re-development agency, school board or other similar public agency, state, county or municipal.

ARTICLE VIII – REQUIRED DEVELOPMENT APPROVALS, DEVELOPMENT PERMITS AND APPROVAL PROCESS SUBDIVISION, SITE PLAN, VARIANCE, AND HISTORIC APPROPRIATENESS REVIEW AND APPROVAL PROCESS

§17:8-1. APPROVALS REQUIRED

A. Development permit:

1. It is the intent of this ordinance to utilize a development permit where a building even if a construction permit or approving authority action may may not be be required but where regulatory oversight is necessary to insure proper and safe installation of site elements such as fences, swimming pools, sheds and other site elements or structures as seen fit by the Zoning Officer. where regulatory oversight is necessary to insure proper and safe installation of site elements such as fences, swimming pools, sheds, and other site development or structures. as seen fit by the Zoning Officer A development permit is considered a prior approval for issuance of a building construction permit under the regulations of the Uniform Construction Code. The issuance of a building construction permit or certificate of occupancy shall be deemed to require include the issuance of a development permit.
2. No structure or part thereof shall be erected, raised, moved, extended, enlarged, altered, or demolished and no land shall be altered, filled or used unless and until a development permit has been granted by the Zoning Officer. No lot or lots shall be occupied, used, raised in grade six inches (6”), cleared, fenced, or altered or improved in any way in whole or in part for any purpose whatsoever unless and until the zoning officer issues a development permittherefor shall have been issued by the zoning officer . A development permit shall be required for the use of any land, even if there is no structure. which do not have upon them a structure.
3. The zoning officer shall review all applications for improvements and upon finding the improvement in accordance with this ordinance issue a development permit upon payment of the fee specified in Article XIII of this ordinance. Whenever there shall be a change contemplated in the use of any lot or lots which do not have a structure upon them, a new development permit shall be required.
4. Where the proposed construction is either a new structure or an addition to an existing structure, the applicant shall submit three (3) sets of plot plans, building floor plans and architectural elevations to the Zoning Officer. The plot plan shall show finished grades, open spaces, the established front yard building lines within 100’ of both sides of the structure upon which the land is located and such other information that the Zoning Officer determines is necessary to show that the proposed structure shall comply with all of the requirements of this ordinance for the zone district in which the lot is located. Said plan shall be drawn to scale and shall show actual dimensions and figures. All building plans and plot plans shall be signed and sealed by an appropriate New Jersey licensed professional authorized by the New Jersey Administrative Code to prepare such plans. The owner of a single family dwelling unit may prepare and sign said building plans and shall file an affidavit to that effect with said plans.
5. No development permit shall be issued for the erection, moving, extending, enlarging, or altering of any

structure, or part thereof, unless and until the plan and intended uses therefore indicate that such structure is designed to conform in all respects to the provisions of this and all other applicable ordinances of the City. No development permit shall be issued by the zoning officer until final approval has been granted by the appropriate approving authority. Development permits for developments requiring a variance from this ordinance shall only be issued upon receipt of a written order from the appropriate authority, or upon the satisfaction of all conditions contained within a memorialized resolution of approval.

6. No development permit shall be issued for the erection, moving, extending, enlarging, or altering of any structure, or any part thereof, including a single and two family dwelling unit, unless and until the grading and drainage of the site has been reviewed and approved by the City Engineer. All applications for building permits and all plans submitted for such applications that are not submitted to the Planning Board or Board of Adjustment shall be forwarded to the City Engineer for review and approval of the grading and drainage. Such review shall not be required for the extension, enlargement or alteration of a single or two-family dwelling unit where such construction would not increase the lot coverage of the existing structure by more than twenty-five (25) percent.
7. No development permit shall be issued prior to the issuance of a Certificate of Appropriateness as may be required pursuant to Article X.
8. It shall be the duty of the Zoning Officer to issue such permits as may be required when it is sufficiently demonstrated that the land use, structure, and all other relevant aspects of an application for development conform with all of the requirements of this ordinance, and that all other reviews and actions, if any, as required by other state and local regulations have been complied with and all necessary approvals have been secured.
9. When the Zoning Officer determines that the applicant's proposed development does not meet the requirements of this ordinance, the Zoning Officer shall refuse to issue a permit in writing and direct the applicant to request approval from the appropriate approving authority. The applicant may appeal this decision to the Board of Adjustment for a reversal of the Officer's decision in accordance with Article VIII of this ordinance.
10. If it shall appear at any time to the Zoning Officer that the development permit or development application or accompanying plans are in any respect false or misleading, or that site work is being performed upon the premises differing materially from that called for in the applications filed with him under existing zoning laws or ordinances, the Zoning Officer may revoke any permit issued, it shall be the duty of the person holding the same to surrender it and all copies thereof to the Zoning Officer. After applicable permits have been revoked, the Zoning Officer shall, before issuing any revised permit, require the applicant to file an indemnity bond in favor of the City with sufficient surety conditioned for compliance with this ordinance and all laws and ordinances then in force, and in a sum sufficient to cover the cost of removing the structure if it does not comply.
11. Whenever the city or any duly constituted board, agency or department thereof is acting in or pursuant to the performance of a governmental function, carrying out a legislative mandate or in the exercise of its private

right as a corporate body, any city owned operated or controlled building, structure, facility or use either existing or proposed shall not be subject to the provisions of this Chapter.

B. Subdivision:

Any owner of land lying within the City of Plainfield shall, prior to the subdivision or re-subdivision of land as defined by this ordinance, and before conveying legal or equitable title to such subdivision or any part thereof, obtain final approval of a subdivision plat pursuant to the provisions of this ordinance. Such approval shall be a condition precedent to filing of such plats with the county recording officer. Failure to obtain final subdivision approval as required shall subject the property owner to the provisions of N.J.S.A. 40:55D-54 and 40:55D-55.

C. Site plan:

- 1.** No permit for any development, except as hereinafter provided, may be issued until approval of a site plan by resolution of the Planning Board or Zoning Board of Adjustment has been granted. Any owner of land lying within the City of Plainfield shall, except as hereinafter provided, prior to any change of use of land requiring a certificate of occupancy, or commencement or enlargement of any use requiring fencing, walls or landscape screening pursuant to this ordinance, or prior to any improvement of land involving excavation, removal of soil, clearing of any site, or placing of any fill on land contemplated for development, or before any construction or alteration of any structure or parking area that would extend the exterior dimensions of such area, or requiring additional parking, obtain final site plan approval pursuant to the provisions of this ordinance. Site plan approval is required for conversions of one- and two-family dwelling units to three or more family dwelling units.
- 2.** The following developments shall be exempt from site plan review, but shall require approval by the Zoning Officer in order to ensure compliance with all provisions of this Chapter:

 - a.** The construction of a single-family detached or two-family dwelling unit buildings, and construction of structures and establishment of uses accessory thereto;
 - b.** Change of tenancy or occupancy for non-residential uses where the change does not require relief from any provisions of this ordinance, and where the administrative officer has found the amount and size of existing parking to conform to the requirements of this ordinance;
 - c.** Interior alterations to permitted non-residential structures and uses that comprise less than an aggregate of two-thousand (2,000) square feet, and where the administrative officer has found that parking conforms to the requirements of this ordinance;
 - d.** Exterior alterations to residential and non-residential structures to cosmetically enhance the appearance of a building or structure, provided said exterior alterations do not change or enlarge the perimeter of the building or structure, and do not require relief from any provisions of this ordinance;
 - e.** Four hundred (400) square feet or less of additional principal or accessory building floor area, or other development less than or equal to four hundred (400) square feet;
 - f.** Rooftop mechanical equipment or other similar appurtenant additions;

- g.** Enlargements or modifications to existing exterior trash and/or recycling storage areas, where such area does not require relief from any provisions of this ordinance;
 - h.** Fences accessory to non-residential uses;
 - i.** Signs, awnings and canopies accessory to principal residential and non-residential uses;
 - j.** Demolitions.
- 3.** No building permit shall be issued for any structure or other construction activity until final approval has been granted to a site plan for such development or such development has been certified as exempt by the Zoning Officer pursuant to the provisions of this ordinance. Where no exemption is certified, no building permit shall be issued except in conformance with the site plan approval and no building permit shall be issued until satisfactory proof has been submitted by the applicant that compliance has been achieved with all requirements of the approving authority and all necessary easements, rights of way, leases or other documents required to commence and complete the work requisite in the approved site plan have been obtained.
- 4.** The plot plan required herein shall indicate current site improvements and be prepared, dated and certified by, or properly referenced to, a licensed land surveyor of the State of New Jersey.
- 5.** No certificate of occupancy shall be granted unless all construction and development conform to the plans as approved by the Planning Board or Zoning Board of Adjustment. Signature of the construction official on the certificate of occupancy shall certify that all provisions of this ordinance have been complied with for the property or structure in question.
- 6.** A Certificate of Compliance shall be required to be obtained prior to occupancy after the sale or conveyance of any commercial, industrial, institutional, mixed use or other property or structure within the City. No person shall occupy such property after such sale or conveyance unless such Certificate of Compliance shall have been obtained. The issuance of said Certificate of Compliance shall be contingent upon the following:
 - a.** The Zoning Officer's certification that the existing use is a proper use within the zone in which the property is located (This use, and its designation within Article IX of this ordinance, is to be specifically stated on the Certificate);
 - b.** An inspection made by the City Engineer of all stormwater discharges from the structure and property to insure that no water from roof drains, sump pumps, or other storm water collection or storage facilities is directed into the City sanitary sewer system; (all such connections must be removed, and proper connections in the City stormwater system are to be installed prior to the issuance of any Certificate of Compliance).
- 7.** Time Limitations.
 - a.** The Zoning Officer shall issue or deny a development permit within twenty (20) days of the date of application for said permit.
 - b.** A development permit shall remain valid for one (1) year following its issuance.

8. A development permit shall specify the use of the lot or lots, or structure(s) as the case may be, in accordance with the uses stated in Article IX of this ordinance and any terms or conditions under which the issuance is made. Any change of use shall be treated as a new use and a new development permit shall be required. Before any development permit shall be issued for any such change of use, all provisions of this ordinance shall be complied with in the same manner as if the new use or structure was an initial use of land or structure.

§17:8-2. REQUIRED DEVELOPMENT APPLICATION DATA AND OFFICIAL CHECKLIST FOR COMPLETENESS

- A. An application for development shall not be accepted for filing unless and until all escrows and fees, three (3) copies of plans and three (3) completed application forms are submitted.
- B. All applications for development shall comply with the requirements set forth below unless the approving authority grants submission waivers. provide exhibits regarding the site to be developed or subdivided. The approving authority may request other such information as may be reasonably required but such additional information shall not affect the completeness of the application. The required information or official checklist for completeness is as follows:

9. Said exhibits shall include:

- 10.

1. Name of the proposed development and general description of plan and proposed use;
2. All administrative information required on the application forms as adopted by the approving authorities applicable to the proposed development;
3. Copy of any protective covenants and deed restrictions related to the subject property (if a deed restriction or easement is found to exist after an approving authority has granted approval to an application, the approval shall be deemed null and void. The applicant will be required to submit a revised application with the new information);
4. All block/lot numbers and owners of the subject properties;
5. A tax search indicating current status of all taxes, assessments, and fees due to the City of Plainfield;
6. All requisite escrow deposits and fees;
7. Corporation Disclosure Statement if required under N.J.S.A. 40:55-D48.1 et seq.;
8. Consent to enter approval;
9. A map or drawing in one of four standard sizes, 8 1/2" x13", 30"x42", 24"x36", or 15"x21", folded to a maximum size of 9"x12", and numbered in sequential fashion indicating total sheets submitted showing:
 - a. Key map at a maximum scale of 1"=600' indicating all streets and zone districts within six hundred feet of the subject property;
 - b. Name, address and phone number of applicant and property owner;

- c.** Name, address, phone number and seal of architect, engineer, surveyor, planner or landscape architect who prepared plan;
- d.** Date prepared and any and all revision dates;
- e.** Graphic scale and north arrow;
- f.** Dimensions and bearings of all existing and proposed property lines, easements, covenants and deed restrictions;
- g.** Dimensions of existing and proposed street right of ways, both within and adjacent to the subject property, including street names, and distance to nearest intersection along street ROW;
- h.** Location, dimensions and use of all existing and proposed structures, showing the height, building area, pedestrian and vehicular entrances and fire escapes;
- i.** Square footage and/or acreage to the nearest tenth of all parcels;
- j.** General slope and natural drainage, and watercourse locations and all natural and significant features (wooded areas, ponds, marshes, etc) including trees over 4" caliper;
- k.** Location and dimensions of existing and proposed drainage improvements, parking spaces and aisles, loading, curb cuts, driveways, driveway aprons, sidewalks and yards (front, side, and rear);
- l.** Delineation of flood hazard areas;
- m.** Tabulation indicating the square foot area of structures, pavement and open space and the percent of their lot coverage and floor area ratio;
- n.** Zoning district of the subject property;
- o.** A current outbound survey of the tract or a survey no more than five (5) years old certified by a licensed land surveyor that there has been no changes. Such survey shall include the adjacent right of way with curbs, driveways and sidewalks certified by a licensed New Jersey land surveyor, or appropriate reference to such survey;
- p.** Zoning table showing all required and proposed conditions including all relief from zone requirements that is being sought;
- q.** A specific submission waiver request for each required site plan/subdivision requirement of this ordinance;
- r.** Signature block for City Engineer, board chairman and board secretary.
- s.** List of all variances and design waivers that are requested.

C. Minor subdivision plat. The following information is required in addition to that specified in A above:

- 1.** Location, dimensions and bearings of all property lines and easements- existing, proposed, and proposed to be eliminated;
- 2.** Location of all structures and curb cuts on adjacent tracts fronting the same right-of way as the subject

property.

D. Preliminary major subdivision plat. The following information is required in addition to that specified in A and B above:

1. Location of all proposed street right of ways, including cross sections and center line profiles and tentative grades;
2. Plans and profiles of any proposed utility layout, including easements;
3. Approximate location of all structures on adjacent tracts within two hundred (200) feet and along the same street line as the subject property.
4. All existing and proposed contours at one (1) foot intervals within the tract and within one hundred (100) feet of the subject property indicating high and low points.

E. Final subdivision plat. The following information is required in addition to that specified in A and B or C above:

1. Certification of the City Engineer pursuant to all appropriate articles of this ordinance;
2. A plat, in conformance with the "Official Map Filing Act", or deed description in conformance with an approved preliminary plat;
3. Proof of posting all requisite bonds and fees;
4. If applicable, a stream encroachment permit or waiver for the proposed development;
5. If applicable, a permit or exemption issued under the Soil Erosion and Sedimentation Control Act;"
6. The location of all land to be reserved or dedicated to public use;
7. The location and description of all monuments.

F. Site plan for preliminary approval. The following information is required in addition to that specified in A. above:

1. Scaled architectural depiction of exterior building elevations, a description of facade materials and floor plans of sufficient detail to apprise the approving authority of the scope of the proposed work;
2. Building construction type/class (BOCA CODE);
3. Location of all existing and proposed subsurface and above ground utilities, (gas, water, telephone, electric, sanitary sewer, oil, etc.) including the location of all laterals;
4. Finished floor elevations of all existing and proposed structures referenced to geodetic data;
5. The approximate location of all structures on adjacent properties;
6. Existing and proposed contour lines at one foot (1') intervals inside the tract and within thirty feet (30') of the tract's boundaries with spot elevations at all changes in grade due to construction.
7. Location of off-street parking and loading areas, vehicular and pedestrian ingress and egress with directional traffic flow indicators, truck movement wheel base templates, sight triangle easements, fire lanes, stall dimensions and pavement surface type;
8. Curbing and apron type;

9. Computation of required storm water detention volume and specification of minimum volume to be detained subsurface as part of a complete site drainage and grading plan;
10. Total architectural lighting plan indicating location, type, and height of lighting standards with accompanying illumination design average and one foot-candle trace;
11. Location, type, and height of fences, walls, and screening;
12. Location and plant schedule of trees, shrubs, and seeded areas;
13. Location and height of terraced and bermed areas and location at all open space areas;
14. Location, type, and volume of refuse storage and recycling facilities;
15. Appropriate construction details;
16. Location, type and dimension of pedestrian paths, walkways and sidewalks and all barrier free design;
17. A written description of the proposed use(s) and operation(s) of the building(s), including:
 - a. The number of employees or, members of non-residential buildings;
 - b. The proposed number of shifts to be worked and the maximum number of employees on each shift;
 - c. Expected truck traffic; and
 - d. Anticipated hours of operation and anticipated expansion plans incorporated in the building design;
18. A sign plan for all existing and proposed signs including:
 - a. Locations, positions, dimensions and total height of all signs.
 - b. Source of illumination, if applicable;
 - c. Material used in sign fabrication;
19. Type and quantity of expected sanitary discharge.

Site plan for final approval. The following information is required in addition to that specified in A and E above:

1. A site plan conforming to the conditions of preliminary approval;
2. If applicable, a stream encroachment permit or waiver for the proposed development;
3. If applicable, a permit or exemption issued under the Soil Erosion and Sedimentation Control Act;
4. If applicable, a permit or waiver from the New Jersey Department of Transportation for curb cuts or other improvements within the State right of way, and proof of conformance with the State Highway Access Management Code adopted by the State with respect to any State applicable highways;
5. Proof of posting all requisite bonds and fees;

Any other information as may be reasonably required by the approving authority in the course of their approval/resolution.

§17:8-3. WAIVER OF APPLICATIONS SUBMISSION REQUIREMENTS

When requested in writing by the applicant and when acting on applications for preliminary site plan or minor subdivision approval, the approving authority shall have the power to grant such exceptions waivers from the specific submission requirements of site plan or subdivision checklist submission as stated in this article. These exceptions submission waivers may can be granted if the approving authority finds that such request is reasonable, and that an informed decision can be rendered without the information. If the authority denies the request for submission waivers, the application will be incomplete and determines that such a grant cannot be made, the Board does not have to make a decision on the application until such time as the required information is provided.

§17:8-4. SIMULTANEOUS REVIEW

The approving authority shall have the power to review and approve or deny site plans simultaneously with review for subdivision approval without the developer being required to make further application to the approving authority or the approving authority being required to hold further hearings. The longest time period provided by the MLUL for action by the approving authority, whether it is for a variance, subdivision, conditional use or site plan approval shall apply.

§17:8-5. JURISDICTION FOR APPLICATIONS

The order of precedence of applications for development shall be as follows:

Application	Jurisdiction
Variance (N.J.S.A. 40:55D-70d)	Board of Adjustment
Subdivision without a "d" variance	Planning Board
Site plan without a "d" variance	Planning Board
Variance (N.J.S.A. 40:55D-70c)	Board of Adjustment
Building permit for structure not related to a street	Board of Adjustment
Building permit for structure in bed of mapped street, public drainage-way, Flood control basin or public area	Board of Adjustment

The jurisdiction of the matter of greatest precedence shall apply, and the approving authority having jurisdiction over the application shall have jurisdiction over all types of development of lesser precedence as regulated by this ordinance.

§17:8-6. TIME LIMITS FOR APPROVAL

Upon the submission of a complete application for development, the approving authority shall grant or deny approval within the maximum number of days of the date of such submission as specified below or within such further time as may be consented to by the applicant. Where more than one (1) type of application is involved, the longer time period shall apply.

Type of Development Application	Time Period
Minor Subdivision	45 Days
Preliminary Site Plan	95 Days
Final Site Plan	45 Days
Variance	120 Days
Direction for issuance of a building permit	95 Days
Major Subdivision < 10 lots	45 Days
Major Subdivision > 10 lots	95 Days

The Board of Adjustment shall grant or deny approval within one hundred twenty (120) days of the date of acceptance of a complete application for a variance pursuant to N.J.S.A. 40:55D 70(d), or the filing of an appeal from a decision by the Zoning Officer. The Board of Adjustment shall render decisions in all other development applications within the time periods as described above for all approving authorities.

§17:8-7. APPROVAL PROCEDURE

- A.** Pre-Application Conference/Informal Review – see N.J.S.A. 40:55D-10.1
- B.** If an applicant does not request a pre-application conference or informal concept plan review, or upon completion of the conference submits an application, the following process is to be followed:
 - 1.** An applicant may file an application for development with the Board of Adjustment for action without prior application to the Zoning Officer per N.J.S.A. 40:55D-72.
 - 2.** All applicants shall submit one original and two copies of an application for development to the Planning Division pursuant to this ordinance. This includes the application documents, requisite plans or plats as per Article VIII of this ordinance, and the application fees as provided for in Article XIII of this ordinance.
 - 3.** An applicant may file a sketch plat of a major subdivision for preliminary discussion before the preliminary plat is prepared. The review of the sketch plat is designed to enable the approving authority and the applicant to discuss principles involved in the application before the applicant has gone to the expense of completing detailed engineering drawings. Any review or acceptance of a sketch plat is not tantamount to an approval and does not constitute authorize subdivision approval, recording, or the commencement of construction.
 - 4.** The Planning Division, in consultation with the City Engineer if necessary, shall determine the completeness of the application as follows and advise the applicant in writing as required. This process will continue until the application is deemed complete. An application for development shall be complete for purposes of commencing the applicable time period for action by a Board when so certified by the administrative officer. In the event that the administrative officer does not certify the application to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45) day period for purposes of commencing the applicable time period unless:

- a. The application lacks information indicated on the official checklist;
 - b. The administrative officer has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of submission of the application.
5. If the application is deemed incomplete, the applicant may request that one or more of the submission requirements be waived, in which event the Board shall grant or deny the request within forty-five (45) days of the date of the application being deemed complete. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that such applicant is entitled to approval of the application. The administrative officer may subsequently require correction of any information found to be in error, and submission of additional information not specified in this ordinance or any revisions in the accompanying documents, as are reasonably necessary for approval of the application for development have been met.
 6. Upon the preliminary determination of a complete application, the applicant shall submit fifteen (15) additional copies of the application documents and plans/plats. These additional sets are to be no larger than 11" x 17" sheets. Failure to so submit within seven (7) days of the determination of completeness will render the application incomplete. Upon their receipt, the board secretary shall schedule a hearing under the provisions of Article I of this ordinance. A hearing shall be held on all applications for development.
 7. Upon receipt of the information required under Article VIII, the board secretary shall distribute the application for review and reports to the following officials:
 - a. City Engineer
 - b. Administrative Officer / Director of the Division of Planning
 - c. Zoning Officer
 - d. Director of Public Safety
 - e. Police Chief
 - f. Fire Chief
 - g. Director of Health
 - h. Plainfield Municipal Utilities Authority
 - i. Union County Planning Board
 - j. Office of Economic Development

The above officials shall be requested to submit written comments to the approving authority at least one week prior to the hearing date.

8. The approving authority shall grant or deny each application in accordance with findings pursuant to this ordinance and within the time periods provided in this ordinance. Where the application involves a site plan or subdivision plat, such approval shall be deemed preliminary unless otherwise stated.

§17:8-8. REVIEW BY UNION COUNTY PLANNING BOARD

Whenever review or approval of the application by the Union County Planning Board is required, the approving authority shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or failure to report thereupon within the required time.

§17:8-9. FINDINGS FOR APPROVAL

The approving authority may grant approval to an application for development where it finds that:

- A.** The proposed development is consistent with the Master Plan adopted by the Planning Board;
- B.** The proposed use is compatible with surrounding uses;
- C.** The proposed use does not have any injurious effect on surrounding property values;
- D.** The proposed use is so designed, located and proposed to be operated that the public health, welfare, safety and convenience of the citizens are protected;
- E.** The interests of the public, and of the residents, occupants and owners of the proposed development are protected;
- F.** The proposed layout of the development is consistent with the requirements of all appropriate articles of this ordinance;
- G.** The streets are sufficiently wide, graded and located to accommodate prospective traffic to provide easy access for fire fighting and emergency equipment to buildings and coordinated into a convenient and efficient system and are consistent with the Official Map and the circulation element of the Master Plan, provided that no street of a width greater than fifty (50) feet within the right of way lines is required unless said street constitutes an extension of an existing street or a street shown on the Official Map that is of greater width;
- H.** Adequate potable and fire water supplies, drainage, shade trees, sewerage facilities and other utilities necessary for essential service to residents and occupants are provided;
- I.** Off-tract water, sewer, drainage and street improvements that are necessitated by development are provided;
- J.** Development of lands designated as subject to flooding is designed so as to avoid danger to life and property;
- K.** Provision is made for protection and conservation of soils from erosion by wind, water, excavation or grading and from contamination by unsanitary fill or dumping;
- L.** The applicant has submitted evidence that no taxes or assessments for local improvements are due or delinquent on the property for which application is made;
- M.** Where deemed appropriate, that the proposed structures are suitably located;
- N.** Safe and efficient vehicular and pedestrian circulation, parking and loading is provided;
- O.** Exterior lighting is adequate for safety and security reasons;
- P.** Existing natural resources are to be preserved by the development;
- Q.** The proposed development is suitably screened and landscaped;
- R.** The provisions of the City recycling ordinance are properly addressed by the proposed development;

- S. The proposed development conforms to State of New Jersey, Union County, and City of Plainfield Highway Access Management Codes.

§17:8-10. RIGHTS UNDER PRELIMINARY APPROVAL

Preliminary approval of a subdivision or site plan shall confer upon the applicant the following rights for a three (3) year period from the date on which the resolution of preliminary approval is adopted:

- A. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to: use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; and, in the case of a site plan, existing natural resources to be preserved on the site; vehicular and pedestrian circulation, parking and loading; screening, landscaping and location of structures; and exterior lighting both for safety reasons and street lighting, except that nothing herein shall be construed to prevent the city from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety;
- B. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or section(s) of the preliminary subdivision plat or site plan;
- C. That the applicant may apply for and the approving authority may grant extensions on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern;
- D. That the approving authority grants an extension of preliminary approval, and preliminary approval has expired before the date on which the extension is granted, the extension shall begin on what otherwise would be the expiration date (The developer may apply for the extension either before or after what would otherwise be the expiration date.);
- E. That the approving authority shall grant an extension of preliminary approval for a period determined by the authority but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the authority that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals.

A developer shall apply for the extension before (1) what would otherwise be the expiration date of preliminary approval or (2) the 91st day after the developer receives the last legally required approval from the other governmental entities, whichever occurs later.

Failure by the applicant to submit all required documents for final approval within the stated time periods will render the approval void. The applicant must submit a new application if the development is still desired.

§17:8-11. GUARANTEES REQUIRED

- A. Before granting of final approval for subdivision plats or site plans, or as a condition to the issuance of a development permit, the approving authority may require and shall accept the following in accordance with the standards adopted by this ordinance for the purpose of assuring the installation and maintenance of on tract improvements.
 - 1. A performance guaranty in favor of the City in an amount not to exceed one hundred twenty percent (120%)

of the cost of installation shall be posted. The cost shall be determined by the City Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 and this ordinance for improvements. The City deems improvements necessary and appropriate, including streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyors' monuments as shown on the final map and as required by the Map Filing Law, (N.J.S.A. 46:23-9.9 et. seq.), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping. The City Engineer shall review the improvements required by the approving authority which are to be bonded and itemize their cost. Said itemization shall be the basis for determining the amount of the performance guaranty and maintenance guaranty required by the approving authority and shall be appended to each performance guaranty posted by the obligor. The City Engineer shall forward an estimate of the cost of improvements to the obligor within thirty (30) days of the date of receipt of a request sent by certified mail for said estimate.

- 2.** A maintenance guaranty shall be posted with the City Council for a period not to exceed two (2) years after final acceptance of the improvement, in an amount not to exceed fifteen percent (15%) of the cost of the improvement, which cost shall be determined by the City Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 and this ordinance. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or that the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required for such utilities or improvements.
- B.** The City Clerk shall forward a copy of the Council resolution and the performance and or maintenance bond to the Board secretary and City Engineer upon release thereof.
- C.** The amount of any performance guaranty may be reduced by the City Council by resolution, when portions of the improvements have been certified by the City Engineer to have been completed. The time allowed for installation of the improvements for which the performance guaranty has been provided may be established by the City Council resolution. As a condition or as part of any extension of time, the amount of any performance guaranty shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of installation, which cost shall be determined by the City Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 as of the time of the passage of the resolution.
- D.** If the required improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the City for the reasonable cost of the improvements not completed or corrected, and the City may, either prior to or after the receipt of the proceeds thereof, complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law".
- E.** Upon substantial completion of all required site improvements and appurtenant utility improvements, and the connection of same to the public system, the obligor shall notify the City Council in writing, by certified mail addressed in care of the City Clerk, of the completion of said improvements and shall send a copy simultaneously to the City Engineer. Thereupon, the City Engineer shall inspect all of the improvements and shall file a detailed list and report, in writing,

with the City Council, and simultaneously with the obligor, indicating either approval, partial approval or rejection of the improvements with a statement of reasons for any rejection not later than 45 days after receipt of the obligor's request. The list prepared by the City Engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory.

The report shall also identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guaranty relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guaranty as per above.

- F.** The City Council, by resolution, shall either approve the improvements determined to be complete and satisfactory to the City Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guaranty relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guaranty. This resolution shall be adopted not later than 45 days after the receipt of the list and report prepared by the City Engineer. Upon adoption of the resolution by the City Council, the obligor shall be released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved, provided that 30% of the amount of the performance guaranty posted may be retained to ensure completion of all improvements.
- G.** If the City Engineer fails to send or provide the list and report as requested by the obligor within 45 days from the receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the City Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
- H.** If the City Council fails to approve or reject the improvements determined by the City Engineer to be complete and satisfactory or reduce the performance guaranty for the complete and satisfactory improvements within 45 days from the receipt of the City Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guaranty for the approval complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guaranty, and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
- I.** In the event that the obligor has made a cash deposit with the City or approving authority as part of the performance guaranty, then any partial reduction granted in the performance guaranty shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guaranty.
- J.** If any portion of the required improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification as set forth in this section shall be followed. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the City Council or the City Engineer.
- K.** The obligor shall reimburse the City for all reasonable inspection fees paid the City Engineer for the foregoing inspection

of improvements provided that the municipality may require the developer to place a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of \$500.00 or 5% of the cost of improvements, which cost shall be determined pursuant to N.J.S.A. 40:55D-53.4. For those developments for which the reasonably anticipated fees are less than \$10,000.00, fees may, at the option of the developer, be made in two installments. The initial amount deposited by a developer shall be 50% of the reasonably anticipated fees. When the balance on deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the City Engineer, for inspections, the developer shall deposit the remaining 50% of the reasonably anticipated fees. For those developments for which the reasonably anticipated fees are \$10,000.00 or greater, fees may, at the option of the developer, be made in four installments. The initial amount deposited by a developer shall be 25% of the reasonably anticipated fees. When the balance on deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the City Engineer, for inspections, the developer shall make additional deposits of 25% of the reasonably anticipated fees. The City Engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit. In the event that final approval is by stages or sections of development pursuant to N.J.S.A. 40:55D-38, the provisions of this section shall apply by stage or section.

- L. To the extent that any of the improvements have been dedicated to the municipality on the subdivision plat or site plan, the City Council shall be deemed, upon the release of any performance guaranty required pursuant to this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to the site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the appropriate City officials.

§17:8-12. FINAL SITE PLAN/SUBDIVISION APPROVAL PROCEDURES

- A. Prior to the expiration of preliminary approval, the applicant may submit to the Secretary of the Board, which granted such approval application for final approval. Such submission for final site plan approval is to include five (5) sets of appropriate application forms, site plans, and required documents in addition to the fee as provided for in Article XIV of this ordinance. Submissions for final subdivision approval shall include five (5) sets of the appropriate application forms, one (1) original and five (5) copies of the revised deed or plat, and required documents, in addition to the fee as provided for in Article XIII of this ordinance.
- B. The approving authority shall grant final approval to the submittal if the detailed drawings, specifications and estimates of the application conform to the standards adopted by this ordinance for final approval, the conditions of preliminary approval and, in the case of a major subdivision, the standards prescribed by the "Map Filing Law" (N.J.S.A. 46:23-99, et. seq.)
- C. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application to the board secretary, or within such further time as may be consented to by the applicant. Failure of the approving authority to act within the period prescribed shall constitute final approval and a certificate by the administrative officer as to the

failure of the approving authority to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

§17:8-13. RIGHTS AND EFFECT OF FINAL APPROVAL

- A. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to preliminary approval, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date on which the resolution of final approval is adopted; provided that in the case of subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided. If the developer has followed the standards prescribed for final approval, and, in the case of a subdivision, has duly recorded the plat as required, the approving authority may extend such period of protection for extensions of one (1) year but not to exceed three (3) extensions. Notwithstanding any other provisions of this ordinance or the Municipal Land Use Law, the granting of final approval terminates the period of preliminary approval.
- B. Whenever the approving authority grants an extension of final approval, and final approval has expired before the date on which the extension is granted, the extension shall begin on what otherwise would be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- C. The approving authority shall grant an extension of final approval for a specific period but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the authority that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of final approval or (2) the 91st day after the developer receives the last legally required approval from the other governmental entities, whichever occurs later.

§17:8-14. FILING OF PLATS

- A. Recording of final approval of subdivision:
 - 1. Final approval of a subdivision shall be evidenced by the signature of the City Engineer and the chair and secretary of the approving authority on the instruments.
 - 2. Final approval of a major subdivision shall expire ninety-five (95) days from the date of the signing of the plat unless within such period the plat shall have been duly filed with the county recording officer. The approving authority may, for good cause shown, extend the period recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat.
 - 3. The approving authority may extend the 190 day period for filing a minor subdivision plat or deed if the developer proves to their reasonable satisfaction that the developer (1) was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities, and (2) applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as

determined by the authority. The developer may apply for the extension either before or after what would otherwise be the expiration date.

4. The signature of the chair and secretary of the approving authority shall not be affixed except pursuant to Article VIII of this ordinance.

It shall be the duty of the county recording officer to notify the approving authority and the City Tax Assessor in writing within seven (7) days of the filing of any plat, identifying such instrument by its title, date of filing and official number. If the county recording officer records any plat without such approval, such recording shall be deemed null and void, and written request of the City Council the plan shall be expunged from the official records.

ARTICLE IX – ZONE CONTROLS

§17:9-1. ESTABLISHMENT OF ZONES

For the purposes of this ordinance, the City of Plainfield is hereby divided into zones differentiated as to use and bulk regulations and to be designated as follows:

ZONES

USE	ZONES
Very Low Density Residential	R-1
Low Density Residential	R-2
Low/Moderate Density Residential	R-3
Moderate Density Residential	R-4
Medium Density Residential	R-5
Medium/High Density Residential	R-6
High Density Residential	R-7
Residential Historic Districts	R-VWB, R-CA, R-PW, R-HA, R-B, R-NH
Neighborhood Commercial	NC
Central Business District	CBD
Professional Office	PO
General Commercial	GC
Mixed Use	MU
Industrial	I
North Avenue Historic District	NAHD
Civic Historic District	CHD

§17:9-2. ZONING MAP

The location and boundaries of each of the above zone districts are hereby established as shown on a map entitled “Zoning Map, City of Plainfield, New Jersey”, which map accompanies and is hereby made a part of this ordinance.

The zone district boundary lines are generally intended to follow street center lines, lot lines as they exist on lots of record at the time of enactment of this ordinance, railroad right of way lines, and stream corridor lines and the like as indicated on the Zoning Map unless otherwise indicated by dimensions of the zoning map. In case of uncertainty or disagreement as to the true location of any zone district boundary line, the determination thereof shall lie with the Board of Adjustment. Any use or structure, including signage, awnings, canopies, newspaper stands or other physical entity proposed within a public right of way requires the approval of City Council.

§17:9-3. EFFECT OF ZONE DESIGNATION

Zoning affects all land, structures and uses thereof. Zoning standards, controls and designations apply equally to every lot, structure, and use within each district and the district lines vertically in both directions from ground level. No land or

premises may be used and no structure can be erected, raised, moved, enlarged, extended, altered or used for any purpose other than a purpose permitted by this ordinance for the zone district in which the land and structure(s) are located, and all uses and construction shall be in conformity with the regulations provided for the zone district in which such land or structure(s) are located. Any use not expressly permitted is prohibited.

§17:9-4. RELATIONSHIP TO OTHER ARTICLES

This article establishes the use, bulk requirements and other regulations governing zone districts within the City of Plainfield. Site plan and subdivision design and performance standards set forth in Article XI provide the basis for physical development and redevelopment of land within the zoning classifications.

§17:9-5. R-1: VERY LOW DENSITY RESIDENTIAL ZONE DISTRICT

- A. Purpose – This zone is designed for single family development at a density not to exceed 1.0 dwelling unit per acre.
- B. Permitted uses – See Schedule A.
- C. Accessory uses – See Schedule A.
- D. Bulk requirements – See Schedule B.

§17:9-6. R-2: LOW DENSITY RESIDENTIAL ZONE DISTRICT

- A. Purpose – This zone is designed for single family development at a density not to exceed 2.0 dwelling units per acre.
- B. Permitted uses – See Schedule A.
- C. Accessory uses – See Schedule A.
- D. Bulk requirements – See Schedule B.

§17:9-7. R-3: LOW-MODERATE DENSITY RESIDENTIAL ZONE DISTRICT

- A. Purpose – This zone is designed for single family development at a density not to exceed 3.5 dwelling units per acre.
- B. Permitted uses – See Schedule A.
- C. Accessory uses – See Schedule A.
- D. Bulk requirements – See Schedule B.

§17:9-8. R-4: MODERATE DENSITY RESIDENTIAL ZONE DISTRICT

- A. Purpose – This zone is designed for single family and two family development at a density set forth in Schedule B not to exceed 5.8 dwelling units per acre for single family dwelling units and 8.7 dwelling units per acre for two family dwelling units.
- B. Permitted uses – See Schedule A.
- C. Accessory uses – See Schedule A.

D. Bulk requirements – See Schedule B.

§17:9-9. R-5: MEDIUM DENSITY RESIDENTIAL ZONE DISTRICT

A. Purpose – This zone is designed for single family and two family development at a density not to exceed 7.2 dwelling units per acre for single family dwelling units and 8.7 dwelling units per acre for two family dwelling units.

B. Permitted uses – See Schedule A.

C. Accessory uses – See Schedule A.

D. Bulk requirements – See Schedule B.

§17:9-10. R-6: MEDIUM-HIGH DENSITY RESIDENTIAL ZONE DISTRICT

A. Purpose – This zone is designed for single family, two-family, townhouse and apartment development at a density not to exceed 7.2 dwelling units per acre for single family dwelling units, 8.7 dwelling units per acre for two family dwelling units, 12 dwelling units per acre for apartments and 10 dwelling units per acre for townhouses. at densities set forth in Schedule B

B. Permitted uses – See Schedule A.

C. Accessory uses – See Schedule A.

D. Bulk requirements – See Schedule B.

§17:9-11. R-7: HIGH DENSITY RESIDENTIAL ZONE DISTRICT

A. Purpose – This zone is designed for single family, two-family, apartment and townhouse development at a density not to exceed 8.7 dwelling units per acre for single family dwelling units, 11.6 dwelling units per acre for two family dwelling units, 18 dwelling units per acre for apartments and 10 dwelling units per acre for townhouses. at densities set forth in Schedule B

B. Permitted uses – See Schedule A.

C. Accessory uses – See Schedule A.

D. Bulk requirements – See Schedule B.

§17:9-12. NC: NEIGHBORHOOD COMMERCIAL ZONE DISTRICT

A. Purpose – This zone is intended to include commercial areas that serve the specific surrounding neighborhoods. The scale and intensity of development should not intrude into but complement the character of the residential neighborhoods they serve.

B. Permitted uses – See Schedule A.

C. Accessory uses – See Schedule A.

D. Bulk requirements – See Schedule B.

§17:9-13. CBD: CENTRAL BUSINESS DISTRICT ZONE

- A. Purpose – This zone is intended to serve the downtown retail center, as well as a broader, regional population.
- B. Permitted uses – See Schedule A.
- C. Accessory uses – See Schedule A.
- D. Bulk requirements – See Schedule B.

§17:9-14. PO: PROFESSIONAL OFFICE ZONE DISTRICT

- A. Purpose – This zone serves to recognize the existing land use pattern resulting from the conversion of residential housing to professional office space, and to provide standards for professional office development.
- B. Permitted uses – See Schedule A.
- C. Accessory uses – See Schedule A.
- D. Bulk requirements – See Schedule B.

§17:9-15. GC: GENERAL COMMERCIAL ZONE DISTRICT

- A. Purpose – This zone is intended to include commercial development traditionally associated with high-volume roadways.
- B. Permitted uses – See Schedule A.
- C. Accessory uses – See Schedule A.
- D. Bulk requirements – See Schedule B.

§17:9-16. MU: MIXED USE ZONE DISTRICT

- A. Purpose – This zone is intended to recognize areas within the City that are developed with retail/commercial uses on the first floor with apartment units above. It also includes many transition areas within the City, and aims to foster redevelopment by permitting a broad palette of compatible uses. This Zone will also serve as a buffer between commercial districts and lower density residential neighborhoods.
- B. Permitted uses – See Schedule A.
- C. Accessory uses – See Schedule A.
- D. Bulk requirements – See Schedule B.

§17:9-17. I: INDUSTRIAL ZONE DISTRICT

- A. Purpose – This zone calls for industrial and economic development activities.
- B. Permitted uses – See Schedule A.
- C. Accessory uses – See Schedule A.
- D. Bulk requirements – See Schedule B.

§17:9-18. HISTORIC DISTRICTS: VAN WYCK BROOKS (R-VWB), CRESCENT AREA (R-CA), PUTNAM-WATCHUNG (R-PW), HILLSIDE AVENUE (R-HA), BROADWAY (R-B), NETHERWOOD HEIGHTS (R-NH), NORTH AVENUE (NAHD), CIVIC (CHD)

- A.** Purpose – The purpose of the Historic Zone Districts is to recognize and preserve the unique architectural and neighborhood elements present within specific designated historic areas, and to support the preservation of historic structures and design features at densities consistent with historic patterns of development.
- B.** Permitted uses – See Schedule A.
- C.** Accessory uses – See Schedule A.

Bulk requirements – See Schedule B.

SCHEDULE A – CITY OF PLAINFIELD USE RESTRICTIONS

ZONES	PERMITTED USES	ACCESSORY USES
R-1 Very Low Density Residential	Single-family dwellings Community residences as per N.J.S.A. 40:55D-66.1	<ul style="list-style-type: none"> • Home occupations • Family day care homes per N.J.S.A. 40:55D-66.5b
R-2 Low Density Residential	Single-family dwellings Community residences as per N.J.S.A. 40:55D-66.1	<ul style="list-style-type: none"> • Home occupations • Family day care homes per N.J.S.A. 40:55D-66.5b
R-3 Low/Moderate Density Residential	Single-family dwellings Community residences as per N.J.S.A. 40:55D-66.1	<ul style="list-style-type: none"> • Home occupations • Family day care homes per N.J.S.A. 40:55D-66.5b
R-4 Moderate Density Residential	Single-family dwellings Two-family dwellings Community residences as per N.J.S.A. 40:55D-66.1	<ul style="list-style-type: none"> • Home occupations • Family day care homes per N.J.S.A. 40:55D-66.5b
R-5 Medium Density Residential	Single-family dwellings Two-family dwellings Community residences as per N.J.S.A. 40:55D-66.1	<ul style="list-style-type: none"> • Home occupations • Family day care homes per N.J.S.A. 40:55D-66.5b
R-6 Medium/High Density Residential	Single-family dwellings Two-family dwellings Apartments Townhouses Community residences as per N.J.S.A. 40:55D-66.1 Nursing homes Assisted living facility Houses of worship Senior citizen housing	<ul style="list-style-type: none"> • Home occupations • Family day care homes per N.J.S.A. 40:55D-66.5b

Bulk requirements – See Schedule B.

SCHEDULE A – CITY OF PLAINFIELD USE RESTRICTIONS

ZONES	PERMITTED USES	ACCESSORY USES
<p>R-7 High Density Residential</p>	<p>Single-family dwellings, Two-family dwellings Apartments, Townhouses Community residences as per N.J.S.A. 40:55D-66.1 Nursing homes, Assisted living facility Houses of worship Senior citizen housing</p>	<ul style="list-style-type: none"> • Home occupations • Family day care homes per N.J.S.A. 40:55D-66.5b
<p>R-B Broadway Historic District</p>	<p>Single-family dwellings Community residences as per N.J.S.A. 40:55D-66.1 Bed & Breakfasts, Home Stays, Guest Houses</p>	<ul style="list-style-type: none"> • Home occupations • Family day care homes per N.J.S.A. 40:55D-66.5b
<p>R-CA Crescent Area Historic District</p>	<p>Single-family dwellings, Two-family dwellings Community residences as per N.J.S.A. 40:55D-66.1 Bed & Breakfasts, Home Stays, Guest Houses Houses of worship</p>	<ul style="list-style-type: none"> • Home occupations • Family day care homes per N.J.S.A. 40:55D-66.5b
<p>R-HA Hillside Avenue Historic District</p>	<p>Single-family dwellings Community residences as per N.J.S.A. 40:55D-66.1 Bed & Breakfasts, Home Stays, Guest Houses</p>	<ul style="list-style-type: none"> • Home occupations • Family day care homes per N.J.S.A. 40:55D-66.5b
<p>R-NH Netherwood Heights Historic District</p>	<p>Single-family dwellings Community residences as per N.J.S.A. 40:55D-66.1 Bed & Breakfasts, Home Stays, Guest Houses</p>	<ul style="list-style-type: none"> • Home occupations • Family day care homes per N.J.S.A. 40:55D-66.5b

Bulk requirements – See Schedule B.

SCHEDULE A – CITY OF PLAINFIELD USE RESTRICTIONS

ZONES	PERMITTED USES	ACCESSORY USES
<p>R-PW Putnam-Watchung Historic District (This HD is divided into two sub-zones: PW-1 and PW-2.)</p>	<p>PW-1 Zone: Single-family dwellings Community residences as per N.J.S.A. 40:55D-66.1 Bed & Breakfasts, Home Stays, Guest Houses</p> <p>PW-2 Zone: Single-family dwellings, Two-family dwellings Community residences as per N.J.S.A. 40:55D-66.1 Bed & Breakfasts, Home Stays, Guest Houses</p>	<ul style="list-style-type: none"> • Home occupations • Family day care homes per N.J.S.A. 40:55D-66.5b
<p>R-VWB Van Wyck Brooks Historic District (This HD is divided into two sub-zones: VWB-1 and VWB-2.)</p>	<p>VWB-1 Zone: Single-family dwellings Community residences as per N.J.S.A. 40:55D-66.1 Bed & Breakfasts, Home Stays, Guest Houses</p> <p>VWB-2 Zone: Single-family dwellings, Two-family dwellings Community residences as per N.J.S.A. 40:55D-66.1 Bed & Breakfasts, Home Stays, Guest Houses</p>	<ul style="list-style-type: none"> • Home occupations • Family day care homes per N.J.S.A. 40:55D-66.5b

Bulk requirements – See Schedule B.

SCHEDULE A – CITY OF PLAINFIELD USE RESTRICTIONS

ZONES	PERMITTED USES	ACCESSORY USES
<p>NAHD North Avenue Historic District</p>	<p>Mixed-use residential dwellings Child care centers per N.J.S.A. 40:55D-66.6 Retail (excluding drive-in establishments) Personal and commercial service establishments (excluding drive-in establishments) Offices, including medical offices Banks, Health and fitness clubs Art studios and art galleries Theaters, Hotels Restaurants (excluding drive-in establishments) Taverns</p>	<ul style="list-style-type: none"> • Outdoor dining
<p>NC Neighborhood Commercial</p>	<p>Mixed-use residential dwellings Child care centers per N.J.S.A. 40:55D-66.6 Retail Personal service establishments Laundromats, Offices, Banks Funeral homes/mortuary Restaurants Community centers, public and non-profit Nursing homes, Houses of worship Assisted living facilities, Senior citizen housing</p>	<ul style="list-style-type: none"> • Outdoor dining

Bulk requirements – See Schedule B.

SCHEDULE A – CITY OF PLAINFIELD USE RESTRICTIONS

ZONES	PERMITTED USES	ACCESSORY USES
<p>CBD Central Business District</p>	<p>Mixed-use residential dwellings Child care centers per N.J.S.A. 40:55D-66.6 Retail (excluding drive-in establishments) Personal service establishments (excluding drive-in establishments) Offices, including medical offices Banks, Health and fitness club Art studios and art galleries Theaters, Hotels Restaurants (excluding drive-in establishments) Taverns, Nightclubs, Banquet halls Parking lots and parking garages</p>	<ul style="list-style-type: none"> • Outdoor dining
<p>PO Professional Office/Medical</p>	<p>Single-family dwellings, Two-family dwellings Apartments Mixed-use residential dwellings Child care centers per N.J.S.A. 40:55D-66.6 Offices, including medical offices, Hospital Telecommunication facilities on existing buildings and structures</p>	

Bulk requirements – See Schedule B.

SCHEDULE A – CITY OF PLAINFIELD USE RESTRICTIONS

ZONES	PERMITTED USES	ACCESSORY USES
<p>GC General Commercial</p>	<p>Child care centers per N.J.S.A. 40:55D-66.6</p> <p>Laundromats</p> <p>Banks</p> <p>Funeral homes/mortuary</p> <p>Veterinary Hospital</p> <p>Restaurant</p> <p>Nightclubs</p> <p>Drive-through facilities of any type</p> <p>Health and fitness clubs</p> <p>Commercial recreation facilities</p> <p>Automobile dealership</p> <p>Automobile service station</p> <p>Automotive body shop</p> <p>Car wash</p> <p>Repair Shops</p> <p>Nursery and landscaping facility</p>	<ul style="list-style-type: none"> • Outdoor dining

Bulk requirements – See Schedule B.

SCHEDULE A – CITY OF PLAINFIELD USE RESTRICTIONS

ZONES	PERMITTED USES	ACCESSORY USES
<p>MU Mixed Use</p>	<p>Mixed use residential dwellings Apartments Townhouses Retail Personal service establishments Laundromats Offices, including medical offices Nursing homes, Senior citizen housing Restaurants, Banquet halls Banks Funeral homes Health and fitness clubs Car wash Assisted living facility Theater Adaptive reuse of existing residential dwellings Telecommunication facilities on existing buildings and structures Taverns, Nightclubs Automobile service station Houses of worship</p>	<ul style="list-style-type: none"> • Outdoor dining

Bulk requirements – See Schedule B.

SCHEDULE A – CITY OF PLAINFIELD USE RESTRICTIONS

ZONES	PERMITTED USES	ACCESSORY USES
I Light Industrial	Child care centers per N.J.S.A. 40:55D-66.6 Manufacturing Assembly Automobile repair shop Warehouse and/or distribution facility Offices Print Shops Health and fitness clubs Banquet halls Research facilities Automotive body shop Telecommunication facilities on existing buildings and structures Taverns	

SCHEDULE B – CITY OF PLAINFIELD BULK ZONING REQUIREMENTS

	Minimum Lot Area (square feet)	Maximum Density (d.u. per acre)	Minimum Lot Width (feet)	Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)	Front Yard Setback (feet)	Side Yard Setback (feet)	Combined Side Yard Setbacks (feet)	Rear Yard Setback (feet)	Maximum Floor Area Ratio (FAR)	Maximum Percent Building Cover	Maximum Percent Total Lot Cover	Minimum Number of Stories	Maximum Number of Stories	Maximum Building Height (feet)	Minimum Improvable Area (MIA) (square feet)	MIA- Diameter of Circle (feet)
R-1 Very Low Density	43,560	1.0	150	150	200	40	20	40	50	N/A	20%	35%	N/A	3	35	9,100	67
R-2 Low Density	20,000	2.0	125	125	150	30	20	40	40	N/A	20%	40%	N/A	3	35	5,300	51
R-3 Low/Moderate Density	12,000	3.5	100	100	100	25	10	30	30	N/A	25%	40%	N/A	3	35	3,000	38
R-4 Moderate Density																	
Single-family	7,500	5.8	50	50	100	25	10	20	30	N/A	25%	40%	N/A	2.5	35	2,000	31
Two-family	10,000	8.7	80	80	100	25	10	25	30	N/A	25%	40%	N/A	2.5	35	2,400	34
R-5 Medium Density																	
Single-family	6,000	7.2	50	50	100	25	6	15	30	N/A	25%	40%	N/A	2.5	35	1,400	26
Two-family	10,000	8.7	80	80	100	25	6	25	30	N/A	25%	40%	N/A	2.5	35	2,400	34
R-6 Medium/ High Density																	
Single-family	6,000	7.2	50	50	100	25	6	15	30	N/A	25%	40%	N/A	2.5	35	1,700	29
Two-family	10,000	8.7	80	80	100	25	6	25	30	N/A	25%	40%	N/A	2.5	35	2,400	34
Apartment	22,000	12	150	150	100	30	25	50	30	N/A	30%	40%	N/A	3	40	5,300	51
Town-house	43,560	10	150	150	150	25	30	60	30	N/A	30%	45%	N/A	2.5	35	11,800	76

SCHEDULE B – CITY OF PLAINFIELD BULK ZONING REQUIREMENTS

	Minimum Lot Area (square feet)	Maximum Density (d.u. per acre)	Minimum Lot Width (feet)	Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)	Front Yard Setback (feet)	Side Yard Setback (feet)	Combined Side Yard Setbacks (feet)	Rear Yard Setback (feet)	Maximum Floor Area Ratio (FAR)	Maximum Percent Building Cover	Maximum Percent Total Lot Cover	Minimum Number of Stories	Maximum Number of Stories	Maximum Building Height (feet)	Minimum Improvable Area (MIA) (square feet)	MIA- Diameter of Circle (feet)
R-7 High Density																	
Single-family	5,000	8.7	50	50	100	25	5	15	30	N/A	30%	40%	N/A	2.5	35	1,200	24
Two-family	7,500	11.6	75	75	100	25	5	25	30	N/A	30%	40%	N/A	2.5	35	1,800	30
Apartment	87,120	18	250	250	250	35	20	40	20	N/A	30%	40%	N/A	3	40	20,900	101
Town-house	43,560	10	150	150	150	25	30	60	30	N/A	30%	45%	N/A	2.5	35	11,800	76
R-B Broadway HD																	
	15,000	3	100	100	150	30-60*	20	40	50	N/A	15%	25%	2.5	3	35	2,300	34
R-CA Crescent Area HD																	
	10,125	4	75	75	135	30-50*	10	20	30	N/A	25%	35%	2.5	3	35	2,100	32
R-HA Hillside Ave HD																	
	30,000	1.25	150	150	200	30-60*	20	40	50	N/A	15%	25%	2.5	3	35	4,500	47
R-PW Putnam-Watchung HD																	
PW-1 Zone	18,750	2	125	125	150	30-60*	20	40	50	N/A	15%	25%	2.5	3	35	2,800	37
PW-2 Zone	8,000	6	60	60	100	20-40*	10	20	50	N/A	25%	35%	2	3	35	1,700	29
R-NH Netherwood Heights HD																	
	40,000	1	200	200	200	30-60*	20	40	50	N/A	15%	25%	2.5	3	35	6,000	54
R-VWB Van Wyck Brooks HD																	
VWB-1 Zone	18,750	2	125	125	150	30-70*	20	40	50	N/A	15%	25%	2.5	3	35	2,800	37
VWB-2 Zone	40,000	2	200	200	200	30-70*	20	40	50	N/A	15%	25%	2.5	3	35	6,000	54
NAHD North Avenue HD																	
	5,000	50	50	50	100	0	0	0	10	3	75%	90%	3	4	45	2,700	36

SCHEDULE B – CITY OF PLAINFIELD BULK ZONING REQUIREMENTS

	Minimum Lot Area (square feet)	Maximum Density (d.u. per acre)	Minimum Lot Width (feet)	Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)	Front Yard Setback (feet)	Side Yard Setback (feet)	Combined Side Yard Setbacks (feet)	Rear Yard Setback (feet)	Maximum Floor Area Ratio (FAR)	Maximum Percent Building Cover	Maximum Percent Total Lot Cover	Minimum Number of Stories	Maximum Number of Stories	Maximum Building Height (feet)	Minimum Improvable Area (MIA) (square feet)	MIA- Diameter of Circle (feet)
N-C Neighborhood Commercial	5,000	25	50	50	100	0	0	0	10	1.8	60%	80%	N/A	3	35	2,700	36
CBD Central Business District	5,000	100	50	50	100	0	0	0	10	4.5	75%	90%	N/A	6	65	2,700	36
PO Professional Office																	
Professional Office / Medical Office	10,000	N/A	100	100	100	35	10	20	25	2	40%	50%	N/A	3	35	3,000	38
Single-family	12,500	3.4	100	100	100	25	10	30	30	N/A	30%	45%	N/A	3	35	3,400	41
Two-family	10,000	8.7	80	80	100	25	10	25	30	N/A	25%	40%	N/A	2.5	35	2,400	34
Apartment	22,000	12	150	150	100	30	25	50	30	N/A	30%	40%	N/A	3	40	5,300	51
Mixed Use	5,000	12	50	50	100	10	5	10	15	1.8	60%	70%	N/A	3	35	2,100	32
Hospital	20,000	N/A	100	100	200	35	15	30	25	2	40%	80%	2	6	65	9,600	69
GC General Commercial	5,000	N/A	50	50	100	10	10	20	10	1.2	40%	50%	N/A	3	35	1,500	27
MU Mixed Use																	
Mixed Use	5,000	25	50	50	100	10	5	10	15	1.8	60%	70%	N/A	3	35	2,100	32
Commercial Uses	5,000	N/A	50	50	100	10	5	10	15	1.8	60%	80%	N/A	3	35	1,500	27
Apartment	22,000	12	150	150	100	30	25	50	30	N/A	30%	40%	N/A	3	40	5,300	51
Town-house	43,560	10	150	150	150	25	30	60	30	N/A	30%	45%	N/A	2.5	35	11,800	76
I Industrial	20,000	N/A	100	100	150	20	10	20	15	2	60%	80%	N/A	4	60	9,600	69
Commercial Uses	5,000	N/A	50	50	100	10	5	10	15	1.8	60%	80%	N/A	3	35	1,500	27

* Variable Front Yard Setback - Front yard setback shall occur within the given range, and shall be determined by the HPC for visual compatibility with the front yard setbacks of contributing buildings on the same side of the street in the same block.

SUPPLEMENTARY ZONING REGULATIONS

§17:9-19. ACCESSORY USES AND STRUCTURES

Accessory uses and structures shall be permitted in all districts, subject to the following provisions:

Location. No accessory use or structure, except as specifically permitted in this ordinance, shall be located in a front yard. Accessory uses and structures must be located on the same lot as the principal use or structure to which they are accessory.

Setbacks. Accessory structures, unless specifically regulated otherwise in this ordinance, shall be set back from side and rear property lines a minimum five (5) feet to a rear yard property line and five (5) feet to a side yard property line.

Height. No accessory structure in a residential zone shall be taller than one and one-half (1-1/2) stories or fifteen (15) feet, whichever is less. No accessory structure in a non-residential zone shall be taller than twenty (20) feet. No accessory structure may exceed the height of the principal structure on the lot.

Coverage. In residential zones and for residential uses, no accessory structure or use shall have a ground area greater than thirty percent (30%) of the ground area of the principal structure to which it is accessory. In non-residential zones, no accessory structures or use shall have a ground area greater than 40% of the ground area of the principal structure to which it is accessory.

Quantity. No more than three (3) accessory structures shall be erected on any residential lot. For the purposes of this section only, a fence shall not be considered an accessory structure.

Storage sheds. Storage sheds shall be considered an accessory structure, and shall not exceed one hundred and fifty (150) square feet. The shed must be exclusively used by the occupants of the principal building to which the shed is accessory, and may only contain items customarily associated with residential use such as, but not limited to personal items, lawnmowers, tools and hardware.

Box containers. Box containers shall not be considered permitted accessory structures, and shall not be located on any lot in a residential or non-residential zone.

§17:9-20. ASSISTED LIVING FACILITIES / NURSING HOME FACILITIES

Assisted living facilities shall:

- A. Provide individual apartment units with, at a minimum, one (1) unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance;
- B. Obtain a Certificate of Need from the New Jersey Department of Health and Senior Services;
- C. Contain a minimum lot area of two (2) acres;
- D. Have a minimum front yard setback of fifty (50) feet, side yard of thirty (30) feet, and rear yard of fifty (50) feet;
- E. Provide a buffer area of at least twenty (20) feet in width consisting of massed evergreen and deciduous plantings to an adjacent residential use;

- F. Have a maximum building height not to exceed forty (40) feet or three (3) stories, whichever is less;
- G. Have a maximum permitted building coverage not to exceed forty (40%) percent, and maximum permitted total lot coverage not to exceed fifty (50%) percent.

§17:9-21. AUTOMOBILE SERVICE STATIONS

Automobile service stations shall be subject to the following requirements:

- A. The size of any lot upon which any automobile service station is located shall be not less than fifteen thousand (15,000) square feet, and the street frontage of such lot on any street shall be not less than one hundred (100) feet.
- B. Entrance and exit driveways shall have an unrestricted width of not less than sixteen (16) feet nor more than twenty-four (24) feet, shall be located at least ten (10) feet from any lot line, and shall be positioned to avoid the necessity of any vehicle leaving the property by backing out across any public sidewalk, street, right of way or portion thereof.
- C. The area of all driveways and other areas for vehicular use or access shall be paved with a bituminous or concrete surface sufficient to meet City paving specifications applicable to streets and roadways.
- D. On any premises upon which an automobile service station is located, all motor vehicle service or repairs, other than such minor items as the changing and filling of tires or the sale of gasoline or oil, shall be conducted within the confines of an enclosed structure.
- E. No structure used in conjunction with an automobile service station and any filling pump or other service appliance, whether for gasoline, oil or any other combustible liquid or material, shall be erected within ten (10) feet of any side or rear lot line. This ten (10) foot wide buffer area required hereunder shall be at all times kept free and unobstructed for the purposes of ready access by emergency fire and police vehicles. No gasoline or oil pumps, oil or greasing mechanism or other service appliance installed for use at such premises shall be located within twenty (20) feet of any street line.
- F. Storage facilities for gasoline, oil, or other flammable materials in bulk shall be located underground and no nearer than thirty-five (35) feet from any lot line other than a street line. No gasoline pump shall be located or permitted within any enclosed or semi-enclosed building.
- G. No part of any building or structure used in whole or in part as an automobile service station shall be located within one-hundred (100) feet of any boundary line of any residential zone.

§17:9-22. BED AND BREAKFAST GUESTHOUSES AND HOMESTAYS

Bed and breakfast guesthouses and homestays shall be permitted in residential historic zones, and shall conform to the following regulations:

- A. Adequate on-site parking in accordance with this article.
- B. No parking shall be permitted in the front yard.
- C. Only guests of the facility and their invitees shall be served food and drink on the premises.
- D. No cooking facilities shall be permitted in guest rooms or suites.

- E. There shall be a maximum residency limitation on all guests of thirty (30) consecutive days.
- F. The appearance of the building and all accessory structures must substantially emulate a residential use, and no appearance of a business use may be evident.
- G. The owner of the premises must maintain primary residence in the on-site principal structure.

§17:9-23 BUILDINGS OR STRUCTURES PER LOT

No lot in a residential zone district shall contain more than one (1) principal building or structure.

§17:9-24. BUFFERING AND SCREENING

The following regulations shall be used to prepare and review buffering and screening for any site plan:

- A. Residential uses and districts. Any residential use shall be suitably buffered and screened from all uses other than one and two-family dwellings in order to minimize the impacts of noise, glare, vibration, vehicular traffic, pedestrian activity and other potential nuisances. Unless otherwise provided in this chapter, the width of buffering and height of screening shall be provided based on the type of use that is being buffered as follows:

BUFFERING AND SCREENING REQUIREMENTS

Type Use/Subject	Width of Buffering	Height of Screening at Time of Planting
Permitted residential uses other than single- and two-family dwellings	5	6
Permitted non-residential uses	10	6
Permitted light industrial and warehouse uses	25	10

- B. Driveways and parking lots. All driveways and parking lots shall be suitably buffered and screened to minimize the impacts of noise, lighting and glare, exhaust fumes, views of parked vehicles and other nuisances. Buffering and screening shall minimize such impacts both from within the site itself, as well as from adjacent and nearby properties and public rights-of-way as follows:
 1. Buffering shall consist of a minimum five (5) foot wide area surrounding all sides of a parking lot. Where such parking area is located on a tract adjacent to a residential use or district, such buffering shall consist of a minimum ten-foot-wide area surrounding all sides of a parking lot.
 2. Screening shall consist of a minimum four (4) foot high visually impervious screen to be located within the buffering area. Where such parking area is located on a tract adjacent to a residential use or district, such screening shall consist of a minimum six-foot-high visually impervious screen. The height of any required screen shall decrease to a maximum of three (3) feet in height where driveways approach sidewalks or walkways, in order to provide adequate visibility of pedestrians from motor vehicles and police visibility into the lot.

C. Loading areas. All loading areas, including loading dock areas of buildings and driveways providing access to the same, shall be suitably buffered and screened to minimize the impacts of noise, loading and unloading activities, lighting and glare, exhaust fumes, views of loading and unloading vehicles and other nuisances. Buffering and screening shall minimize such impacts both from within the site itself, as well as from adjacent and nearby properties and public rights-of-way, as follows:

1. Buffering shall consist of a minimum ten (10) foot wide area surrounding all sides of a loading area. Where such loading area is located on a tract adjacent to a residential use or district, such buffering shall consist of a minimum twenty-five (25) foot wide area surrounding all sides of a parking lot.
2. Screening shall consist of a minimum ten (10) foot high visually impervious screen. If such screen consists of a wall or fence, the buffer area between the wall or fence and the lot line shall be a minimum of ten (10) feet in width and shall also be extensively planted with both deciduous and evergreen trees.

E. HVAC equipment and utility service boxes. All ground level HVAC equipment and utility service boxes shall be suitably buffered and screened to minimize views of the same from both within the site itself, as well as from adjacent and nearby properties and public rights-of-way, as follows.

1. Buffering shall consist of a minimum three (3) foot wide area surrounding all sides of HVAC equipment and utility storage boxes.
2. Screening shall consist of a minimum four (4) foot high evergreen hedge along all sides of the same.

§17:9-25. CHILD CARE FACILITIES

Child care facilities shall be subject to the following regulations:

A. Pickup / drop off area; each facility shall provide an area for picking up and dropping off children as follows:

1. An on-site area with minimum dimensions of 10' x 25'; or
2. An area within the public right of way upon the consent of City Council.
3. Pick up / drop off areas are not permitted in front yards.
4. Pick up / drop off areas are to be screened from adjacent residences or zones.

B. Open space; each facility shall provide an outdoor recreational space as follows:

1. Open space areas are not permitted in required front yards.
2. Open space areas shall not be more proximate to an adjacent residential dwelling than 50'.
3. Open space areas shall be screened from adjacent properties by 6' closed fence and / or evergreen screening.

C. The provider must present the Zoning Officer with documentation of compliance with the State of New Jersey Division of Youth and Family Services requirements.

§17:9-26. COMMUNITY CENTERS, PUBLIC AND NON-PROFIT

All community centers are to conform to the following regulations:

- A. All interior areas designed for potentially noisy activities shall be sufficiently sound insulated or separated from adjacent residential structures so as to avoid any noise nuisance;
- B. A minimum twenty-five (25) foot setback is required from all residential property lines. A minimum twenty-five (25) foot wide landscaped buffer area consisting of massed evergreen and deciduous plantings shall be provided between a property used by a community center and a residential property line. Existing vegetation may be considered as part of the required buffer area.
- C. The site shall include or shall be in close proximity to open space that can be utilized for active recreation;
- D. Any outdoor swimming pool shall be adequately fenced or otherwise enclosed and screened to avoid uncontrolled access and the creation of an attractive nuisance.

§17:9-27. CONVERSION FROM RESIDENTIAL TO OFFICE USE

Conversions from residential use to office use in the Professional Office (PO) Zone and the Mixed Use (MU) Zone shall comply with the following provisions:

- A. Adequate on-site parking must be provided to the rear of the existing structure. No parking may be permitted within a setback area.
- B. No structure may be located any closer to a front lot line than the average front setback of the two adjacent structures.
- C. No retail uses may be conducted from a converted building.
- D. A mix of residential and office use is permitted provided that adequate on-site parking is available for both uses. No more than two (2) dwelling units may be located in a converted building in the PO Zone.

§17:9-28. ENCROACHMENTS INTO THE PUBLIC RIGHT OF WAY

No signs, newspaper stands, steps or other structural encroachments shall be permitted into the public right of way without receipt of approval from the Plainfield City Council. There shall be no replacement or removal of existing grass areas between the sidewalk or curb in the public right of way changing same to concrete, asphalt or other ground surface without receipt of written approval by way of resolution from Plainfield City Council. The City Council shall request the opinion of the Planning Board prior to acting on a request to encroach into the public right of way.

§17:9-29. FAMILY DAY CARE

Family day care homes are permitted home occupations. Childcare centers shall not be considered permitted home occupations. In order to provide for the safety of the children in the family day care homes, the following regulations must be followed:

- A. Family day care is permitted in all residential zones.
- B. The provider must be the resident of the premises, and must present the Zoning Officer with documentation of substantial compliance with all Division of Youth and Family Services requirements on an annual basis. The family day care home must be registered pursuant to the “Family Day Care Provider Registration Act,” per N.J.S.A. 46:8D-1 et seq.

- C. For any family day care home not located in a single family dwelling, side or rear yard which is utilized for recreation activity must be fenced in accordance with this ordinance. No recreation area may be located in a front yard area. Any associated equipment shall be restricted to the fenced yard.
- D. The facility shall comply with all applicable BOCA, State of New Jersey and City building safety regulations.

§17:9-30. FENCES AND WALLS

Fences and walls shall be permitted in all districts, but shall be considered structures requiring an approved development permit prior to construction. Adequate surveys, plans and details are to be submitted to the Zoning Officer in accordance with Article I in order for a determination to be made as to the proposed fence zoning conformance. Fences and walls shall be subject to the following provisions:

A. Front yards:

- 1. In residential zone districts, fences shall be permitted to be located in front yards, provided such fences shall not exceed four (4) feet in height, as measured from ground level, and shall be constructed so that at least fifty percent (50%) thereof is non-solid and open. Fence types such as board-on-board and stockade shall be considered solid fences. Decorative and retaining walls are permitted to be located in front yards in residential zone districts, provided such they shall not exceed two and one half (2 ½) feet in height, as measured from ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed five (5) feet in height.
- 2. In non-residential zone districts, fences and decorative walls may be erected in the front yard at or behind the front setback line extending to the rear and/or side lot lines, provided they do not exceed six (6) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.
- 3. Chain link fences shall be prohibited in front yards in all zone districts.

B. Side and Rear Yards:

- 1. In residential zones, both solid and non-solid fences shall be permitted to be located in side or rear yards, provided such shall not exceed six (6) feet in height, as measured from the ground level. Decorative walls in residential zones are permitted to be located in side or rear yards, provided such shall not exceed four (4) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.
- 2. In non-residential zones, both decorative walls and solid or non-solid fences shall be permitted to be located in side or rear yards, provided such shall not exceed six (6) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.

C. Finished Exterior Side. All fences or walls shall be constructed so that the finished side, with no fully exposed structurally supporting members, is located on the exterior facing outward away from the property upon which it is located.

D. Materials. No fence or wall shall be constructed or installed with barbed wire, metal spikes, or topped with concertina

or razor wire, broken bottles or similar materials so as to be dangerous to humans or animals. In addition, chain link fences are specifically prohibited in front yard in all zones.

- E. Drainage.** Fences and decorative walls shall be constructed in a manner so as to permit the continued flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding, either on the property upon which such is located or on any adjacent lot. Those applying for a development permit to erect a fence or decorative wall may shall consult with the City Engineer to ensure compliance with this provision.
- F. Obstruction.** No fence shall be constructed within any sight triangle as defined in this article, or installed so as to constitute a hazard to traffic or public safety.
- G. Retaining Walls.** Any permitted wall proposed to be used as a retaining wall may be required to be reviewed by the City Engineer prior to the issuance of a development permit.
- H. Exceptions.** Fences or walls that constitute a permitted buffer area screen approved as part of a site plan application shall be excepted from the above height and location provisions. In addition, fencing required to enclose a tennis court or racquetball court shall be excepted from the above maximum height provisions. Said fence shall not exceed twelve (12) feet in height, as measured from ground level, and may not be located within a required setback area for accessory structures.

§17:9-31. FLOOD HAZARD REGULATIONS

- A.** It is the purpose of this section to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to do the following:
 - 1. Protect human life and health;
 - 2. Minimize expenditure of public money for costly flood control projects;
 - 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - 4. Minimize prolonged business interruptions;
 - 5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
 - 6. Help maintain a stable tax base by providing for the reuse and development of areas of special flood hazard so as to minimize future flood blight areas;
 - 7. Ensure that potential buyers are notified if a property is in an area of special flood hazard; and
 - 8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- B.** In order to accomplish its purposes, this section includes methods and provisions for the following:
 - 1. Restricting or prohibiting uses, buildings or structures which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - 2. Requiring that uses, buildings or structures vulnerable to floods, including facilities which serve such

uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

E. This section shall apply to all areas of special flood hazards are located within the City of Plainfield. Areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the City of Plainfield”, dated July 16, 1997, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted by reference and declared to be a part of this section. The Flood Insurance Study is on file in the Office of the City Clerk and available for review during regular business hours.

F. This section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this section and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

G. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that properties outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. Additionally, this section shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

H. A development permit must be obtained before construction or development begins within any area of special flood hazard established in this section. In addition to the normal information required for a development permit application, the following specific information is required to be reviewed by the City Engineer prior to the issuance of an approved development permit:

1. Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
2. Elevation in relation to mean sea level to which any structure has been flood proofed;
3. Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section J.2. below;
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
5. Elevation in relation to mean sea level of any ground areas to be disturbed, filled, graded or re-graded;
6. Certification that all necessary permits have been obtained from those Federal, State or County governmental agencies from which prior approval is required; and

7. All base flood elevation and floodway data used to determine whether the proposed development is located in the floodway shall assure that the encroachment provisions of Section K. below are complied with. When base flood elevation and floodway data has not been provided in accordance with Section C. above, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section J. below.

I. The City shall perform the following when a watercourse may be altered:

1. Notify the New Jersey Department of Environmental Protection prior to any watercourse alteration or relocation activity watercourse and submit evidence of such notification to the Federal Insurance Administration; and,
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

H. In all areas of special flood hazards the following standards shall be complied with:

1. Anchoring.
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - b. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to use of over-the top or frame ties to ground anchors. This requirement is in addition to applicable U.C.C. anchoring requirements for resisting wind forces.
2. Construction Materials and Methods.
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Utilities.
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - c. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Enclosure Openings.
 - a. All new construction and substantial improvements shall have fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic

flood forces on exterior walls by allowing for the entry and exit of floodwaters.

b. Design for meeting this requirement shall either be certified by a registered professional engineer or architect or shall meet or exceed the following minimum criteria:

- (1)** A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2)** The bottom of all openings shall be no higher than one (1) foot above grade.
- (3)** Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

I. All applications for development shall be consistent with the need to minimize flood damage. Development plans shall comply with the following provisions:

- 1.** Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize flood damage.
- 2.** Adequate drainage shall be provided to reduce exposure to flood damage.
- 3.** Base flood elevation data shall be provided for applications for development which contain at least fifty (50) lots or five (5) acres, whichever is less.

J. In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section F., the following standards shall be required:

- 1.** New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
- 2.** New construction and substantial improvement of any commercial, industrial or other non-residential structure shall comply with the following:
 - a.** The lowest floor, including basement, shall be either:
 - (1)** Elevated to the level of the base flood elevation;
 - (2)** Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - b.** The construction of improvement shall be certified by a New Jersey registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this section.
- 3.** All manufactured homes and any such structure placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

K. Located within areas of special flood hazards established in Section C. above, are areas designated as floodways. The following provisions shall apply to all floodways:

1. Encroachments on floodways, including fill, new construction, substantial improvements and other developments shall be prohibited, unless a technical evaluation by the City Engineer demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 2. If the City Engineer determines that encroachment will not result in any increase in flood levels, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section H. above; and in all areas of special flood hazards in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.
- L.** No structure may be erected and no development may take place within fifteen (15) feet of the mean high water level of the Green Brook.
- M.** Penalties for noncompliance. No structure or land shall hereafter be constructed, located extended, converted, or altered without full compliance with the terms of this Article and other applicable regulations. Violation of the provisions of this Article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than two (2) days or both, for each violation and in addition shall pay all cost and expenses involved in the case. Nothing herein contained shall prevent the City of Plainfield from taking such other lawful action as is necessary to prevent or remedy any violations.
- N.** Interpretation. In the interpretation and application of this Article, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and,
 3. Deemed neither to limit nor repeal any other powers granted under State Statutes.

§17:9-32. FRONTAGE REQUIREMENTS FOR EXISTING LOTS

No subdivision in any zone district will be permitted for an existing lot on which there is presently erected any type of residential structure unless each of the resulting subdivided lots will have street frontage equal to or greater than the largest frontage of any nearby existing lot. Said nearby existing lot must:

- A.** have the same usage as the proposed subdivided lot;
- B.** front on the same street as the lot to be subdivided, and;
- C.** be located within two hundred (200) feet of the lot to be subdivided.

§17:9-33. GARAGES, PRIVATE

Private garages on single- and two-family residential lots shall comply with the following provisions:

- A.** The garage must be a fully enclosed detached accessory structure, or a portion of a principal building, used primarily

for the storage of no more than two (2) motor vehicles owned or used by the occupant of the principal structure.

- B.** The garage may not contain more than one commercial vehicle with a rated capacity not exceeding 8,500 lbs. gross vehicle weight.
- C.** A one car parking garage, not to exceed 12' x 24', or 300 sq. ft., for a single-family unit, or a two car garage not to exceed 22' by 24', or 550 sq. ft., for a two- family dwelling unit, shall be provided for all residential dwellings.
- D.** A two car garage may be constructed on a single family dwelling lot provided it does not exceed the above maximum garage size (550 sq. ft.).
- E.** If a garage is demolished, a new garage must be constructed within one (1) year of the obtaining of a demolition permit.

§17:9-34. HEIGHT EXCEPTIONS

The maximum height requirements for each zone district shall apply to all structures in all zone districts, with the exception of the following:

- A.** Building appurtenances such as chimneys, church spires, cupolas, belfries, clock towers or flagpoles designed exclusively for ornamental purposes, provided such appurtenances shall not exceed such height requirements for the district in which such is located by greater than ten (10) feet.
- B.** Mechanical appurtenances such as condensers, exhaust fans, elevator housing and other similar equipment provided that if located in non residential zones, they do not extend more than ten (10) feet above the maximum height limitation and are suitably screened by structures that are integrally designed with the building or are otherwise rendered not visible from the ground level of adjacent lots and streets.
- C.** Parapet walls not extending more than four (4) feet above the maximum height limitation.

§17:9-35. HOME OCCUPATIONS

Home occupations shall be permitted as an accessory use to any residence in the City, unless otherwise specified below. All such uses shall require an approved development permit prior to commencement of use and are subject to the following provisions:

- A.** Home occupations shall only be permitted provided they do not change the character of the principal residence from a home to a business or change in any way whatsoever the character of the surrounding neighborhood from a residential neighborhood to a commercial neighborhood. Specifically, the characteristics of the home occupation cannot differ from that expected in a residential neighborhood in the following areas of concern:
 - 1.** The appearance of the premises, including color, materials, construction, or lighting;
 - 2.** The risk of physical harm to persons or property due to the nature or volume of any materials stored on site;
 - 3.** The creation of noise, vibration, dust, smoke, odor, glare, radiation or electrical interference;
 - 4.** The volume and frequency of vehicular or pedestrian traffic.

- I. No more than one home occupation may be conducted on a lot and it shall not involve more than 30% of the gross floor area of a principal dwelling unit, including the floor area of an attached garage.
- J. No more than one (1) person other than the occupants of the dwelling may be involved or employed on the premises in the home occupation.
- K. The home occupation must be conducted entirely within the principal residence and cannot involve outdoor storage or activities.
- L. The home occupation cannot involve commercial vehicles, other than an occasional cartage vehicle for the delivery of materials related to the home occupation to or from the premises.

§17:9-36. HOUSES OF WORSHIP

Houses of worship shall conform to the following regulations:

- A. The minimum lot size shall be one (1) acre.
- B. The minimum frontage shall be 200 feet.
- C. The principal building shall be set back from any residential property line a minimum of one and one half (1 ½) times the height of the main roof line, or fifty (50) feet, whichever is greater. The minimum principal building setbacks to non-residential property lines are as follows: forty (40) feet front and rear, thirty (30) feet side. The front yard setback of the relevant zone district shall apply.
- D. Parking lots are not permitted in a front yard except for drop-off and pick-up lanes.
- E. Structures used for residential purposes accessory to a place of worship shall comply with principal setback requirements for such uses in the respective zone. If the zone does not permit residential uses, the foregoing principal building setbacks shall apply. A residence accessory to a house of worship may only be used as a single-family dwelling.
- F. Adequate on-site parking is to be provided in accordance with the schedule of parking requirements.
- G. A house of worship may incorporate accessory uses within the principal structure, provided said uses are permitted in the district. No more than an aggregate of twenty-five percent (25%) of said structure may be devoted to such accessory uses, and adequate parking is to be provided for such accessory uses.

§17:9-37. CORNER LOTS AND THROUGHLOTS

- A. Corner lots and through lots.

Whenever a lot is bounded by more than one (1) street line, the following provisions shall apply:

1. All provisions of this ordinance with respect to setbacks and all other restrictions and regulations relating to street lines and front yards shall apply to each street line as a front yard. Every corner lot has two (2) front yards.
2. For the purposes of determining the rear yard on a corner lot, the interior lot line opposite the street line with the shortest frontage shall be considered to be the rear lot line and any remaining interior lot lines shall be

considered side lot lines for the purposes of determining side yards.

3. Each lot shall have a rear yard. In an instance of a through lot and in an instance of a corner lot where the frontage is equal, the yard opposite the street address of the property shall be deemed the rear yard.

B. Minimum improvable lot area

1. The building envelope on a lot as defined by the minimum yard requirements for the location of a principal building, or, in the case of uses other than single- and two-family residential, the location of an off-street parking lot, or a loading area, shall enclose a contiguous improvable area, as defined herein, which is not less than the minimum improvable area as defined herein which is not less than the minimum improvable area required by Schedule B, "City of Plainfield Bulk Zoning Requirements."
2. The contiguous improvable area shall be of such dimensions that it shall be able to contain within it the shape of a circle whose minimum diameter is not less than as prescribed by Schedule B, "City of Plainfield Bulk Zoning Requirements" for the diameter of the minimum improvable area.
3. Any existing detached single-family dwelling which is a conforming use but which is on a lot made nonconforming by the provisions of this section, may be enlarged or expanded within its improvable area provided that such expansion conforms to all other zone district regulations.

§17:9-38. NON-CONFORMING USES, LOTS AND STRUCTURES

The following provisions shall apply to valid non-conforming uses, structures and lots at the time of adoption of this ordinance:

- A. A use, building or structure which is lawfully in existence on the effective date of this ordinance and becomes non-conforming at the passage of this ordinance or any applicable amendment thereto, or which was a legal nonconforming use under prior ordinances, may be continued as otherwise provided in this section.
- B. No existing use, structure or premises devoted to a non-conforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, unless it is changed to a conforming use as follows:
 1. Any non-conforming structure or use damaged to less than fifty per cent (50%) of its previous existing area or value by fire, natural calamity or other cause may be restored, reconstructed or used as before, provided the area of such use or structure shall not exceed the area which existed prior to such damage nor increase the intensity of use. All repairs shall be completed within one (1) year after damages occur, or within such time extensions granted by the Zoning Officer, which can only be granted upon good cause. Such use shall not be rebuilt except as a conforming use.
 2. Normal maintenance and repair of a structure containing a non-conforming use is permitted, provided that it does not extend the area or volume of space occupied by the non-conforming use or structure and does not increase the intensity of use. Nothing in this section shall prevent the strengthening or restoring to a safe or lawful condition any part of any structure declared unsafe by the Construction Official.
 3. A building containing residential non-conforming uses may be altered in any way to improve interior livability. No structural alterations shall be made which would increase the number of bedrooms or dwelling units.

C. Non-conforming uses and structures are considered terminated and shall not be revived in any way except as a conforming use or structure in accordance with the following:

1. A non-conforming use or structure abandoned in accordance with this ordinance and accompanied by an intent on the part of the owner to abandon such use as evidenced by some act or failure to act which carries with it a sufficient implication that the owner neither claims or retains any interest in the subject matter of the abandonment shall be considered a termination thereof. Such implication shall be rebuttably presumed by non-use for any period of two or more years. Non-use by successive owners shall be considered continuous non-use.
2. The change of a non-conforming use or structure to a more or entirely conforming use for any period of time shall be considered an abandonment of the previous non-conforming use, and a reversion to the previous non-conforming use shall not be permitted.
3. A non-conforming structure or use which has fifty percent (50 %) or more of its non-conforming area or value destroyed by fire, natural calamity or other cause shall be considered an abandonment thereof.

D. A nonconforming structure may not be enlarged, extended, increased in height, width or depth, moved or relocated, modified in such a way so as to increase habitable or useable space, number of dwelling units or number of bedrooms; unless such structure is changed to a structure conforming to the requirements of this Chapter except that an existing one or two family structure may be enlarged, extended or added to provided:

1. The enlargement, extension or addition conforms to all zone requirements; or
2. The portion of the enlargement, extension or addition which does not conform to zone requirements consist entirely of the enclosure of existing rear porches; or
3. The portion of the enlargement, extension or addition which does not conform to zone requirements is located entirely to the rear of the existing nonconforming structure, has a side yard setback not less than the existing nonconforming structure and conforms to all other bulk requirements.

§17:9-39. OUTDOOR DISPLAYS OF RETAIL MERCHANDISE.

Outdoor display of retail merchandise shall be permitted, subject to the following regulations:

A. Daily outdoor retail sales. Retail stores and service establishments conducting outdoor retail sales and services shall conform to the following provisions:

1. The display of merchandise shall be restricted to products sold by an established permitted use located on the premises.
2. The display of merchandise shall be restricted to the regular hours of the business' operation and shall be removed at the close of business each day, with the area swept clean each day.
3. The length of the merchandise display shall not exceed more than one-half (½) of the width of the street frontage occupied by the business. No portion of the display shall project more than three (3) feet from the building façade and should not encroach into the public right of way unless approved by the City Council.

4. The retail merchandise shall not be displayed in cardboard boxes, but rather shall be placed either on the sidewalk itself or upon a display table or rack as appropriate to the nature of the merchandise.
 5. The merchandise may contain additional signage indicating the product(s) displayed and its price. Each additional sign shall not be larger than one square foot, and the total additional signage associated with the outdoor display shall consist of no more than three (3) square feet for each business.
 6. The display shall be maintained in a neat and orderly manner at all times and will be removed when the merchandise is removed.
- B. Seasonal outdoor retail sales.** Temporary outdoor storage and sales of flowers, trees, and other decorative or ornamental plants is permitted from November 24 to December 27, and for a period of one (1) week prior to Easter and one (1) week prior to Mother's Day and shall conform to the following provisions:
1. Such storage and sales may not take place in any required setback area.
 2. No storage or sales may be conducted in a congested area, required sight triangle, or within the public right of way, where the free flow of pedestrian or vehicular traffic may be impeded or impaired. The reasonable judgment of any city police officer or the Zoning or Construction Official shall be conclusive as to whether the area is congested or whether the flow of traffic is impeded or inconvenienced.
 3. No storage or sales area may interfere with an existing required parking lot or loading or access areas. If such storage or sales use is conducted from a parking lot or area, sufficient parking must be demonstrated for both the existing and proposed uses. If a site contains only the minimum number of parking spaces for the existing on-site use, seasonal storage and sales is not permitted.
 4. Any use of any premises pursuant to this section must be an accessory use to the principal permitted use of the premises.
 5. All stands, plants, and storage structures are to be removed within three (3) days of the date of the event.
- C. Fees.** All persons wanting to conduct any outdoor sales are required to obtain a permit from the Zoning Officer and must pay the fee required in this ordinance. All persons wanting to conduct outdoor seasonal retail sales as outlined in paragraph (B) above shall also post a one-hundred dollar (\$100.00) bond with the City Clerk in order to insure that an adequate and timely cleanup is conducted.

§17:9-40. OUTDOOR DINING: PRIVATE PROPERTY

It is the intent of this section to permit outdoor dining areas accessory to restaurant uses subject to site plan approval by the appropriate approving authority.

- A.** The area utilized for outdoor dining must be accessory in nature to a fully enclosed eating establishment.
- B.** Applicants proposing to establish Outdoor Dining Areas shall submit to the approving authority a layout of the proposed seating areas, which shall include, but not be limited to a depiction of the maximum size of the area, the maximum number and general layout of seats and tables, all aisles and routes of ingress and egress, clearances between tables and chairs, the location of all food preparation and serving areas, an illustration, rendering and/or photograph of all proposed furniture, umbrellas, awnings and signage and any other site detail the authority deems

necessary in order to reach a decision for site plan approval. Tables and chairs shall be placed and maintained in an orderly fashion and shall not create a hazard. No picnic style tables are permitted.

- C.** No more than 10-25% of total on-site restaurant seating shall be provided outdoors. The actual maximum number of outdoor seats shall be decided by the approving authority during the site plan review process. This number shall be based on the total number of seats, the size of the property, the amount of onsite/available parking, the size of the outdoor area, the recommendations of the City Health Department, and any other health and safety issues the authority deems appropriate.
- D.** The seating contained in an outdoor dining area shall not be counted in determining any parking space requirement for a retail food establishment. Additional parking may be required if seating in excess of the maximum above (C) is permitted.
- E.** The outdoor dining area must be directly accessible to the interior eating area. Areas that must be accessed via property not controlled by the applicant or property owner are not considered directly accessible.
- F.** All outdoor dining areas shall provide adequate aisle area for the unimpeded passage of handicapped individuals.
- G.** A six foot (6') fence and a minimum five foot (5') width evergreen buffer shall be provided if the outdoor dining area is adjacent to a residential zone or property.
- H.** All service areas shall be inside the enclosed restaurant area. No food or dining shall be prepared in the outdoor dining area. Food and drink served in outdoor dining areas shall be the same as that served in the restaurant.
- I.** All outdoor dining areas shall allow at least six feet (6') of unobstructed access to building entrances and exits.
- J.** No outdoor dining area shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
- K.** All outdoor dining areas shall utilize decorative brick pavers throughout the surface area of the designated seating area.
- L.** The applicant shall submit a litter control plan which shall include, but not be limited to, a depiction of the number and location of trash receptacles and the frequency with which the tables, surrounding area and adjacent public and private properties will be policed for litter. The applicant is responsible for keeping the area and the adjacent public and private areas free and clear of any debris or litter. Areas must be cleaned as needed and at the time the business is closed for the evening. Failure to abide by an established litter control plan shall constitute a violation of any site plan approval, and shall subject the applicant to a fine in an amount not less than \$100.00 per violation.
- M.** The hours of the outdoor dining area shall be the same as the hours of the retail food establishment.
- N.** The applicant shall not direct or permit to be directed to or from the outdoor dining area any bell, siren, whistle, loudspeaker public address system, radio or similar device.
- O.** Nothing herein shall be construed to authorize outdoor dining areas for uses prohibited by the landowner or by this ordinance or other rule or regulation. Nothing herein shall be construed to vary, alter, or amend any rule or regulation relating to the sale and consumption of alcoholic beverages. Alcoholic beverages may be served in outdoor dining areas operated by restaurants having a valid Alcoholic Beverage Control retail consumption license, but only in the licensed area and in accordance with the terms of the license.

- P.** Permits for outdoor cafes shall be valid for one year from the date of issuance of the permit. Applicants receiving site plan approval for an outdoor dining area shall obtain a permit each year they wish to continue the area from the City Health Department provided that the operations have not changed and the applicant is in compliance with Health Department standards.

§17:9-41. OUTDOOR DINING: SIDEWALK CAFÉ AREAS

It is the intent of this section to permit sidewalk cafe areas accessory to restaurant uses subject to site plan approval by the appropriate approving authority.

- A.** The area utilized for sidewalk café areas must be accessory in nature to a fully enclosed eating establishment.
- B.** Applicants proposing to establish Sidewalk Cafe Areas shall submit to the approving authority a layout of the proposed seating areas, which shall include, but not be limited to a depiction of the maximum size of the area, the maximum number and general layout of seats and tables, all aisles and routes of ingress and egress, clearances between tables and chairs and between the seating area and the street curb, the location of all food preparation and serving areas, an illustration, rendering and/or photograph of all proposed furniture, umbrellas, awnings and signage and any other site detail the authority deems necessary in order to reach a decision for site plan approval. Tables and chairs shall be placed and maintained in an orderly fashion and shall not create a hazard. No picnic style tables are permitted.
- C.** No more than 10-25% of total on-site restaurant seating shall be provided outdoors. The actual maximum number of outdoor seats shall be decided by the approving authority during the site plan review process. This number shall be based on the total number of seats, the size of the property, the amount of onsite/available parking, the size of the outdoor area, the recommendations of the City Health Department, and any other health and safety issues the authority deems appropriate.
- D.** The seating contained in a sidewalk café area shall not be counted in determining any parking space requirement for a retail food establishment. Additional parking may be required if seating in excess of the above (C) maximum is permitted.
- E.** The sidewalk café area must be directly accessible to the interior eating area. Areas that must be accessed via property not controlled by the applicant or property owner are not considered directly accessible.
- F.** The sidewalk café area may only be located in front of the building in which the restaurant operates.
- G.** The sidewalk café shall not interfere with pedestrian traffic. All sidewalk café areas must allow a minimum of five feet (5') between tables and chairs and the curb in order to allow unobstructed public passage including adequate aisle area for the unimpeded passage of handicapped individuals through the area.
- H.** All service areas shall be inside the enclosed restaurant area. No food or dining shall be prepared in the sidewalk café area. Food and drink served in sidewalk cafe areas shall be the same as that served in the restaurant.
- I.** All sidewalk café areas shall allow at least five feet (5') of unobstructed access to building entrances and exits.
- J.** No sidewalk café area shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.

- K.** The applicant shall submit a litter control plan which shall include, but not be limited to, a depiction of the number and location of trash receptacles and the frequency with which the tables, surrounding area and adjacent public and private properties will be policed for litter. The applicant is responsible for keeping the area and the adjacent public and private areas free and clear of any debris or litter. Areas must be cleaned as needed and at the time the business is closed for the evening. Failure to abide by an established litter control plan shall constitute a violation of any site plan approval, and shall subject the applicant to a fine in an amount not less than \$100.00 per violation.
- L.** The hours of the sidewalk café area shall be the same as the hours of the retail food establishment.
- M.** No tables, chairs, or other equipment shall be attached, chained, or in any manner affixed to any tree, post, sign, curb or sidewalk or City property.
- N.** All Tables and chairs shall be removed when the establishment is closed.
- O.** The applicant shall not direct or permit to be directed to or from the outdoor dining area any bell, siren, whistle, loudspeaker public address system, radio or similar device.
- P.** Nothing herein shall be construed to authorize sidewalk café areas for uses prohibited by the landowner or by this ordinance or other rule or regulation.
- Q.** Nothing herein shall be construed to vary, alter, or amend any rule or regulation relating to the sale and consumption of alcoholic beverages. Alcoholic beverages may be served in sidewalk café areas operated by restaurants having a valid Alcoholic Beverage Control retail consumption license, but only in the licensed area and in accordance with the terms of the license.
- R.** Permits for sidewalk cafes shall be valid for one year from the date of issuance of the permit. Applicants receiving site plan approval for a sidewalk café area shall obtain a permit each year they wish to continue the area from the City Health Department provided that the operations have not changed and the applicant is in compliance with Health Department standards.
- S.** Insurance – No permit required by this ordinance for a sidewalk café area shall be issued until the applicant shall have first filed with the approving authority a comprehensive general liability policy issued to the applicant by a public liability insurance company authorized to do business in the State of New Jersey in the amounts specified. Such insurance shall name the City of Plainfield as additional insured with respect to the operation and maintenance of the sidewalk café area in the amounts specified by Corporation Counsel. The insurance coverage required by this section shall at all times be maintained for the full amount, and shall contain a clause obligating the company issuing same to give not less than thirty days written notice to the City Clerk before cancellation or amendments of any of the terms thereof. The cancellation of any such policy shall have the immediate affect of suspending the permit to operate the sidewalk café until a new policy complying with the provisions of this section is filed with the approving authority and a new permit is issued by the Health Department.
- T.** Indemnification - No permit shall be issued until a statement is filed with the approving authority agreeing to indemnify and hold harmless the City of Plainfield from any and all claims, damages, judgment costs or expenses including attorney fees, be incurred or required to pay because of any personal injury, damages suffered by any person or persons as a result of or related in any operation and maintenance of the sidewalk café for which the permit is issued.

U. Revocation or Suspension of Permit - Any permit issued hereunder is issued a revocable permit, and is subject to revocation or suspension by the Zoning Officer or Health Department for failure to comply with this ordinance or for violation of any other applicable federal, state, county or municipal law, regulation or ordinance. It shall be unlawful for any person to operate a sidewalk café after the suspension or termination of the applicable permit.

§17:9-42. OUTDOOR STORAGE

The purpose of this section is to limit outdoor storage in all zones so such storage will not detract from a neighborhood's or the City's appearance or property values. Outdoor storage as described in this ordinance is regulated as follows:

A. All outdoor storage is subject to the requirements of the City Property Maintenance Code in addition to this ordinance.

B. Outdoor storage in residential zones is subject to the following:

1. Outdoor storage of any kind or nature except that which is customarily used in conjunction with, and accessory to residential occupancy, is prohibited in all residential zones. Outdoor storage is not permitted in required front yard setbacks. Storage for commercial uses is not permitted in residential zones.
2. Parking a motor vehicle other than private passenger or recreational vehicle in the same space or on the same lot for a continuous period of time equal to or greater than twenty four (24) hours shall be construed as storage, and is no longer considered parking.
3. Tractor-trailers, their cabs, and full-length school buses are prohibited from being parked or stored in residential zones. Van-type buses and commercial vehicles may be parked, but not stored, in residential zones.
4. No motor home, camping trailer, boat or recreational vehicle, shall be stored in residential zones unless it is stored in a side or rear yard or in a garage. One (1) such unregistered motor vehicle or inoperable vehicle may be located on a residential property in a garage.
5. All outdoor storage, except firewood storage on single and two family residential lots, is to be screened by fencing and/or landscape material that will reach a height sufficient to screen all such storage from adjacent residences and public right of ways. No outdoor storage, other than vehicular, shall be higher than six (6) feet.
6. The amount of outdoor storage that can be located on any lot in any residential zone is to occupy no greater land area than fifty (50) square feet.

C. Outdoor storage in non-residential zones is subject to the following:

1. All outdoor storage must be customary and incidental to the principal use of the property. No storage can be accessory to a use on another lot, and outdoor storage cannot be the principal use on the property.
2. Outdoor storage shall only be permitted in the side and rear yards. All outdoor storage is to be screened by fencing of at least six (6) feet in height, and/or landscape material that will reach and be maintained at a height sufficient to screen such storage from the ground level of adjacent properties and public right of ways. No storage, other than vehicular as outlined below, is to be higher than six (6) feet.

3. Tractor trailers, buses, automobiles, and other vehicles parked on a premises overnight shall be construed as outdoor storage, and not parking, and shall conform to the provisions of this ordinance. Only such vehicles that are licensed, registered, and road worthy and are stored in rows in accordance with the above paragraph shall be considered permitted outdoor storage. No trailers, containers or the like shall be utilized for storage purposes.
4. Outdoor storage of hazardous, toxic or explosive materials is prohibited unless required to be located outside by applicable state and local fire and/or building regulations and are located in accordance with those regulations. The City of Plainfield Health, Fire and Police Departments are to be advised in writing of any such storage. All such storage is to be in accordance with local, state, and federal regulations and performance standards.

§17:9-43. PARKING, DRIVEWAYS AND LOADING

- A. No non-residential driveway shall be located within ten (10) feet of an existing adjacent residential property nor within five (5) feet of any other property line, unless otherwise regulated in this chapter. No residential driveway shall be located closer than two (2) feet from a property line.
- B. No driveway shall be permitted to serve any use other than the permitted use on the lot upon which the driveway is located.
- C. No building shall be oriented toward a parking lot. All buildings shall be located to allow for adequate fire and emergency access.
- D. The minimum setbacks for buildings from driveways and parking areas within the site shall be five feet (5'). This does not apply for one and two family dwellings.
- E. A parking lot shall be located to the rear of a building and/or the interior of the site where its visual impact to adjacent properties and the public right of way can be minimized. Parking lots shall be prohibited in any required side yard setback area or front yard area.
- F. The total number of off-street parking spaces and loading spaces required for all uses or combination of uses shall be provided as specified in this section. Any building or site containing more than one use shall meet the combined parking space and loading requirements for all uses, based on the area utilized for each separate use. The parking space schedule and loading space schedule in this section represents general parking and loading requirements acceptable to the City. Since a specific use may generate parking usage and/or loading/unloading activities that deviates from the requirements enumerated in this section, documentation and testimony shall be presented to the Board as to the anticipated parking usage and loading activities. The parking requirements for any use not specifically indicated shall be determined by the Board based on evidence presented at the time of the application and based on requirements for similar type uses.
- G. Driveways for one-car garages shall be a minimum of ten feet (10') wide. Driveways for two-car garages shall be a maximum of twenty feet (20') wide.
- H. Curb cuts for ten foot (10') wide driveways shall be a maximum of fourteen feet (14') wide. Curb cuts for twenty foot (20') wide driveways shall be a maximum of twenty six feet (26') wide.

- I.** All driveways and parking areas shall be constructed of a durable and dustless surface material except that driveways for one and two family residential dwellings may be decorative stone- not road / quarry stone.
- J.** In all zone districts, except the Central Business District (CBD) and the North Avenue Historic District (NAHD) Zones, there shall be provided, at the time that any building or structure is erected, enlarged, increased in capacity or has a change of use, parking spaces in accordance with the requirements of the following schedule:

TABLE OF PARKING REGULATIONS

Use		Off-Street Parking Requirements
Residential	Single-family	See RSIS Standards
	Two-family	
	Townhouse	
	Apartment	
Art studio / art gallery		1 space per 300 square feet of gross floor area
Assisted living facility		1 space per 2.5 rooms
Automobile service station		1 space per two pumps or 4 spaces, whichever is greater.
Automotive body shop		2 spaces per bay and work area
Automotive dealership		2.5 spaces per 1,000 square feet per gross floor area of interior sales space + 3 spaces per service bay
Bank		1 space per 300 square feet of gross floor area
Banquet hall		1 space per 3 persons based upon the maximum number of persons that can be accommodated at the same time in accordance with the design capacity of the structure under BOCA Regulations + 1 space for every two employees on the maximum shift
Bed & breakfast homestay		1 space per guest room + 2 spaces per dwelling unit
Bed & breakfast guesthouse		1 space per guest room + 1 space per employee + 2 spaces per dwelling unit
Car wash		1 space per employee + 5 spaces per washing lane
Childcare facility		1 space per employee but no less than 5 spaces
Community center		4 spaces per 1,000 square feet of gross floor area
Community residence for the developmentally disabled		1 space per employee
Family day care		1 space per employee
Funeral home		1 space per 200 square feet of gross floor area
Health club		1 space per 75 square feet of gross floor area
Home Occupation		1 space per employee + applicable RSIS requirements based on dwelling

Use	Off-Street Parking Requirements
	unit type
Hospital	2 spaces per bed
Hotel	1 space per guest room + 1 space per 2 employees + 1 space per 150 square feet of banquet and conference space
House of worship	1 space per 4 seats; every two and a half (2 ½ ‘) feet (30”) of a pew measured horizontally shall be considered a seat.
Laundromat	1 space per 2 washer and dryer machines
Manufacturing and assembly	1 space per 1,000 square feet of gross floor area
Medical office	1 space per 175 square feet of gross floor area
Nightclub	1 space per 3 persons based upon the maximum number of persons that can be accommodated at the same time in accordance with the design capacity of the structure under BOCA Regulations
Nursery & landscaping facility	no less than 3 spaces plus 1 space per 300 square feet of interior retail
Nursing Home	1 space per 3 resident rooms
Office	1 space per 400 square feet of gross floor area
Personal service	1 space per 300 square feet of gross floor area
Repair shop	1 space per 300 square feet of gross floor area plus 3 per work bay
Research	1 space per 1,000 square feet of gross floor area
Restaurant	1 space per 3 seats
Retail sales and service	1 space per 300 square feet of gross floor area
Senior / Age Restricted Housing	1 space for every three residential dwelling units
Tavern	1 space per 2 seats
Theater	1 space per 3 seats
Veterinary hospital	1 space per 300 square feet of gross floor area
Warehouse & distribution facility	1 space per 2,000 square feet of gross floor area

- K.** For uses not specifically described herein, parking requirements shall be determined by the approving authority during a public hearing. These requirements are considered minimum standards, and parking may be provided in excess of these requirements, but in no case shall the provided parking for non-residential uses exceed these minimum requirements by more than ten (10) percent. This restriction shall not apply to single- and two-family dwelling units.
- L.** All permitted and required accessory off street parking spaces shall be located on the same lot as the use to which the spaces are accessory, or upon an adjacent lot in common ownership.
- M.** All loading areas shall be located on the same lot as the use being served. No loading area shall be located in a front yard. There shall be no loading in a yard abutting, or in a public right of way. No loading space shall be located within forty (40) feet of an intersection of any two public right of ways. The off-street loading space shall be located on the property so as to permit any vehicle to be parked in the loading space with no portion of the vehicle extending

into the public street.

- N. No commercial parking garage or area for twenty-five (25) or more vehicles shall have an entrance or exit for vehicles within 1,000 feet along the same side of a street upon which is located a school, public playground, house of worship, hospital, public library or institution for dependents or children, except where such property is in another block or on another street on which the zone line does not abut. Such access shall not be closer to the intersections of any two (2) streets than fifty (50) feet. No access drive or driveway shall be located in any residential district to provide access to uses other than those permitted in such residential zone. No driveway shall serve any use other than the permitted use on the lot upon which the driveway is located.
- O. In all districts, for every building, or part thereof, which is to be utilized for a childcare facility there shall be provided one off-street loading area (pick-up/drop-off) which shall have a minimum dimension of ten feet (10') by twenty-five feet (25').
- P. In all zone districts and for all uses except single-and two-family dwellings, parking lots or individual spaces shall be prohibited within front yard areas. The front yard parking permitted accessory to one and two family dwellings is only those spaces directly in front of usable garages in accordance with the Residential Site Improvement Standards. No other front yard parking is permitted.
- Q. Parking spaces are to be a minimum of nine feet (9') by eighteen feet (18').

§17:9-44. PARKING LOT LANDSCAPING

The interior area of all parking lots shall be landscaped to provide visual relief from the undesirable and monotonous appearance of extensive parking areas, and to provide shading that will reduce solar heat gain to both the surface of the parking lot and vehicles parked thereon. Such landscaped areas shall be provided in protected planting islands or peninsulas within the perimeter of the parking lot and shall be placed so as not to obstruct the vision of motorists. The area and types of plantings shall be provided based on the number of parking spaces in the lot, as follows:

- A. For parking lots with ten (10) spaces or less, no such interior landscaping shall be required if the Board determines there is adequate landscaping directly surrounding the perimeter of the parking lot. If the Board finds that such landscaping is inadequate, then the requirements of Section B(2) below shall apply.
- B. For parking lots with eleven (11) or more spaces, a minimum of five percent (5%) of the interior area of the parking lot shall be provided with planting islands containing a minimum of one deciduous tree planted for every five (5) parking spaces abutting such island. Planting islands in parking lots shall also conform to the following requirements:
 - 1. The minimum width of planting islands shall be five (5) feet on the side of parking spaces ten (10) feet between parking bays. If sidewalks are incorporated through either the long sides of the landscape islands between parking bays or through the landscape islands on the sides of parking spaces, their width shall be added to these requirements.
 - 2. No more than eight (8) parking spaces shall be placed in one row of parking without an intervening landscape island.
 - 3. Where the parking lot design will result in pedestrians cutting perpendicularly through landscape islands, sidewalks shall be installed at regular intervals across the islands.

4. The remainder of any such interior planting areas not containing trees shall be planted with low-growing evergreen shrubs.
5. Parking lot lighting may be sited within landscape islands, however, without hindering necessary lighting coverage.

§17:9-45. PORCHES AND DECKS

Porches and decks shall be permitted on all residential lots as accessory structures. Adequate surveys, plans and details are to be submitted to the Zoning Officer, in accordance with Article I, in order for a determination to be made as to the proposed porch and/or deck zoning conformance. Porches and decks shall require an approved development permit prior to construction, and shall be subject to the following provisions:

- A. Porches. For one and two family dwellings, porches shall not be located in the required side yard setback area but may be located in the required front or rear yard setback area, provided they do not extend more than eight feet into the required front yard setback area. Porches shall not be closer than seventeen feet (17') to the front property line and twenty-two feet (22) to the rear property line. The porch shall be considered a permitted encroachment into the required front or rear yard setback of the principal building. The required setbacks shall continue to be measured to the foundation of the principal structure.
- B. Decks. For one and two family dwellings, decks shall not be located in the required front yard but may be located in the required side or rear yard, provided they do not extend more than fifteen feet into the rear yard setback area or closer than six feet to the side lot line. Decks are not permitted above the first story level of any structure.
- C. Steps. Steps for porches and decks shall not be located closer than six feet from the property line.
- D. Enclosures. Porches and decks shall not be heated or air conditioned and at least fifty percent (50%) of the exterior wall area shall be open and non-glazed.
- E. For townhouses, apartments and nonresidential uses, decks and porches may not extend into any required yard setback area.
- F. Upper story structures are not permitted over decks / porches if those decks / porches encroach into required yards.
- G. No use is permitted above a porch.

§17:9-46. PROJECTIONS

The following shall be permitted when located in a required yard and/or setback area:

- A. Fire escapes, provided they do not project more than four (4) feet into a required yard and they are no closer than two (2) feet to a property line; fire escapes are not permitted in a front yard.
- B. Weather protecting and energy efficiency enhancing front door enclosures that project no more than five feet into a required front setback area, and are no larger than forty (40) square feet in total area, provided the principal structure complies with the required front yard setback;
- C. Ground story bay windows, provided they project no more than two (2) feet into the required yard;
- D. Cornices, eaves, gutters, bay windows and chimneys, provided they do not project more than eighteen (18) inches

from an exterior building wall into any required yard setback, and provided they remain at least two (2) feet from all yard lines;

- E. Entrance platforms and steps leading to a basement or first floor, provided they do not project more than four (4) feet into a required side or rear yard setback.

§17:9-47. PROHIBITED USES

Any use which is noxious, offensive or objectionable by reason of the emission of smoke, dust, gas, odor or other form of air pollution or by the reason of the deposit, discharge or dispersal of liquid or solid wastes in any form, in a manner or amount so as to cause permanent damage to the sod and stream, or to affect adversely the surrounding area, or by reason of the creation of noise, vibration, electromagnetic or other disturbance, or by reason of illumination by artificial light or light reflection beyond the limits of the lot on, or from which, such light or light reflection emanates, or which involves any dangerous fire, explosive, radioactive or other hazard, or which causes injury, annoyance or disturbance to any of the surrounding properties or to their owners and occupants, and any other process or use which is unwholesome and noisome and may be dangerous or prejudicial to health, safety, or general welfare, is prohibited in all zones. Any use not expressly permitted in this ordinance is prohibited, rooming or boarding houses are not permitted uses in the City of Plainfield.

§17:9-48. RECREATION/SWIMMING POOLS, TENNIS COURTS AND RACQUETBALL COURTS

Swimming pools, tennis courts and racquetball courts shall be permitted on all lots used as single and two family dwellings in residential districts and on any tract developed for apartments or townhouses. Adequate surveys, plans and details are to be submitted to the Zoning Officer in order for a determination to be made as to the proposed fence zoning conformance. Swimming pools, tennis courts and racquetball courts are considered accessory structures, and shall require an approved development permit prior to construction, and shall be subject to the following provisions:

Location. Swimming pools, tennis courts or racquetball courts shall be permitted in a rear or side yard area.

Coverage. The surface area of a swimming pool, tennis court or racquetball court shall be considered impervious, unless such court consists primarily of grass or pervious surface, and shall be subject to the applicable bulk requirements set forth in this ordinance. Any area paved with concrete, asphalt, brick or other solid surface which functions as a walkway to or completely surrounds a swimming pool, tennis court or racquetball court shall also be considered impervious.

Setbacks. No part of the surface area of a swimming pool, tennis court or racquetball court, including structures attached thereto, or any pool filtering equipment whether or not such is attached, shall be closer than ten (10) feet to any side or rear lot line. Any impervious area which functions as a walkway to or which abuts completely surrounds a swimming pool, tennis court or racquetball court shall be setback a minimum of three (3) feet from any lot line.

Fencing. The entire swimming pool, tennis court or racquetball court shall be fenced. Said fence shall be a minimum of six (6) feet in height for swimming pools and shall be a minimum of eight (8) feet in height to a maximum of twelve (12) feet in height for tennis courts and racquetball courts and shall be of such design that it securely controls access to such area. Where such is located on a corner lot and the fence on the side facing the street is non-solid, that portion of the fence shall be adequately screened with evergreen shrubs not less than four (4) feet in height.

Swimming Pool Drainage. No swimming pool shall drain into a public sanitary sewer or be located in such a manner that water from the pool or filtering equipment drains onto another property.

§17:9-49. RESIDENTIAL DWELLING UNITS

The following regulations shall apply to residential development:

A. Dwelling unit size. Minimum dwelling unit floor areas based on dwelling unit type shall be as follows:

1. Apartments

Dwelling Unit Type	Minimum Floor Area (square feet)
Studio/Efficiency Apartment	500 S.F.
One (1) Bedroom Apartments	750 S.F.
Two (2) Bedroom Apartments	900 S.F.
Three (3) or More Bedroom Apartments	1,000 S.F. + 150 S.F. per additional bedroom

2. Single Family Dwelling Units

Zone	Minimum Floor Area (square feet)
R-1	2,500 S.F.
R-2	1,700 S.F.
R-3	1,300 S.F.
R-4	750 S.F.
R-5	750 S.F.
R-6	1,500 S.F.
R-7	1,100 S.F.
R-CA	1,700 S.F.
R-HA	2,500 S.F.
R-VWB	2,500 S.F. (R-1 Zone); 1,700 S.F. (R-2 Zone)

B. Elevation. No dwelling unit shall be located below grade, whether fully or partially.

C. Number of dwelling units per building. For all townhouse developments, any building shall contain a maximum of six (6) dwelling units. A minimum of four (4) townhouse units must face a public street.

D. Single- and two-family development standards. The following look-a-like provisions/elevation standards shall be used to prepare and review any sub-division for a new single- and/or two-family residential development. The purpose of this section is to encourage construction in character with the existing residential neighborhood and to encourage construction that is diverse and aesthetically pleasing.

1. No dwelling unit shall hereafter be constructed in any residential zone which shall be like or substantially

like any neighboring dwelling as hereinafter defined, in more than two of the following six respects:

- a. height of the main roof ridge above the elevation of the first floor;
- b. length of the main roof ridge;
- c. width between outside walls at the ends of the dwelling under the main roof perpendicular to the length thereof;
- d. relative location with respect to each other of garage, if attached, porch, if any, and the remainder of the dwelling in the front elevation;
- e. relative location of windows in the front elevation;
- f. the materials used in the front elevation.

For sub-paragraphs (a), (b), (c) and (d) above, dwellings shall be deemed to be like each other in any dimension in which the difference between them is not more than six (6) feet.

For sub-paragraph (e) above, dwellings shall be deemed to be like each other in any dimension in which the difference between them is not more than three (3) feet.

For sub-paragraph (f) above, dwellings shall be deemed to be like each other if the difference between materials used is not more than thirty-five percent (35%) of the facade area.

Dwellings between which the only difference in relative location of elements is end-to-end or side-to-side reversal of elements shall be deemed to be like each other in relative location of such elements.

2. For the purposes of this section, a neighboring dwelling, as stated above is defined as any principal dwelling on any lot which is located as follows in relation to the subject lot:
 - a. Any lot which is within one-hundred (100) feet, or three (3) lots, whichever is greater, and along the same side of the street as the subject lot, without regard to intervening street lines.
 - b. Any lot, which is directly across said street from the subject lot or from a lot referenced in the above paragraph.
3. The main entrance into all single-family detached residential dwellings and the first floor of all two-family dwellings shall be located within the front elevation of all residential structures. Side yard main entrances are prohibited. Main entrances of structures on corner lots may be from either elevation facing the street. No utility meters or other utilitarian improvements that detract from the appearance of the front elevation shall be located on the front elevation of a residential structure.

§17:9-50. SATELLITE DISHES AND ANTENNAE

It is the purpose of this section to allow satellite dishes and antennae in accordance with Federal Communications Commission (FCC) regulations, but only in locations that will not detract from neighborhood or community appearance or value and provided they are structures accessory to a principal use. Satellite dishes and antennae shall be permitted in any district and require an approved development permit prior to construction. Satellite dishes and antennae are subject to the following regulations:

- A. Satellite dishes and antennae may be located on roofs, but cannot exceed the height limitations in any zone. Satellite dishes in residential zones shall be no larger than three (3) feet in diameter, and satellite dishes in non-residential zones shall be no larger than six (6) feet in diameter.
- B. All satellite dishes and antennae must comply with FCC regulations, and installers or property owners must provide such proof to the Zoning Officer.
- C. Satellite dishes and antennae shall not be located in a front yard nor be visible from the public right of way. They can be located in side and rear yards in compliance with applicable principal building setback requirements. The yard setback refers to the outside dimension of the structure, not the central location.
- D. All satellite dishes and antennae shall be wire mesh and/or painted in earth tone colors in order to reduce their visibility. All satellite dishes and antennae shall be located and screened by fencing or landscaping sufficient to screen them from view to the maximum extent possible that would not impair reception.
- E. No more than one (1) satellite dish/antenna shall be installed on a lot in the residential zones, and no more than two (2) shall be installed on lots in non-residential zones.

§17:9-51. SEXUALLY ORIENTED BUSINESSES

- A. No person shall operate a sexually oriented business within 1,000 feet of any existing sexually oriented business, or any church, synagogue, temple or other place of public worship, or any elementary or secondary school or any school bus stop, or any municipal or county playground or place of public resort and recreation, or any hospital or any child care center, or within 1,000 feet of any area zoned for residential use. This subsection shall not apply to a sexually oriented business already lawfully operating on the effective date of this act where another sexually oriented business, an elementary or secondary school or school bus stop, or any municipal or county playground or place of public resort and recreation, or any hospital or any child care center, is subsequently established within 1,000 feet, or a residential district or residential lot is subsequently established within 1,000 feet.
- B. Buffer Zone. Every sexually oriented business shall be surrounded by a perimeter buffer of at least 50 feet in width with plantings, fence, or other physical divider along the outside of the perimeter sufficient to impede the view of the interior of the premises in which the business is located. The municipality may, by ordinance, require the perimeter buffer to meet additional requirements or standards. This subsection shall not apply to a sexually oriented business already lawfully operating on the effective date of this act.
- C. No sexually oriented business shall display more than two exterior signs, consisting of one identification sign and one sign giving notice that the premises are off limits to minors. The identification sign shall be no more than 40-square feet in size.

§17:9-52. SIDEWALKS

All lots shall have private walkway access to a public sidewalk in the right of way.

§17:9-53. SIGNS

- A. Objectives of this section are:

1. To protect the public health, safety and welfare by restricting signs which impair the public's ability to receive information, violate privacy, or which increase the probability of accidents by distracting attention or obstructing vision;
2. To encourage signs that promote a desirable visual environment through creative yet orderly design arrangements;
3. To encourage signs that aid orientation, identify activities, describe local history and character or serve other educational purposes;
4. To encourage the replacement of nonconforming signs by conforming signs through the strict enforcement of the procedures and requirements of this article.

B. Permits are required for all signs.

1. An application shall be made to the Zoning Officer for the issuance of a development permit by any person wishing to erect, alter, modify, or expand any sign, except exempt signs as described in this article.
2. A construction permit and any other permits that may be required for the erection or modification of a sign may only be issued subsequent to the issuance of a development permit by the Zoning Officer.
3. If the Zoning Officer determines that the proposed sign does not conform to the requirements contained herein, the Officer shall instruct the applicant that Planning Board or Zoning Board of Adjustment approval of an application for development is required, and the Officer shall further advise the applicant which Board has jurisdiction.

C. On properties involved in an application for site plan review, all signs shall be approved by the Board as part of the site plan application prior to the issuance of permits for signs.

D. For the purposes of this section, the size of any sign shall be computed by determining the total area of any sign board, sign face or sign background at its largest horizontal and vertical dimensions, including framing, trim or molding. Where there is no framing, the sign area shall be deemed to be the area of the smallest rectangular figure that can encompass all of the figures and their supporting logos or elements, if any. For double-faced signs, only one (1) display face shall be measured in computing the total sign area where the sign faces are parallel, or where the interior angles formed by the faces are forty-five (45) degrees or less. Maximum permitted size does not include the supporting structure, as long as the supporting structure is not designed to convey a message. The supporting structure shall not in itself convey any type of message.

E. Illuminated signs may be floodlighted, spotlighted or back lighted from the rear with a diffused light source, unless such illumination is specifically prohibited elsewhere in this ordinance. All illumination shall be subject to the following.

1. All lighting sources shall be completely shielded from the view of vehicular traffic.
2. Such illumination shall not project light above the highest elevation of the front wall of the building for wall-mounted signs or more than five feet above ground level for freestanding signs.
3. Back lighted signs shall not have a white or light-colored background or signboard.

4. Where a sign is located on a lot adjacent to a lot used primarily for residential purposes, such shall not be illuminated in a manner that permits any light to shine or cause a nuisance to the adjacent residential use.
5. No illuminated sign located on a lot adjacent to or across the street from any residential district and visible from such residential district shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open for business during those hours.
6. No sign shall contain blinking, flashing, flickering, tracer or sequential lighting. All signs shall remain stationary and constant in intensity and color at all times.
7. All wiring for permanent illuminated signs shall be installed and maintained so that it is not within public view. The running of wiring or conduit along the exterior wall of a building to access a sign is specifically prohibited unless in the judgment of the Construction Official there is no practical way to run the conduit so that it is not within public view.
8. No illuminated sign shall be of such a color or located in such a manner as to be confused with, or to diminish or detract in any way from, the effectiveness of any traffic signal or similar official safety or warning device.

F. The content or advertising which may be displayed on signs shall be limited to the identification and location of the premises, identification of its owners or occupants and information concerning the activities conducted on the premises or the goods and services offered in connection therewith, unless specified otherwise herein.

1. Signs shall be constructed of durable materials, maintained in good condition and not allowed to become dilapidated. All signs, together with all supports, braces, anchors and other parts, shall be kept in continual repair, including cleaning, painting, replacing of defective parts and otherwise maintaining a presentable condition. Lack of proper maintenance shall be considered abandonment, and the sign shall be repaired, painted, cleaned or otherwise returned to a presentable condition or removed within 10 days upon notification by the Zoning Officer or Construction Code Official.
2. Notwithstanding the restrictions found elsewhere in this article concerning sign face shape and area, sign appurtenances shall be permitted only when designed as an integral part of the sign, constructed of similar materials, and graphically compatible in color, shape, position, and scale with the permitted sign face. Sign appurtenances cannot increase the proposed sign area by greater than fifteen (15%) percent. Sign appurtenances cannot extend above or below the sign face by a distance greater than twenty-five (25%) percent of the sign face height. Sign appurtenances cannot project outward beyond the face of the proposed sign.
3. The sign setback shall be measured from the property line to the nearest part of the sign, including any base, frame or decorative elements.
4. Sign height shall be measured between average grade immediately below the sign and the highest point of the highest element of the sign. Wall signs shall not project above the top or beyond the ends of the wall surface upon which they are placed, nor shall wall signs be placed on a parapet or similar architectural device such that the sign would project above the elevation of the roof behind such parapet or other device.

5. No wall sign may project more than nine (9) inches from the outer face of a wall and shall not extend over any public right of way, unless otherwise provided for in this article. Any desired wall sign which projects more than nine (9) inches from the outer wall face shall be considered a projecting sign and must conform to all applicable provisions for projecting signs set forth in this article. An awning shall not be construed in any way to be a wall sign.
6. If and when any sign is altered, except for purposes of minor and nonstructural maintenance and/or repairs, the sign shall thereafter conform to all requirements of this article.
7. Whenever any change of use, occupancy or vacancy occurs, all existing signs no longer relating to the current use and occupancy of the premises shall be immediately removed. In addition, any signs not conforming to any requirement of this section and removed in accordance to this requirement shall not be replaced unless it conforms to all requirements of this article.
8. Any lawfully nonconforming sign may be repaired or re-lettered containing the same specific message or letters. However, any change in the message or letters on the sign occasioned by a change of business, change of use, change of tenant, change of product or service offered, or for any other reason, must comply with the applicable provisions of this article.

G. Exempt signs. The following signs are permitted and are exempt from development permit requirements:

1. Non-illuminated real-estate signs for residential uses, provided they do not exceed ten (10) square feet in area and four (4) feet in height; No more than one such sign shall be erected on a property. Real estate signs for residential uses must pertain to the property on which it is located, and may not be placed within any sight triangle or public right of way. Such sign shall be removed immediately upon execution of a contract and/or closing for the lease or sale of the property.
2. Credit or charge card signs within window areas for commercial uses, or signs indicating membership in professional or trade organizations, provided such signs do not exceed one (1) square foot. Credit card signs may not be pole-mounted.
3. Signs not exceeding one (1) square foot attached to gasoline pumps, provided that their sole purpose is to communicate fuel prices;
4. Traffic, parking, directional, informational and street identification signs as approved by any City agency or any county, state or federal agency shall be permitted in any district or public right of way. Any other signs required by any provision of law shall be permitted in any district or public right of way.
5. Any political sign that is protected under the free speech provisions of the United States and New Jersey Constitutions shall be permitted in any Zoning District, provided that such is not located in a public right of way and is removed within two weeks after the date of the political event;
6. Temporary window advertising signs shall be prohibited in all districts, with the exception of permitted ground level retail and personal service business uses and eating and drinking establishments located in the CBD Central Business District, subject to the following conditions:
 - a. Such signs may be constructed of paper, cardboard or plastic, and any written, numerical, graphic

or photographic material or information shall constitute such a sign.

- b.** Such signs shall be contained solely within the ground level window of the subject business.
 - c.** Maximum total area of such signs shall not exceed 25% of the total area of ground level windows, excluding window portions of doors, fronting on a public street. For the purposes of this section, any window area covered with a permitted permanent window sign, pursuant to this article, shall be excluded from the calculation of the total area of all ground floor windows.
 - d.** Information on such signs shall be limited to advertisements for special promotions, temporary sales and other such similar nonpermanent sales promotions.
 - e.** Such signs shall be removed after a period of thirty (30) days and shall have the date of installation printed clearly in the lower right-hand corner of such, as viewed from the exterior.
 - f.** Such signs shall be maintained in an orderly manner at all times.
 - g.** This section shall not be interpreted in such a manner as to limit or prohibit any business from displaying merchandise in an interior window display area.
- 7.** Signs for residential uses, based on the type of residential structure pursuant to the following provisions.
- a.** Single and two-family dwellings and three- and four-family apartments shall be permitted one residential nameplate sign indicating the name and/or address of the occupants. The maximum size of such sign shall not exceed one (1) square foot in area and shall not contain advertising of any kind. In addition, one informational sign indicating the private nature of a driveway, no trespassing or other such similar private property usage shall be permitted, provided the maximum size of such sign shall not exceed one (1) square foot in area.
 - b.** Apartments, townhouses, and other multifamily residential uses shall be permitted the following:
 - (1)** One wall mounted residential directory nameplate sign indicating the name and/or address of the occupants, provided it does not exceed five (5) square feet in area. Such sign must be located at the building's main entrance and may consist of either changeable lettering or individual nameplates.
 - (2)** If the multifamily residential use cannot be accommodated by such directory sign, then individual exterior wall-mounted nameplate signs indicating the name and/or address of each dwelling unit shall be permitted. Said individual nameplate signs shall not exceed forty-eight (48) square inches in area and must be located at the main entrance of the respective dwelling unit. Nameplate signs may not be illuminated and shall not contain advertising of any kind.
 - (3)** Two wall signs per building identifying the name or number of the same, provided the maximum size of such sign shall not exceed two (2) square feet in area per sign. Such sign may be indirectly illuminated and shall not be back lighted. Or internally illuminated.
 - (4)** One non-illuminated wall sign indicating the location of the management office, provided

the maximum size of such sign shall not exceed one square foot in area.

H. Permitted signs. The following signs require a development permit and shall be permitted, pursuant to the following provisions based on the type of use and/or zoning district such use is located in.

- 1.** For R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-B, R-CA, R-HA, R-PW, R-NH, R-VWB, and CHD zones (all signs in historic districts and sites shall be governed by the Plainfield Design Guidelines for Historic Districts and Sites):
 - a.** Residential developments:
 - (1)** One (1) per road frontage;
 - (2)** A maximum sign area of fifteen (15) square feet;
 - (3)** A minimum setback from property line of ten (10) feet; maximum setback from property line of thirty (30) feet;
 - (4)** A maximum height of five (5) feet;
 - (5)** May be an indirectly illuminated sign.
 - b.** Child care centers:
 - (1)** Ground signs:
 - (a)** A minimum 10' setback from all property lines;
 - (b)** A twenty-five (25) square feet maximum area;
 - (c)** A maximum height of six (6) feet;
 - (d)** May be indirectly or internally illuminated;
 - (e)** May incorporate changeable lettering to display announcements related to on-site activities.
 - (2)** Wall signs:
 - (f)** A maximum one (1) per building;
 - (g)** A maximum sign area not to exceed twenty (20) square feet;
 - (h)** May be indirectly illuminated;
 - c.** Bed and breakfast guesthouses:
 - (1)** One (1) indirectly illuminated sign permitted, no larger than two (2) square feet.
 - (2)** Such sign may contain only the name and address of the facility, and must be at least five (5) feet from all property lines.
 - (3)** Sign may be either ground or pole mounted, with the maximum height not to exceed five (5) feet;
 - d.** Houses of worship and Schools:

- (1) Ground signs:
 - (a) A minimum 10' setback from all property lines;
 - (b) A twenty-five (25) square feet maximum area;
 - (c) A maximum height of six (6) feet;
 - (d) May be indirectly illuminated;
 - (e) May incorporate changeable lettering to display announcements related to on-site activities.
- (2) Wall signs:
 - (a) A maximum one (1) per building;
 - (b) A maximum sign area not to exceed twenty (20) square feet;
 - (c) May be indirectly illuminated;
- e. Assisted living and nursing home facilities:
 - (1) Ground sign:
 - (a) A minimum ten (10) foot setback from all property lines;
 - (b) A twenty-five (25) square feet maximum area;
 - (c) A maximum height of six (6) feet;
 - (d) May be indirectly illuminated;
 - (2) Wall signs:
 - (a) A maximum of one (1) per building;
 - (b) Maximum sign area not to exceed twenty (20) square feet;
 - (c) May be indirectly illuminated.
- f. Central Business District (CBD) and North Avenue Historic District (NAHD) Zones (all signs in historic districts and sites shall be governed by the Plainfield Design Guidelines for Historic Districts and Sites):
 - (1) One (1) wall sign is permitted for each ground floor business use maintaining street frontage and is regulated as follows:
 - (a) The sign shall be located on the wall at the main public entrance or centered along the street frontage such use occupies.
 - (b) The mounting height of the sign shall not exceed the height of the ground floor, or fourteen (14) feet, whichever is less.
 - (c) The horizontal dimension of the sign shall not exceed twenty (20) feet, or seventy-five percent (75%) of the width of the building frontage occupied by the

signboard shall not exceed eight (8) inches.

- (3) Such signs shall be located within four (4) feet of an entrance to the business they advertise and shall not be placed so as to interfere with pedestrian or vehicular traffic on a street, sidewalk, walkway or public right of way. An unobstructed pathway of at least four (4) feet in width must be maintained on a sidewalk at all times.
- (4) Such signs shall be constructed of wood, slate board and/or finished metal.
- (5) Information contained on such signs shall be limited to advertisements for special promotions, sales and other such similar non-permanent sales promotions.
- (6) Such signs shall be maintained in an orderly manner at all times.
- (7) In a building with multiple business occupants who share a common entrance, no more than two (2) such signs shall be permitted, which may be shared among the applicable businesses entitled to a portable special promotion sign under the provisions of this section.
- (8) Any business use that places or installs such sign, pursuant to this section, shall be required to conform to all other applicable provisions of this article, otherwise, such business shall be prohibited from displaying such sign.
- (9) Such signs shall not be illuminated.

h. General Commercial (GC) and Neighborhood Commercial (NC) Zones:

- (1) One (1) wall sign is permitted for each ground floor business use maintaining street frontage and is regulated as follows:
 - (a) The sign shall be located on the wall at the main public entrance or centered along the street frontage such use occupies.
 - (b) The mounting height of the sign shall not exceed the height of the ground floor, or twelve (12) feet, whichever is less.
 - (c) The horizontal dimension of the sign shall not exceed twenty (20) feet, or seventy-five percent (75%) of the width of the building frontage occupied by the use, whichever is less.
 - (d) The vertical dimension of the sign shall not exceed two and one-half (2-1/2) feet.
 - (e) Maximum permitted sign area is twenty-four (24) square feet.
 - (f) The sign may be internally lit, and may not be indirectly illuminated.
- (2) One (1) freestanding sign is permitted only if the depth of the yard in which the sign is located is at least twenty (20) feet. Such freestanding sign shall be regulated as follows:
 - (a) No more than one (1) such sign shall be permitted on any lot.
 - (b) The sign shall be located in the front yard.

- (c) The sign shall be located at least five (5) feet from any property line.
 - (d) The area of the sign shall not exceed sixteen (16) square feet.
 - (e) The mounting height of the sign shall not exceed eight (8) feet.
 - (f) Neither the horizontal or vertical dimension of the sign shall exceed six (6) feet.
 - (g) The maximum height of the sign shall not exceed fourteen (14) feet.
 - (h) The sign may be indirectly illuminated, or may be lit by an internal source.
- i.** Mixed Use (MU) Zone. Lawfully permitted non-residential uses located on the ground floor, or stand alone non-residential uses, shall be permitted one (1) wall sign for each ground floor business use maintaining street frontage and is regulated as follows:
- (1) The sign shall be located on the wall at the main public entrance or centered along the street frontage such use occupies.
 - (2) The mounting height of the sign shall not exceed the height of the ground floor, or ten (10) feet, whichever is less.
 - (3) The horizontal dimension of the sign shall not exceed twenty (20) feet, or fifty percent (50%) of the width of the building frontage occupied by the use, whichever is less.
 - (4) The vertical dimension of the sign shall not exceed two and one-half (2-1/2) feet.
 - (5) Maximum permitted sign area is twenty-four (24) square feet.
 - (6) The sign may be internally lit, and may not be indirectly illuminated.
- j.** Industrial (I) Zone:
- (1) One (1) wall-mounted sign may be located on a building face, provided it does not exceed 5% of the building face area to which it will be affixed, or thirty-two (32) square feet, whichever is less. Wall-mounted signs for industrial uses may not be illuminated.
 - (2) One (1) ground sign may be installed, provided the area does not exceed sixteen (16) square feet, and the height does not exceed six (6) feet. Ground signs may be indirectly illuminated or may be illuminated by an internal source.
- k.** Professional Office (PO) Zone:
- (1) In a single tenant structure, a professional office may provide one (1) internally illuminated wall mounted sign on a building face, provided it does not exceed 5% of the building face area to which it will be affixed, or twelve (12) square feet, whichever is less. For a multi-tenant structure, only one wall mounted sign shall be permitted, however the maximum size may be increased to a maximum of twenty (20) square feet, provided such wall sign does not exceed 5% of the building face to which it will be affixed.
 - (2) A maximum of one (1) freestanding or one (1) ground sign is permitted per property and

is regulated as follows:

- (a) The sign must be located five (5) feet from all property lines.
- (b) The sign must be located in a front yard.
- (c) The maximum permitted sign area shall be ten (10) square feet.
- (d) The horizontal or vertical dimension of the sign face shall not exceed six (6) feet and may be indirectly or internally illuminated.
- (e) The maximum permitted height for freestanding signs shall be eight (8) feet and the maximum permitted height for ground signs shall be four (4) feet.

I. Additional signage in non-residential zoning districts:

- (1) Ground floor business uses in non-residential zones may display signs on awnings, provided that the following standards are met:
 - (a) Awning signs shall only be permitted on first-story awnings.
 - (b) The dimensions of the awning shall be in conformance with applicable regulations set forth in Article XII of this ordinance.
 - (c) The sign shall only be located on a portion of the awning that is both parallel to the vertical orientation of the building wall to which it is attached and is parallel to the building line of the building wall to which it is attached. This portion is more commonly known as the “valance”.
 - (d) The horizontal dimension of the sign shall not exceed fifteen (15) feet, or sixty percent (60%) of the length of the awning occupied by the use, whichever is less.
 - (e) The maximum vertical dimension of the sign face shall not exceed eighteen (18) inches.
 - (f) A maximum of two (2) awning signs shall be permitted per awning.
 - (g) The maximum height of letters, individual numbers or other characters or images on the signboard shall not exceed one (1) foot.
 - (h) Maximum width of letters, individual numbers or other characters or images on the signboard shall not exceed one (1) foot.
 - (i) The awning shall be limited to total of two (2) colors including sign lettering.
- (2) Only retail or personal service business uses located below the third story of a building shall be permitted to display a window sign. Such sign may be painted on the inside of a window or may be visible from a public street or an approved parking area, provided that the following standards are complied with:
 - (a) No window sign shall be permitted in a window above the second-story of a building.

- (b) Maximum area of any and all such sign shall not exceed 10% of the total window area, not to exceed four (4) square feet in area per business use.
 - (c) One (1) sign per business per window shall be permitted, up to a maximum of two (2) signs per business on any wall.
 - (d) The sign shall be limited to the name and/or type of business and the street number.
 - (e) The sign(s) may be internally illuminated.
- (3) Additional wall-mounted signs:
- (a) Ground floor business uses having a side or rear facade fronting on a parking lot shall be permitted to have one additional sign on the facade of the building facing the parking lot, provided that such sign meets all of the standards of this article. In no instance shall such additional sign exceed twelve (12) square feet in area. This provision shall not apply in situations where a parking lot is located between a building and a public street.
 - (b) Ground floor business uses located on corner lots, therefore having a second facade fronting on a public street, shall be permitted to have one additional sign on the facade of the building facing the side street, provided that such sign meets all of the standards of this article.
- (4) Driveway entrance/exit signs and directional signs
- (a) One (1) entrance/exit sign may be located at each point of access from a public street. Said sign may not exceed three (3) square feet in area, three (3) feet in height, and must be set back at least five (5) feet from any property line. Such entrance/exit sign may be either indirectly or internally illuminated. No entrance/exit sign may be located within a sight triangle. Such entrance/exit sign may only contain a message which directs the flow of traffic, and should be designed to blend harmoniously with other on-site signage. Such signs must conform to the Manual of Uniform Traffic Control Devices (MUTCD) standards.
 - (b) Directional signs are to be located on-site when deemed necessary to ensure pedestrian and traffic safety. Such signs may not exceed two (2) square feet, three (3) feet in height, and may not be located within a required setback area. Such signs may be indirectly illuminated, and must conform to the Manual of Uniform Traffic Control Devices (MUTCD) standards.
- m.** Additional signs for buildings containing more than one (1) non-residential tenant. One (1) wall-mounted directory sign for each ground floor entrance to a building shall be permitted, whether such entrance fronts on a street or parking lot, the maximum size of which shall not exceed five (5) square feet in area. Such sign may identify all building occupant names and their addresses, however, any individual business shall not occupy greater than one square foot in area of such

sign. A wall-mounted directory sign may not be illuminated.

- I.** Permitted temporary signs. The following temporary signs require a development permit and are subject to the following regulations:
- 1.** Banners, pennants and bunting may be used for special promotional events, holidays and grand openings. Such banners, pennants and bunting may not be displayed more than two (2) times per calendar year, and may be in place for no more than two (2) months at a time. Banners, pennants and bunting may constitute an aggregate area not to exceed fifteen (15) square feet, must be attached flush to a wall, and may not be illuminated in any fashion.
 - 2.** Project signs may be permitted for new major residential and non-residential site pursuant to final approval from the approving authority. No more than one (1) project sign shall be permitted on any lot identifying builders, contractors, architects, engineers or others associated with the construction of any building situated on any such lot. Such signs shall be set back at least ten (10) feet from all property lines, and shall not exceed twenty (20) square feet in area or twelve (12) feet in height.
 - 3.** Freestanding or wall mounted real-estate signs of up to twenty (20) square feet for non-residential uses may be erected in non-residential zones for a period of ninety (90) days. A window sign of up to twelve (12) square feet may be used for the same purposes. Freestanding signs must be setback from all property lines at least ten (10) feet.
 - 4.** Contractor signs are permitted in all zone districts. Maximum sign area of fifteen (15) square feet; minimum setback of ten (10) feet from all property lines; may not be illuminated; may be permitted for the duration of the exterior improvement activity, and must be removed within two (2) weeks of completion of improvement.
- J.** Prohibited signs. The following signs shall be prohibited within the City of Plainfield, unless otherwise specified within this ordinance:
- 1.** Signs utilizing inert ionized gas sign lighting, commonly called neon, when the neon tube is visible, including window surrounds and similar inert gas illumination with or without a distinct message;
 - 2.** Signs in the public right of way unrelated to the public health, safety and welfare;
 - 3.** Signs which project more than nine (9) inches from a wall surface;
 - 4.** Any sign for advertising purposes that mimics or is substantially similar to a public purpose sign;
 - 5.** Signs with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsation;
 - 6.** Signs within designated sight triangles, and signs which directly obstruct driver's lines-of-sight;
 - 7.** Non-public banners that stretch across a public right of way between telephone poles, trees or other structure;
 - 8.** Roof signs;
 - 9.** Reader board signs;

10. Any sign that, in the opinion of the Zoning Officer, presents an immediate danger to the public health, safety or welfare;
11. Signs with visible moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement;
12. Signs that advertise or identify a use which has ceased operation;
13. Any illegal non-conforming sign, as defined herein;
14. The continuous parking or storage of a motor vehicle or other mobile unit displaying an advertising message.
15. Any flag not specifically identifying a local, state or federal government agency;
16. Signs containing obscene, pornographic or lewd messages;
17. Signs that obstruct a fire escape, door, window or other required access way;
18. Signs that are not accessory to a principal use on a property;
19. Signs for a commercial purpose painted on a wall;
20. Signs attached to or associated with a gas station canopy structure, and;
21. Any sign not expressly permitted by this ordinance is prohibited.

K. Enforcement. The Zoning Officer shall be responsible for the administration and enforcement of all sign regulations. The Zoning Officer may initiate enforcement procedures if any of the regulations contained herein are in violation. The Zoning Officer may call upon the Chief of Police and any duly authorized agents to assist in the enforcement of this title. If in the opinion of the Zoning Officer a particular sign presents an immediate danger to the public health, safety and welfare, appropriate action may be initiated to cause said sign to be immediately removed.

§17:9-54. STORAGE CONTAINERS/ TRAILERS.

Nothing in this section shall be construed to prohibit trailers hauling, loading or unloading merchandise in the course of their customary function. No trailer shall be used except as specified hereunder.

- A.** Trailers used for temporary residency by any occupant of a dwelling that is being reconstructed due to damage from fire, flood, other natural calamity or other cause shall be subject to the following provisions:
1. The trailer is placed only on the same lot which contains the dwelling that is being reconstructed.
 2. An approved development permit shall be obtained from the Zoning Officer prior to the placement of such temporary trailer on the site. The Zoning Officer, under the advisement of the Construction Code Official and Chief of the Fire Department shall be responsible for determining the most practical location for such trailer.
 3. The time period of occupancy of such trailer shall not exceed six (6) months, provided however, that the Zoning Officer may extend the time period of occupancy for an additional time period of occupancy for an additional time period of up to three (3) months due to exceptional circumstances that prevent the

reconstruction and reoccupancy of the damaged building within the initial six (6) month time period. However, in no instance shall such trailer be occupied for a time period to exceed nine (9) months, unless extended by the Zoning Board of Adjustment.

- B.** Trailers used for construction offices and for storage of materials and supplies on a job site may be used during the period of construction only. All material storage and construction office trailers must be removed if no site work or construction activity has occurred on-site for forty-five (45) days or more, or if construction activity has substantially slowed. Such trailers must be removed upon issuance of a certificate of occupancy of the new structure(s).
- C.** Trailers for temporary use including but not limited to storage trailers and modified mobile homes for office use and classroom space may be placed on a lot in a non-residential zone provided that:
- 1.** “Temporary use” means use prior to final occupancy of a permanent structure;
 - 2.** The temporary use is in conjunction with a principal building and a permitted use being undertaken, or approved to be undertaken on the lot;
 - 3.** Trailers are not be located between a principal structure and the front street line and all required setbacks and yards specified for the respective zone are observed;
 - 4.** On a corner lot, trailers shall not be located between a principal building and any adjacent street line and shall observe all required setbacks and yards specified for the respective zone;
 - 5.** Site plan approval for a permanent principal structure on the same lot is obtained prior to placement of a trailer;
 - 6.** Use of a trailer permitted under this section does not commence prior to site plan approval and does not exceed one year from the date of such site plan approval unless extended by approving authority;
 - 7.** The time period of occupancy of such trailer shall not exceed six (6) months, provided however, that the Zoning Officer may extend the time period of occupancy for an additional time period of occupancy for an additional time period of up to three (3) months due to exceptional circumstances within the initial six (6) month time period. However, in no instance shall such trailer be occupied for a time period to exceed nine (9) months, unless extended by Planning Board

§17:9-55. VENDING MACHINES AND TELEPHONE BOOTHS

Vending machines and telephone booths shall be permitted in all zones if contained entirely within a building, and may be located outdoors in all non-residential zones. Outdoor vending machines and telephone booths shall require an approved development permit prior to installation or construction, subject to the following provisions:

- A.** A maximum of two (2) vending machines and/or two (2) telephone booths shall be permitted outdoors on any lot devoted to a commercial use. Such shall be attached to or placed immediately adjacent to the principal building and shall not be located closer to any lot line than the required setbacks. Additionally, no outdoor telephone booth shall be located within one hundred (100) feet of any residence or residential structure.
- B.** The location of such shall not be so situated as to cause a traffic or safety hazard, as determined by the Chief of

Police.

§17:9-56. WIRELESS COMMUNICATION FACILITY (TELECOMMUNICATION FACILITY)

A wireless communication facility shall:

- A.** Be attached to or placed atop an existing structure or building, with a maximum height of ten (10) feet above the peak of the existing building;
- B.** Be located on the following prioritized locations:
 - 1.** On lands or structures owned by the City of Plainfield;
 - 2.** On lands or structures where there are existing wireless facilities, water tanks or other structures.
 - 3.** Other locations proven to be essential to provide required service to the community, provided that the location does not result in the facility being visually solitary or prominent when viewed from residential areas and the public right of way. .
- C.** Permit the location of telecommunications equipment in a detached building as an accessory use, provided the building complies with the following:
 - 1.** The building must be located at least twice its intended height from a property line. The maximum height for the accessory building shall be twelve (12) feet.
 - 2.** A six (6) foot high security fence shall surround the building, and adequate screening shall surround the building.
 - 3.** Vehicular access to the building shall not interfere with the parking or vehicular circulation on the site for the principal use.
 - 4.** All lighting must be building mounted, motion-sensitive, and focused downward to reduce glare on adjacent properties.
 - 5.** Building-mounted antennae may not project more than two (2) feet from the exterior wall of a building.
- D.** Demonstrate that they minimize visual impacts on the surrounding area and are buffered by vegetation, topographic features or structures to the maximum extent feasible.

§17:9-57. ACCESS TO USES

No driveway shall be permitted to serve any use other than the permitted use on the lot on which the driveway is located.

ARTICLE X – HISTORIC PRESERVATION CONTROLS

§17:10-1. PURPOSE

The purpose of this Ordinance is to promote the educational, cultural, economic and general welfare of the City through the preservation of historic buildings, structures, places and districts, to develop and maintain appropriate settings for such resources and to document and promote the public enjoyment of such resources which impart a distinct aspect of the City and which serve as visible reminders of the historical and cultural heritage of the City, the State and the Nation.

§17:10-2. PROCEDURES FOR DESIGNATION OF HISTORIC SITES AND DISTRICTS

- A.** Interested parties shall contact the administrative officer or the Historic Preservation Commission regarding consideration of a proposed historic site or district. The Commission may also initiate the designation of a historic site or district. The administrative officer will schedule a hearing before the Historic Preservation Commission to review the proposed historic site or district. The formal historic district nomination shall include: a building-by-building inventory of all properties within the district; black and white photographs of all properties within the district; a property map of the district showing boundaries; and a physical description and statement of significance which address the criteria for designation set forth herein. The formal historic site nomination shall include: a black and white photograph, a tax map of the property and a physical description and statement of significance which address the criteria for designation set forth herein.
- B.** Upon review and approval of the proposed site or historic district by the Historic Preservation Commission, the Commission shall forward the proposed site or district nomination to the Planning Board for consideration. In the case of a site nomination, the interested parties shall send notification of intent to designate the historic site to the owner of the proposed historic site; in the case of a district nomination, the interested parties shall send notification of intent to designate the historic district to all property owners within the proposed historic district. In the case of expansion of a historic district, notice is required only for the property owners in the area of the expansion. Notification shall be by certified mail at least thirty (30) days prior to the Planning Board hearing. The interested parties shall submit to the Planning Board a complete list of notified property owners. In the event that fifty-one percent (51%) of the property owners object in writing to the proposed district, it shall not be designated.
- C.** Upon review and approval of the proposed site or district by the Planning Board, the site or district nomination will be sent to the City Council for adoption to amend and supplement the City's Zoning Ordinance.
- D.** All other requirements of the Municipal Land Use Law regarding adoption of development regulations shall be followed.
- E.** Provisions of this section relating to designation of historic districts shall also apply to proposals to expand historic districts, except that notice shall be required only for expanded districts.

§17:10-3. CRITERIA FOR DESIGNATION OF HISTORIC SITES AND DISTRICTS

The Commission or any interested party may recommend designation of historic sites or districts that have integrity of location, design, setting, materials, workmanship and association and that meet one or more of the following criteria:

- A. Character, interest, or value as part of the development, heritage or cultural characteristics of the City, State or Nation;
- B. Association with events that have made a significant contribution to the broad patterns of our history; or
- C. Association with the lives of persons significant in our past; or
- D. Embodiment of the distinctive characteristics of a type, period, or method of construction, or that represent the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the City, State or Nation; or
- E. Unique location or singular physical characteristics that make a district or site an established or familiar visual feature; or that have yielded, or may be likely to yield, information important in prehistory or history.

§17:10-4. ACTIONS REQUIRING A CERTIFICATE OF APPROPRIATENESS

- A. A Certificate of Appropriateness issued by the Historic Preservation Commission shall be required before a permit is issued for any of the following, or, before work can commence on any of the following within a historic district or on a historic site:
 - 1. Demolition of any building, site, place or structure.
 - 2. Relocation of any building, site or structure.
 - 3. Change in the exterior appearance of any contributing building or structure by addition, reconstruction, alteration, maintenance or repair, if such change would be subject to view from a public street. Exterior change for all primary and accessory buildings visible from a public street shall include all matters which require a permit as defined in Article 1, Section 17:1-5 and also shall include but are not limited to additions and changes visible from a public street such as the removal, repair or replacement of windows, doors, shutters, balustrades, railings, columns, cornices, moldings, trim, stairs, steps, porches, walks, siding, gutters, signs, and solar panels.
 - 4. Any addition or new construction of a principal or accessory building or structure subject to public view.
 - 5. Changes to existing sidewalks within the public right of way and changes to existing walls, fences, signs, solar panels or parking lots or the construction of any new sidewalks, within the public right of way, or of any new fences, walls, signs, solar panels or parking lots, if subject to public view.
 - 6. The removal of living trees measuring 18 inches or more in diameter at breast height located within the public right of way.
- B. A Certificate of Appropriateness shall not be required before a permit is issued by the administrative officer for the following matters:
 - 1. Changes to the interior of structures.
 - 2. Changes not visible to the public.
 - 3. Exterior or interior painting of existing structures.

§17:10-5. REFERRAL OF PERMITS

All permits or actions requiring a Certificate of Appropriateness for historic sites or property in historic districts shall be referred to the Historic Preservation Commission for a written report on the application of the zoning ordinance provisions concerning historic preservation to any of those aspects of the change proposed which aspects were not determined by approval of an application for development by a municipal agency. The Historic Preservation Commission shall submit its report to the administrative officer within 45 days of the referral of the application to the Historic Preservation Commission. If within the 45-day period the Historic Preservation Commission recommends to the administrative officer against the issuance of a permit or recommends conditions to the permit to be issued, the administrative officer shall deny issuance of the permit or include the conditions in the permit, as the case may be. Failure to report within the 45-day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit.

§17:10-6. APPLICATION PROCEDURES

Applications for Certificates of Appropriateness and for other actions of the Board shall be made on forms available therefore in the office of the administrative officer, the office of the City Clerk or directly from the Commission. Completed applications shall be delivered or mailed to the Commission, City Hall.

Persons interested in obtaining Commission approval of proposed work covered by the Provisions of this Ordinance are encouraged to apply directly to the Commission for review and approval. At the request of any such person, the Commission shall schedule a hearing. Filing deadlines, forms and other application procedures shall be specified in the Rules of Procedure of the Historic Preservation Commission.

Each application must be accompanied by sketches, drawings, photographs, descriptions or other information sufficient to show the proposed alterations, additions, changes or new construction. The Commission may require the subsequent submission of such additional materials as it reasonably requires to make an informed decision.

§17:10-7. ACTION ON APPLICATIONS

- A. The applicant shall give at least ten days notice of the time, date, place, and subject of the meeting in writing to each property owner within 200 feet of subject property.
- B. The Commission shall reach a decision on the application within forty-five (45) days of submission of the application or referral of same by the administrative officer. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission.
- C. The Commission may advise the applicant and make recommendations in regard to the appropriateness of the proposed action, and may grant approval upon such conditions as it deems appropriate within the intent and purposes of this article.
- D. An applicant shall not be required to appear or to be represented at the meeting to consider the application for a Certificate of Appropriateness and the Commission may take action in the absence of the applicant.
- E. If an application is approved, the Commission shall forthwith issue a Certificate of Appropriateness or other decision.

If the Commission disapproves an application, the Commission shall state its reasons in writing within ten (10) days of such decision. In case of disapproval, the Commission shall notify the applicant in writing of such disapproval and provide the applicant with a copy of the reasons.

- F.** The owner shall post the Certificate of Appropriateness on a conspicuous spot visible to the public during the entire process of the work. Failure to post such Certificate of Appropriateness shall be deemed a violation of this article and may be a cause for work stoppage.
- G.** When a Certificate of Appropriateness or other decision has been issued, the administrative officer shall, from time to time, inspect the work approved by such Certificate or decision and shall regularly report to the Commission the results of such inspections, listing all work inspected and reporting any work not in accordance with such Certificate or decision or which violates any ordinance of the City. The Commission shall also make inspections of work approved by such Certificate or decision whenever it considers such to be desirable.
- H.** A Certificate of Appropriateness shall be valid for a period of two (2) years from date of issue unless reasonable extensions are granted by the Commission. If a building permit is also required for the action approved and is obtained prior to expiration of such two year period, then the Certificate of Appropriateness shall be valid for the life of the building permit and any extensions thereof.

§17:10-8. REFERRALS FROM MUNICIPAL AGENCIES

The Planning Board and Board of Adjustment shall refer to the Historic Preservation Commission every application for development submitted to either Board for development in historic zoning districts or on historic sites designated on the Zoning or Official Map or identified in any component element of the Master Plan. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner. Failure to refer the application as required shall not invalidate any hearing or proceeding. The Historic Preservation Commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.

On all matters referred to the Historic Preservation Commission which require approval or action by the Planning Board or Board of Adjustment, the decision of the Historic Preservation Commission shall be a recommendation only, which recommendation may be approved, disapproved or amended by the Planning Board or Board of Adjustment. In the event the Planning Board or Board of Adjustment should disapprove or amend the decision of the Historic Preservation Commission, it shall state its reasons therefore at a public hearing and in its resolution of memorialization.

§17:10-9. STANDARDS FOR REHABILITATION PROJECTS

- A.** New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
- B.** New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- C.** Construction of historic designs that were never built shall not be undertaken.

- D.** New additions, alterations or new construction in a historic landscape shall be visually differentiated from the old and shall be compatible with the historic character of the landscape.
- E.** Replacement of missing historic plant material or vegetation features shall be substantiated by documentary or physical evidence. The replacement plant material or features shall match the historic appearance, function and where possible, species or variety.
- F.** A property shall be used for its historic purpose, or shall be placed in a new use that requires minimal change to the defining characteristics of the property and its environment.
- G.** The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- H.** Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or historic features from other properties shall be avoided.
- I.** Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- J.** Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- K.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary or physical evidence.
- L.** Chemical or physical treatments, such as sandblasting that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- M.** Significant archeological resources shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

§17:10-10. DESIGN GUIDELINES FOR HISTORIC DISTRICTS AND SITES

The purpose of this section is to provide uniform design criteria and guidelines for the regulation of historic sites and historic districts for use by the Historic Preservation Commission, the City of Plainfield and the public.

In addition to designation and regulation of historic sites and historic districts as set forth in Chapter 17, Article 9, Section 17:9-18, all permits or actions requiring a Certificate of Appropriateness and all applications for development in historic districts or for historic sites shall be governed by the design guidelines for historic districts and sites as shown on a map entitled “Zoning Map, City of Plainfield, New Jersey”, which map accompanies and is hereby made a part of this ordinance.

Plainfield Design Guidelines for Historic Districts and Sites is an integral part of the Zoning Ordinance and is incorporated in the Ordinance as if set forth at length in the body of this Ordinance.

§17:10-11. DEMOLITIONS

In regard to an application to demolish a historic building, site, place or structure, the following matters shall be considered:

- A.** Its historic, architectural and aesthetic significance;
- B.** Its use;
- C.** Its importance to the City and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest;
- D.** The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty;
- E.** The extent to which its retention would promote business, create new positions, attract tourists, students, writers, historians, artists and artisans, attract new residents, encourage study and interest in American history, stimulate interest and study in architecture and design, educate citizens in American culture and heritage, or make the City a more attractive and desirable place in which to live;
- F.** The probable impact of its removal upon the ambiance of the historic district;
- G.** The structural soundness and integrity of the building and the economic feasibility of restoring or rehabilitating the structure so as to comply with the requirements of the State Uniform Code.

§17:10-12. CONFLICTS WITH CODES

Although all buildings, sites, places and structures should meet the appropriate housing and building codes, it is recognized that instances may arise where certain normal provisions thereof might be in conflict with the purposes of this article. In such instances, the provisions of the building code shall be applicable.

In the event that a structure is unsafe or unsound so as to pose a danger to health or safety, the power and authority of the City of Plainfield to demolish the structure, as otherwise provided by Law, shall not be impaired or altered in any way by the provisions of this ordinance.

§17:10-13. PURPOSE OF DEMOLITION PROVISIONS

The purpose of these procedures regarding demolition is to further the purposes of this chapter by affording the City, interested persons, historical societies or organizations the opportunity to acquire or to arrange for the preservation of historic buildings, sites, places and structures.

§17:10-14. PROCEDURE WHERE DEMOLITION DISAPPROVED

In the event that the Commission disapproves an application for a Certificate of Appropriateness to demolish a historic building, place or structure, the owner shall, nevertheless, as a matter of right, be entitled to raze or demolish such building, place or structure provided that all of the following requirements have been fully met:

- A.** The owner has applied for the necessary Certificate of Appropriateness and has received notice of denial of same from the Commission and has appealed to the Zoning Board of Adjustment, which has affirmed such denial.

- B. The owner has met the notice requirements set forth in Section 17:10-21 for the full notice period as defined in Section 17:10-22.
- C. The owner has, during the notice period and at a price reasonably related to its fair market value, made a bona fide offer to sell such building, place or structure and the land pertaining thereto to any person, organization, government or agency thereof or political subdivision which gives reasonable assurance that it is willing to preserve the building, place or structure and the land pertaining thereto.
- D. The owner shall not have been a party to any bona fide contract, binding upon all parties thereto, for the sale of any such building, place or structure and the land pertaining thereto executed prior to the expiration of the notice period, except a contract made in accordance with paragraph (c) above.

§17:10-15. DEMOLITION NOTICE POSTED; PUBLICATION

Notice of proposed demolition shall be posted on the premises of the building, place or structure throughout the notice period in a location such that it is clearly readable from the street. In addition, the applicant shall publish a notice in the official newspaper of the City as follows:

- A. Within the first 10 days of the notice period.
- B. Within not less than 10 nor more than 15 days prior to the expiration of the notice period.
- C. At least once each 90 days between the above first and last notifications, if the notice period is nine (9) months or longer.

§17:10-16. NOTICE PERIOD

The period of time during which notice must be given in the manner herein before set forth shall be known as the "Notice Period" which shall commence on the 10th day following the date of the notice of denial received from the Zoning Board of Adjustment after an appeal and such notice period shall run for a period of time of nine (9) months unless a shorter period is authorized by the Commission.

§17:10-17. APPROVAL AFTER CHANGE OF CIRCUMSTANCE

The Commission may at any time during such notice period, if a significant change in circumstances occurs, approve a Certificate of Appropriateness, in which event, a permit shall be issued within 10 days thereafter.

§17:10-18. EFFECT OF CERTIFICATE OF APPROPRIATENESS

Issuance of a Certificate of Appropriateness shall be deemed to be final approval pursuant to this article. Such approval shall neither cause nor prevent the filing of any collateral application or other proceeding required by any other municipal ordinance to be made prior to undertaking the action requested vis-à-vis the site or structure in the historic district.

§17:10-19. DENIAL OF A CERTIFICATE OF APPROPRIATENESS

Denial of a Certificate of Appropriateness shall be deemed to preclude the applicant from undertaking the activity applied for.

§17:10-20. APPEAL

- A. The granting or denial of a Certificate of Appropriateness may be appealed to the Zoning Board of Adjustment in the same manner as if the appeal were taken pursuant to N.J.S.A. 40:55D-70(a). The appellant shall pay all costs of reproducing the record.
- B. In the event of an appeal of a Historic Preservation Commission ruling to the Zoning Board of Adjustment, the Appellant shall provide notice of the appeal to the administrative officer of the Historic Preservation Commission simultaneously with filing with the Board of Adjustment by certified mail, return receipt requested. The Appellant shall also be responsible for notifying the administrative officer of the Historic Preservation Commission at least ten (10) days in advance of the appeal hearing.
- C. The administrative officer and the Commission shall have a right to appear before the Zoning Board of Adjustment. The Commission may convey its position through delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.
- D. In the event the Zoning Board of Adjustment determines there is an error in any order, requirement, decision or refusal made by the administrative officer pursuant to a report submitted by the Historic Preservation Commission, the Board of Adjustment shall include the reasons for its determination in the findings of its decision thereon at the public hearing and in its Resolution of Memorialization.
- E. Nothing herein shall be deemed to limit the right of judicial review of the municipal action after an appeal is concluded by the municipal Zoning Board of Adjustment.

§17:10-21. RIGHT TO SELL DURING APPEAL

Any appeal which may be taken to court from the decision of any municipal agency whether instituted by the owner or any other proper party, shall not affect the right of the owner to make a bona fide offer to sell.

§17:10-22. RECONSIDERATION OF DENIAL OF CERTIFICATE OF APPROPRIATENESS

The Commission may refuse to reconsider for a period of one year any disapproval of an application, except in cases where an applicant reapplies, with his application amended to comply with any recommendations which the Commission may have made in its written reasons for disapproval. The Commission may, however, reconsider at any time denial of a Certificate of Appropriateness for demolition if a significant change in circumstances has occurred.

§17:10-23. APPLICATION TO GOVERNMENTAL AGENCIES

It is recognized that the intent and purposes of this Article would not be fully served if the City were to control the actions of others but fail to apply similar constraints to itself. Accordingly, a Certificate of Appropriateness shall be required before final approval of any City actions on public as well as private lands, streets, easements and rights-of-way. This requirement shall be deemed to include any action by any party which requires the approval or concurrence of the City or any City agency and which is not otherwise covered by the provisions of this chapter.

In those circumstances where the City cannot require compliance, as in certain cases involving the County, State and Federal governments, the City urges, most strongly, the voluntary cooperation of such agencies in seeking a Certificate of Appropriateness and hereby authorizes the Commission to consider such requests and applications.

§17:10-24. OTHER REQUIREMENTS UNAFFECTED

The requirements of this article shall be considered to be in addition to and in no case shall they be interpreted as a substitute for any other approval, permit or other action as otherwise provided for.

§17:10-25. VIOLATION PENALTIES

Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to the penalties herein.

- A.** A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- B.** If any person shall undertake any activity vis-à-vis a historic site or improvement within a historic district without first having obtained and posted a Certificate of Appropriateness, such person shall be deemed to be in violation of this ordinance.
- C.** Upon learning of the violation, the Zoning Officer shall personally serve upon the owner of the lot whereon the violation is occurring a notice describing the violation in detail and giving the owner ten (10) days to abate the violation by restoring the site or improvement to its status quo ante. If the owner cannot be personally served within the municipality with the said notice, a copy shall be posted on site and a copy sent by certified mail, return receipt requested, to the owner at the last known address as it appears on the municipal tax rolls.
- D.** In the event that the violation is not abated within ten (10) days of service or posting on site, whichever is earlier, the Zoning Officer shall cause to be issued a summons and complaint, returnable in the municipal court, charging violation of this ordinance.
- E.** The penalty for violations shall be as follows:
 - 1.** For each day, up to 10 days - not more than \$25 per day;
 - 2.** For each day, 11 to 25 days - not more than \$50 per day;
 - 3.** For each day beyond 25 days - not more than \$75 per day.
- F.** If any person shall undertake any activity vis-à-vis a historic site or improvement within a historic district without first having obtained a Certificate of Appropriateness, he shall be required to restore same.

§17:10-26. INJUNCTIVE RELIEF

In the event that any action, which would permanently and adversely change a historic site or historic district, such as demolition or removal is about to occur without a Certificate of Appropriateness having been issued, the Zoning Officer is hereby authorized to apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction of such site or district.

§17:10-27. PREVENTIVE MAINTENANCE

Recognizing the need for preventive maintenance to insure the continued useful life of historic sites and structures in historic districts, the Plainfield City Council hereby declares that code enforcement vis-à-vis historic sites and structures in historic districts is a high municipal priority.

All historic sites and all buildings and structures in a historic district shall be maintained so that all exterior walls, roofs,

stairs, porches, windows and door frames are in a watertight condition. Cornices, entablatures, wall facings, trim and similar decorative features shall be maintained so as to prevent deterioration and any deterioration which adversely affects the overall character of the building or the district in which the building is located is prohibited.

In the event that any landmark or improvement in a historic district deteriorates to the point that, in the best estimate of the Division of Inspections, the cost of correcting the outstanding code violations equals more than twenty-five percent (25%) of the cost of replacing the entire improvement on which the violations occur, the Division shall serve personally or by certified mail, return receipt requested, a notice on the owner of the site or structure, listing the violations, the estimate for their abatement, and the replacement cost of the improvement and stating that if the owner does not take all necessary remedial action within ninety (90) days, or such extensions as the Division shall for good cause grant, The City of Plainfield's designated official may, at the expiration of ninety (90) days, enter upon the property and abate such violations itself and cause the cost thereof to become a lien on the property.

Upon receipt of such notice, the owner may, within ten (10) days after such receipt, notify the Division of Inspections of his/her wish to have a hearing as to the allegations and estimates set forth in the Division's notice. Such hearing shall be conducted by the Commission and shall, so far as possible, be a formal proceeding in which the Division of Inspections shall establish the matters alleged in the notice by a preponderance of the evidence.

If the owner does not request a hearing, the procedures set forth in (c) above shall be binding. If a hearing is requested, the administrative officer will, within 10 days following the hearing, serve on the owner an opinion in writing setting forth his conclusions and the reasons therefore. Such opinion shall be deemed to be a first notice pursuant to paragraph (c) hereof.

Thereafter, if the owner does not comply, the Division may enter onto the premises and by use of municipal labor or outside contractors or both, perform such work as is necessary to abate all violations.

The head of the Division shall then certify to City Council the cost of such work, plus all administrative, clerical and legal costs and overhead attributable thereto and shall present the same to City Council.

The City Council may, by resolution, vote to cause the sum so certified to become a lien upon the site or property, payable within the next quarter's property taxes, and, if not then paid, bearing interest at the same rate as delinquent taxes.

In addition to the remedies set forth herein, any violation of the preventive maintenance standards of this Ordinance shall be subject to the penalties set forth in Section 17:10-31 of this Ordinance.

§17:10-28. ENFORCEMENT

It shall be the duty of all municipal officials of the City of Plainfield reviewing all permit applications involving real property or improvements thereon to determine whether such application involves any activity which should also be the subject of an application for a Certificate of Appropriateness or subject to review by the Historic Preservation Commission. If it should, the Officer shall inform both the Secretary of the Commission and the applicant.

§17:10-29. SEVERABILITY

In the event that any portion of this article is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the article actually adjudged invalid and shall not be

deemed to affect the operation on any other portion hereof.

§17:10-30. INTERPRETATION

This article shall be liberally construed to affect the purposes set forth herein. In the event that this ordinance conflicts with State Law, State Law shall take precedence.

§17:10-31. RELATIONSHIPS TO EXISTING CODES

This Ordinance is prospective only and these regulations shall not apply to any structures for which approval by either the Planning Board or Zoning Board of Adjustment has already been granted.

ARTICLE XI – SITE PLAN AND SUBDIVISION DESIGN AND PERFORMANCE STANDARDS

§17:11-1. GENERAL IMPROVEMENT STANDARDS

Unless the approving authority grants design waivers or exceptions, improvements shall be installed in complete accordance with the standards of this chapter, with other particular specifications approved by the approving authority and City Engineer and with all other applicable municipal, County, State and Federal regulations. Should improvements be required that are not provided for within the particular sections of this Chapter, they shall be designed and constructed in accordance with good planning and engineering practice and recognized design standards. The developer shall submit detailed design calculations and construction specifications where required. Prior to initiating such specialized design, the particular standards to be utilized shall be submitted for review by the approving authority and City Engineer.

§17:11-2. GENERAL DESIGN STANDARDS

- A.** All site plan and subdivision plats shall conform to design standards that will encourage desirable development patterns within the City. The site plan or subdivision shall conform to the proposals and conditions shown on the City's Official Map and Master Plan. The streets, drainage rights of way, school sites, public parks and playgrounds and other municipal facilities shown on the adopted Master Plan and Official Map shall be considered in the review of site plans and subdivision plats. Where the Master Plan or Official Map makes no provisions for streets and drainage rights-of-way, they shall be shown on the final plat as required by the approving authority, and shall be such as to lend themselves to the harmonious development of the City and the enhancement of the public welfare.
- B. Responsibility for design.** Within the criteria established by and subject to the review and approval of the approving authority, the design of a site plan or subdivision is the responsibility of the applicant who shall bear the entire cost of any and all investigations, tests, reports, surveys, samples, calculations, environmental assessments, designs, researches or any other activity necessary to the completion of the design. The standards set forth in this Chapter shall be taken to be the minimum necessary to meet its purposes as set forth herein. The responsibility of the approving authority shall be to see that these minimum standards are followed and, in those cases not covered by these standards, sufficient precautions are taken to assure that the eventual design is conducive to the implementation of the purposes of this chapter and the City Master Plan. The approving authority may employ professionals in various disciplines to advise and assist it in its determinations. Any decisions of the approving authority regarding the suitability or sufficiency of any design proposal, taken upon advice of its professionals and subject to the provisions of this Chapter, shall be deemed conclusive.
- C. Design data.** To properly execute the design of a site plan or subdivision, it is anticipated that the applicant will obtain or cause to be obtained certain design data including, but not limited to, soil tests and analyses, environmental assessments, traffic studies and traffic projections, surveys, reports and similar design data. Any and all such data obtained by the applicant, or by others retained to complete the design, shall be made available to the approving authority and its employees and professional consultants, for the purpose of reviewing the proposed design. Should the approving authority determine that the design data submitted is not sufficient for the purpose of completing a full review of the proposal, it may request the applicant to provide such additional information as is deemed necessary. Until the applicant supplies information required by the checklist for completeness or the approving authority grants a submission waiver, no

application under the provisions of this Chapter shall be deemed complete. Nothing contained herein shall be interpreted to prevent the approving authority from making or causing to be made such independent studies, calculations or other undertakings as it deems necessary in the review of any application for development.

D. Design standards. When an applicant determines that it is necessary to utilize design standards other than those established herein, the applicant shall apply for a waiver from the approving authority. Any substitute standards should generally be nationally recognized, or in accordance with the Residential Site Improvement Standards (RSIS). Design standards not specifically authorized by the Ordinance or the RSIS may not be utilized unless the approving authority grants a waiver.

E. Design waivers. In certain instances, preexisting conditions or peculiar conditions of the land may authorize the waiver of the design standards contained in the Ordinance. The approving authority may consider and, for cause shown, may waive strict conformance with design standards as may be reasonable and within the general purpose and intent of this ordinance if compliance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land.

§17:11-3. SITE PLAN AND SUBDIVISION DESIGN STANDARDS/APPLICABILITY AND RELATIONSHIP TO THE RESIDENTIAL SITE IMPROVEMENT STANDARDS

- A. Site plans and subdivisions shall conform to the design standards set forth in this Ordinance.
- B. The RSIS (N.J.A.C. 5:21-1 ET SEQ.) shall govern those site improvements within its scope and which are carried out, or intended or required to be carried out, in connection with any application for residential subdivision or site plan approval.-Construction of all residential improvements not regulated by the RSIS shall conform to the design standards contained in this ordinance.

§17:11-4. BLOCKS

- A. The block length, width, and acreage within bounding roads shall be such as to accommodate the size and dimensions of lots required for the zoning district by this Chapter, and to provide for convenient access, circulation control, and safety of vehicles and pedestrians.
- B. Block lengths may vary in length between four hundred (400') feet and two thousand (2,000') feet, but blocks along other than local or collector streets shall not be less than-five hundred (500') feet long. A gridiron pattern is encouraged that recognizes and continues the existing development pattern of the City, and where site topography permits.
- C. Blocks shall be wide enough for two tiers of lots and shall not be less than two hundred (200') feet in width.

§17:11-5. BUFFERING AND SCREENING

Buffer areas and screening shall take into account the opportunities and constraints of site conditions such as existing vegetation to be preserved, topography, critical views into and out of the site, the days and hours of operation, intensity of use of the proposed development, potential off-site impacts and other such issues. The following guidelines shall be used to prepare and review buffering and screening for any site plan:

- A. Evergreen Trees or Hedges. Where an evergreen screen is utilized, such plantings shall be sufficiently dense so as to provide a minimum of 75% of the required screening at time of planting. Arrangement of plantings shall be in a continuous row and may be overlapped or staggered within such row. Placement of such plantings shall provide maximum protection to existing vegetation to be preserved located in the buffer area and on adjacent properties.
- B. Walls and fences. Where a masonry wall or solid wooden fence is utilized, the design of such shall be architecturally compatible with the style, materials, colors and details of the building(s) on the site. Where such wall or fence fronts toward or is visible from a public right of way, foundation plantings shall be planted along the base of all visible portions of the wall or fence.

§17:11-6. BUILDINGS - ARCHITECTURAL COMPATIBILITY

Buildings should be compatible with neighboring areas through the mindful use of architectural design elements such as: size, style, door and window placement, form, color, and exterior materials. Buildings shall be located in such a manner as to reduce adverse impacts from shadows, changing climatic conditions, noise, and glare on outdoor living spaces and shall ensure safety and privacy by physically separating the buildings through the combination of landscaping and/or fencing.

§17:11-7. BUILDINGS - ARCHITECTURAL/ NON-RESIDENTIAL STANDARDS

- A. Applicability. The following standards shall be used to prepare and review the architectural design of all non-residential buildings and structures. Where a site plan involves an existing building or a site upon which an existing building is located, the existing building shall be repaired, renovated and restored to comply with this section.
- B. Massing. A building shall not be permitted to have a total measurement greater than one-hundred and fifty (150) feet in length along any wall, roof or footprint plane. Building wall offsets, including both projections and recesses, shall be provided along any building wall measuring greater than fifty (50) feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall. The total measurement of such offsets shall equal a minimum of ten percent (10%) of the building wall length. The maximum spacing between such offsets shall be forty (40) feet. The minimum projection or depth of any individual offset shall not be less than two (2) feet. Roofline offsets shall be provided along any roof measuring longer than seventy-five (75) feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long roof.
- C. Horizontal courses. All visibly exposed sides of a building shall have an articulated base course and cornice. The base course shall be traditionally proportionate to the overall horizontal and vertical dimensions of a facade and shall align with either the kick plate or sill level of the first (1st) story. The cornice shall terminate the top of a building wall, may project out horizontally from the vertical building wall plane and shall be ornamented with moldings, brackets and other details that shall be appropriate to the architectural style of a building. The middle section of a building may be horizontally divided at floor, lintel or sill levels with belt courses. Building courses shall be considered an integral part of the design of a building and shall be architecturally compatible with the style, materials, colors and details of the building.
- D. Continuity of treatment. The architectural treatment of a facade or roof shall be completely continued around all

visibly exposed sides of a building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details.

- E. Roof.** The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, colors and details of such building. The minimum permitted roof pitch shall be eight on twelve (8/12) and all gables on a building shall be of the same pitch. A flat roof may be permitted on a building of a minimum of two (2) stories in height, provided that all visibly exposed walls shall have an articulated cornice that projects out horizontally from the vertical building wall plane. A mansard roof may be permitted, but only if such is located on the third story of a building, completely and integrally enclosing such story. Flat or mansard roofs shall be prohibited on all one (1) story buildings. Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers and such similar elements shall be permitted, provided that such are architecturally compatible with the style, materials, colors and details of the building.
- F. Windows.** Fenestration shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned wherever possible the location of windows on the upper stories of a building shall be vertically aligned with the location of windows and doors on the ground level of such building. Permitted retail and personal service business uses located in business districts may have large pane display windows on the ground level, provided that such window shall be framed by the surrounding wall and shall not comprise greater than seventy-five percent (75%) of the total ground level facade area of such building. All other windows shall be double-hung or casement types. A building designed of an architectural style that normally has windows with muntins or divided lights shall utilize them. Such muntin or divided light grids may be the snap-on type, if fitted on the exterior of the window or between the glazing of the window units.
- G. Entrances.** All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
- H. Physical plant.** All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building or a penthouse-type screening device that shall be designed to be architecturally compatible with the style, materials, colors and details of such building.
- I. Materials, colors and details.** All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other. A building designed of an architectural style that normally includes certain integral materials, colors and/or details shall have such incorporated into the design of such building.
- J. Shutters.** A building designed of an architectural style that normally includes shutters shall provide such on all windows on the front façade. If such building is located on a corner lot, shutters shall be provided on all windows of all facades fronting on a street.
- K. Signage.** Signs affixed to the exterior of a building shall be architecturally compatible with the style, materials, colors and details of the building and other signs used on the site. All signage affixed to a building shall conform to Article

XI of this ordinance.

- L. Awnings and Canopies.** The ground level of a building in a business district may have awnings or canopies, where appropriate, to complement the architectural style of a building. Awnings may also be used on the upper levels of a building, where appropriate. The design of awnings and canopies shall be architecturally compatible with the style, materials, colors and details of such building. No awning or canopy may be internally illuminated or back lighted. All signage on awnings shall conform to Article XI of this ordinance. Ground-level awnings and canopies shall conform to the following standards:
1. The maximum height from ground-level to uppermost portion of such awning or canopy shall not exceed the height of the sill or bottom of any second story window or fifteen (15) feet, whichever is less. In the case of single-story buildings, said maximum height shall not exceed twelve (12) feet or the top of the wall, whichever is less.
 2. The minimum height from ground level to lowermost portion of awning or canopy shall be eight (8) feet.
 3. The maximum horizontal projection dimension of an awning from the building wall, including any appurtenances, shall not exceed five (5) feet. Such awning may project over a public sidewalk only and shall not extend over any other portion of any other public right of way. No canopy may project over a public right of way, unless approved by the City Council.
 4. The maximum vertical dimension of an awning shall not exceed the horizontal projection dimension.
 5. An awning's surfacing material shall be constructed of canvas, cloth or vinyl.
 6. The awning shall contain no more than two (2) colors whereas, the color of any signage is included in such quantity. The colors must be compatible with the architectural color scheme of the entire building.
- M. Multiple uses.** A building with multiple storefronts or other multiple uses, no matter whether such uses are the same type of use or located on the same floor level, shall be unified through the use of architecturally compatible styles, materials, colors, details, awnings, signage, lighting fixtures and other design elements for all such storefronts or uses.
- N. Corner buildings.** A building on a corner lot shall be considered a more significant structure from a design standpoint since such building has at least two front facades visibly exposed to the street. Such building may be designed to have additional height and architectural embellishments relating to its location on a corner lot, if deemed appropriate by the Board.
- O. Multiple buildings.** A development plan that contains more than one building or structure shall be unified through the use of architecturally compatible styles, materials, colors, details, awnings, signage, lighting fixtures and other design elements for all such buildings or structures.

§17:11-8. BUILDING - ARCHITECTURAL/RESIDENTIAL STANDARDS

- A. Applicability.** This section shall apply to all new residential development.
- B. Apartment and townhouse development standards.** The following standards shall be used to prepare and review any site plan or subdivision for apartment or townhouse. For the purpose of this section, assisted living facilities shall not be considered residential development.

1. **Building type mix.** In developments of twenty-five (25) or more dwelling units, the mix of building types shall be such that not more than fifty percent (50%) of the total number of dwelling units shall be located in the same type of building. In developments of fifty (50) or more dwelling units, the mix of building types shall be such that not more than forty percent (40%) of the total number of dwelling units shall be located in the same type of a building. The building type mix for each section or phase of a development plan need not reflect the building type mix prescribed for the entire development. In such cases, the Board shall require, as a condition of final approval on a particular phase or section of a development plan, the provision that future phases or sections shall bring the building type mix into conformance with the above standards.
2. **Dwelling unit mix.** In developments of twenty-five (25) or more dwelling units, the mix of dwelling units shall be such that not more than seventy-five (75) percent of the total number of dwelling units shall have the same number of bedrooms. The dwelling unit mix for each section or phase of a development plan need not reflect the building type mix and dwelling unit mix prescribed for the entire development. In such cases, the Board shall require, as a condition of final approval on a particular phase or section of a development plan, the provision that future phases or sections shall bring the dwelling unit mix into conformance with the above standards.
3. **Dwelling unit privacy.** Adjacent dwelling units in the same building shall be adjoined in such a manner as to provide maximum soundproofing and privacy between such units.
4. **Site layout.** The development plan shall locate buildings, parking areas and open space in an arrangement that promotes the enjoyment of dwelling units, other on-site facilities and the community as a whole by residents of the development. Dwelling units and buildings shall be oriented towards the public street and interior open spaces and away from parking lots and garages. Driveways, parking lots and garages shall be prohibited from being located in the front yard area of any dwelling unit.
5. **Individuality of dwelling units and buildings.** In order to provide attractiveness, identity and individuality to dwelling units, buildings and complexes of buildings within the entire development and to avoid the monotonous repetition of design elements and its undesirable visual effects, the following design standards shall be utilized:
 - a. Varying dwelling unit widths, staggering dwelling unit setbacks and altering building heights and rooflines;
 - b. Varying architectural embellishments to roofs between dwelling units, buildings or complexes of buildings including roof elements such as dormers, belvederes, masonry chimneys and similar elements, provided that such are architecturally compatible with the style, materials, colors and details of the building;
 - c. Varying the front entrance definition and articulation between dwelling units, buildings or complexes of buildings, provided that such are architecturally compatible with the style, materials, colors and details of the building.
6. **Entrance lighting.** A minimum of one low-wattage incandescent light fixture shall be provided outside

each exterior entrance to a dwelling unit or building.

7. Fire escapes. Buildings containing dwelling units located above the second story and requiring a second means of egress pursuant to the Uniform Construction Code shall not utilize an attached external fire escape as one of the required means of egress.
8. Dwelling unit storage space. Each dwelling unit shall be provided with a completely enclosed, covered storage space consisting of a minimum of 350 cubic feet. Such storage area shall be exclusive of normal interior closets and may either be contained within the dwelling unit or building, attached thereto or located separately.
9. Dwelling unit private open space. All dwelling units shall have a private open space area as follows:
 - a. Each dwelling unit located on a ground floor level shall be provided with a private rear yard consisting of a minimum area of two-hundred (200) square feet. Such private rear yards shall provide adequate screening from all other neighboring dwelling units and private rear yards, walkways, common recreational facilities, parking lots, driveways and streets. A minimum of one low-wattage incandescent light fixture shall be provided to light such area.
 - b. Each dwelling unit located above the ground floor level shall be provided with a private outdoor patio or balcony area consisting of a minimum of sixty-four (64) square feet. The minimum length of any individual dimension of such area shall not be less than six feet. This area shall be located or recessed inside the outer wall plane of the building on which it is located. A minimum of one (1) low wattage incandescent light fixture shall be provided to light such area.
10. Ground floor elevations. The ground floor level of each dwelling unit shall be elevated above grade, except for dwelling units designed for senior citizens or the handicapped. The minimum height of such elevation shall be twenty (20) inches at the front entrance.
11. Common open space. Active and passive recreational areas and other public and/or semipublic open space, such as courtyards, plazas, alleys and pedestrian walkways, shall be designed to promote use and enjoyment by residents of the development. Such areas shall be designed to utilize natural features of the site, including existing vegetation, where possible, and shall be extensively landscaped with a wide variety of plant materials. Where such areas are enclosed by buildings, such as courtyards and plazas, they shall be designed to be architecturally formal and geometrically logical, however, this shall not preclude the use of curvilinear designs for walkways or landscaped areas.
12. Yard area definition. The front and side yards of a dwelling unit or building fronting on a street, driveway or parking lot shall be defined with a three (3) foot high wooden picket type fence, wrought iron fence, brick wall, evergreen hedge or some combination of the above.
13. Type of lighting source. Low-wattage incandescent lamps shall be used along all sidewalks, walkways, courtyards and plazas and on any building or unit. Parking lot lighting shall be incandescent or another light source compatible with the same.
14. Cable television utility. All dwelling units shall be provided with such facilities for potential linkage to the city's cable television utility.

15. Maintenance equipment storage. An accessory building shall be provided for the storage of maintenance equipment, if such is to be stored on-site. Such accessory building shall be architecturally compatible with the style, materials, colors and details of the principal buildings.
16. Common entrances. Apartment buildings with common entrances, lobbies, elevators and/or stairwells shall be designed to promote safety and security of residents and visitors using such areas.

§17:11-9 BUILDING ORIENTATION AND LOCATION.

- A. Buildings shall be located to front towards and relate to a public street, both functionally and visually. In a multiple-building development, buildings located on the interior of a site shall front towards and relate to one another, both functionally and visually. To the greatest extent possible, the development shall divide proposed buildings into smaller, individualized groupings, utilizing such features as courtyards, quadrangles and alleys that encourage pedestrian activity and incidental social interaction among users. Spatial relationships between buildings shall be geometrically logical and architecturally formal.
- B. Building placement and design shall be fitted to the natural contours of the site. Buildings, particularly those on wooded or steeply sloped (in excess of 15% slope) land, shall be carefully sited to take advantage of aesthetic features and views, refrain from infringing on critical areas, and retain existing trees in excess of four (4) inches in diameter measured at breast height.
- C. Separation of buildings within a multiple-building development shall be based on spacing relationships corresponding to a multiplier of the highest single wall height of the buildings involved, as measured from ground level to the height of the top of the cornice or from ground level to the height of the juncture of the wall plane and the roof eaves, as follows:

BUILDING SPACING FORMULA

Wall height x Multiplier = Distance of separation between buildings.

Building Wall Relationship	Multiplier	Minimum Spacing
Front wall to front wall	1.50	30 feet
Front wall to rear wall	2.00	40 feet
Front wall to side wall	1.50	30 feet
Front wall to windowless side wall	1.50	30 feet
Rear wall to rear wall	2.00	40 feet
Rear wall to side wall	2.00	40 feet
Rear wall to windowless side wall	1.50	30 feet
Side wall to side wall	0.75	20 feet
Side wall to windowless side wall	0.75	15 feet
Windowless side wall to windowless side wall	0.75	15 feet

NOTE: The minimum spacing standards listed above are generally intended for average two-story buildings and, therefore, may need to be adjusted for buildings of other heights. In addition, this building spacing formula shall only

determine the spacing of buildings within the multiple-building development property.

§17:11-10 EASEMENTS AND RESTRICTIONS

Easements and restrictions shall be required when a proposed development includes one or more of the restrictions contained herein. Easements and restrictions shall be recorded with the County Recording Officer as deeds of easements and shall be placed on final plats for such recording, as appropriate.

- A.** Drainage easements. Within required drainage easements, neither regrading nor installation of structures, fences, trees and shrubs shall be permitted.
- B.** Conservation easements. Lands covered by conservation easements for wetlands, wetlands transition buffer, flood plain, flood plain buffer or other significant open space shall remain in their natural, undisturbed state within which no regrading or clearing shall be permitted, excepting the removal of minor underbrush or dead trees that are hazardous to people or buildings.
- C.** Site triangle. On all corner lots in all zones there shall be an unobstructed sight triangle formed by measuring twenty-five (25) feet along each curb line from the point of intersecting curb lines at such corner and connecting such points to form a triangular area. No fences of any type may be erected within the sight triangle. A sight triangle shall contain no structures, signs, plantings or any other vision obstructing objects which are greater than twenty-four (24) inches in height as measured from the curb level at the point of intersecting street lines. Trees shall be permitted whose branches are trimmed away to a height of at least eight (8) feet above the curb level as measured from the point of intersecting street lines.
- D.** Utility easements. Easements for public and local utilities shall conform to any requirements of the appropriate company or authority.
- E.** Cross-access easements. Cross-access easements shall permit pedestrians and motorists to travel from adjacent lots to the lot in question without the necessity for traveling on the public right of way.
- F.** Other land use restrictions. Restrictions or easements of other governmental agencies with jurisdiction of the application for development shall conform to any requirements of the appropriate agency or authority.

§17:11-11 LANDSCAPING

The following guidelines shall be used to prepare and review a landscaping plan for any site plan. The landscaping plan shall be prepared by a New Jersey certified landscape architect.

- A.** Landscaping. The entire development shall be extensively landscaped in accordance with a plan conceived as a complete pattern and style throughout the total site. All areas of the site not occupied by buildings and other improvements shall be intensively planted with trees, shrubs, hedges, ground cover and perennials and annuals. Landscaping shall be provided to achieve the following:
 - 1.** Preservation and enhancement, to the greatest extent possible, of existing natural features on the site, including vegetation, land forms and bodies of water;
 - 2.** Assistance in adapting a site to its proposed development;
 - 3.** Mitigation and control of environmental and community impacts from a development;

4. Creation of an attractive appearance for the development, as viewed from both within the site itself and the surrounding area;
 5. Enhancement of the habitability of a development;
 6. Definition of yard areas and other open space;
 7. Energy conservation and micro-climatic control; and,
 8. Maintenance of a desirable ecological balance on a developed site.
- B.** Other site design elements. The development plan shall incorporate landscaping with other functional and ornamental site design elements, where appropriate, such as the following:
1. Courtyards, plazas, alleys and similar public and semi-public open spaces;
 2. Active recreation areas and facilities;
 3. Ground paving materials;
 4. Paths and walkways;
 5. Berms and other earth forms;
 6. Ponds, fountains and other water features;
 7. Trellises, pergolas, gazebos and other accessory structures;
 8. Fences, walls and other screens;
 9. Street or site furniture;
 10. Art and sculpture.
- C.** Plant species. The selection of plant species to be used shall be appropriate in terms of function and size and shall be hardy for the climatic zone in which the City is located. Consideration shall be given to soil conditions, availability of water, exposure to sunlight and other existing conditions.
- D.** Planting sizes. Deciduous trees shall have a minimum caliper of three (3) inches at time of planting. Evergreen trees shall be a minimum of six (6) feet in height at time of planting. Low-growing evergreen shrubs shall be a minimum of two and one-half (2½) feet in height at time of planting. Size of other plantings shall depend on setting and type of plant material.
- E.** Planting specifications. Only nursery-grown plant material shall be utilized. All trees, shrubs and ground cover shall be planted according to accepted horticultural standards. All grass shall be planted in accordance with the New Jersey State Soil Conservation Committee's Standards for Soil Erosion and Sedimentation Control in New Jersey, current edition. Mulch trees and other vegetation that have been removed may be reduced to chips and used as mulch in landscaped areas. Maintenance Plantings shall be watered regularly and in a manner appropriate for the specific plant material through the first growing season. All landscaped areas shall be well maintained and kept free of all debris, rubbish, weeds, tall grass, other overgrown conditions and the storage of any equipment or materials.
- F.** Replacement of dead plantings. The developer shall be required to replace dead or dying plant material for a period of two years from the date of release of the performance guaranty and shall post a maintenance guaranty for such

pursuant to Article XV of this ordinance. If plant material is dead or dying during a planting season, it shall be replaced that same season. If plant material is dead or dying during a non-planting season, it shall be replaced as soon as is reasonably possible at the start of the next planting season.

- G.** Fall planting hazard. Certain trees have been identified as having a high degree of transplantation failure if planted during the Fall season. These should be noted on the landscape plans as Spring planting only.
- H.** Slope plantings. All cut and fill areas, terraces, earth berms and roadway embankments with slopes steeper than one increment vertical to three increments horizontal (1 to 3) shall be sufficiently landscaped to prevent erosion.
- I.** Drainage facilities. Detention basins, headwalls, outlet structures, concrete flow channels, rip-rap channels and other drainage facilities shall be suitably planted with shrubs and trees. Detention basin embankments shall be extensively landscaped with wet-site-tolerant plantings.
- J.** Energy conservation. Landscaping shall be designed to conserve energy, such as the planting of evergreen windbreaks to provide shielding from northwesterly winds during the winter and deciduous shade trees to reduce solar heat gain during the summer.
- K.** Street or site furniture. Benches, trash receptacles, kiosks, phone booths and other street or site furniture shall be located and sized in accordance with the functional need of such. Selection of such furniture shall take into consideration issues of durability, maintenance and vandalism. All such furniture shall be architecturally compatible with the style, materials, colors and details of buildings on the site.

§17:11-12 LIGHTING

A. General requirements.

- 1.** Sufficient lighting shall be provided on each site or along roadways to ensure the security of property and to protect the safety of persons during the hours of sunset and sunrise when the establishment or facility is in use.
- 2.** Lighting shall be so designed to avoid the creation of hazards to motorists and pedestrians or nuisance to adjoining property owners or residents.
- 3.** Lighting levels, lamp color, and fixture type shall be consistent throughout the parcel in question and shall complement building architecture and landscaping.
- 4.** Lighting shall be designed to minimize energy and maintenance requirements and shall comply with the U. S. Energy Policy Act of 1992 as it may be amended or superseded.
- 5.** Exterior lighting not building mounted shall be supplied by electricity from underground cabling.
- 6.** No part of a building, such as an awning, canopy, lintel, sill or any other decorative or non-decorative building feature, may be internally illuminated or back lighted. This provision does not apply to signs permitted pursuant to Article XI of this ordinance.

B. Street Lighting. All public and private streets shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions.

- 1.** Design criteria. The design of street lighting shall take into consideration:

- a. The brightness of the abutting uses in comparison to pavement brightness as seen by both motorists and pedestrians;
- b. The ability to discern objects on the street or its edge in comparison to abutting uses and its brightness and contrast;
- c. The time available to the motorist and pedestrian to view such objects;
- d. The amount of direct glare from the luminaire or lamp and reflected glare from the pavement.

2. Lighting stanchion placement. Excepting rural roads and lanes, lighting stanchions shall be located at the following places:

- a. At every street intersection;
- b. At the end of each cul-de-sac;
- c. At curves with an inside radius of less than 300 feet, unless the standard is within 300 feet of another;
- d. A maximum of every 600 feet on straight road segments;
- e. Light stanchions shall be staggered on both sides of the roadway.

3. Fixture type. Street lamp type shall be Hadco Hagerstown VO3 or its functional and aesthetic equivalent. The illumination provided shall be greater than or equal to the following:

- a. A 100 watt lamp at each intersection and cul-de-sac, and;
- b. A 50 watt lamp at all other locations.

4. All lighting shall provide for non-glare lights focused downward.

5. The illumination level at all intersections, cul de sacs and other locations shall be greater than or equal to the illuminations level provided by a 175 watt metal halide lamp.

C. Off-premise effects. Any other outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, traffic safety and overhead sky glow. The objective of these specifications is to minimize undesirable off-premises effects. No light shall shine into building windows, nor onto streets and driveways so as to interfere with or distract driver vision. To achieve these requirements, the intensity of such light sources, the light shielding and similar characteristics shall be subject to site plan approval. Wall mounted fixtures are only permitted if directed into a site and not positioned towards neighboring properties or public streets.

D. Building-attached fixtures. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas of a site shall be the same or compatible. The use of high-pressure sodium lighting attached to buildings or to light the exterior of buildings shall be prohibited.

- E. Decorative lampposts. Sites with greater than 100 feet of street frontage shall provide decorative lampposts approximately ten (10) feet to twelve (12) feet high, spaced at intervals of approximately forty (40) feet to sixty (60) feet along or near all street lines and driveways. Walkways in the interior of a site shall have decorative lampposts approximately ten (10) feet to twelve (12) feet high, spaced at intervals of approximately thirty (30) feet to forty (40) feet. The style, size, color and type of light source of such lampposts shall be determined in accordance with this article. Lighting levels from such fixtures shall be provided pursuant to this article.
- F. Average illumination levels. The following average illumination levels shall be maintained throughout the following use areas:

AVERAGE ILLUMINATION LEVELS

Use Area	Average Illumination Level
Parking lots	1.0-2.5 fc
Loading area	3.0-5.0 fc
Pedestrian walkways	0.5-1.0 fc

- G. In non-residential zone districts, lighting shall be provided by fixtures with a mounting height not more than twenty-five (25) feet or the height of the building, whichever is less, measured from the ground level to the centerline of the light source. Lighting in residential zone districts shall be provided by fixtures with a mounting height of not more than fifteen (15) feet. Lighting for pedestrian ways shall be provided by fixtures with a mounting height of not more than twelve feet (12'). All poles shall be rust proof metal, cast iron, fiberglass, finished wood or similar decorative material.
- H. Any other outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, traffic safety and overhead sky glow. The objectives of these specifications is to minimize undesirable off-premises effects. No light shall shine into building windows, nor onto streets and driveways so as to interfere with or distract driver vision. To achieve these requirements, the intensity of such light sources, the light shielding and similar characteristics shall be subject to site plan approval. Wall mounted fixtures are only permitted if directed into a site and not positioned towards neighboring properties or public streets.
- I. The use of mercury vapor lamps is discouraged.

§17:11-13. LOADING AREAS

- A. Layout. All loading areas shall be designed for the safety, control, efficient movement and convenience of motor vehicle circulation within a site.
- B. Loading space requirements. In all zone districts in connection with every commercial, institutional and industrial use, there shall be provided, at the time that any building or structure is erected, enlarged, increased in capacity or has undergoes a change of use, loading spaces shall be provided in accordance with the requirements of the following schedule:

LOADING BERTH STANDARDS

USE	Total Floor Area (square feet)	Number of Loading Berths
Funeral homes and Mortuaries	Up to 5,000	1
	5,000 or more	2
All other businesses and commercial uses	Up to 10,000	0
	From 10,001 to 23,999	1
	From 24,000 to 39,999	2
	40,000 or more	3
Light industrial and warehouses	Up to 5,000	1
	5,000 to 19,999	2
	20,000 to 39,999	3
	40,000 or more	3 + 1 for each additional 20,000 square feet

- C.** Loading space dimensions. Standard institutional and light industrial/warehouse loading spaces shall measure at least fifteen (15) feet wide by sixty (60) feet long, with a height clearance of not less than twenty (20) feet. All other loading spaces shall measure at least ten (10) feet wide by forty-five (45) feet long, with a height clearance of not less than fifteen (15) feet.
- D.** Construction and repair specifications. All loading areas shall be constructed or repaired to specifications as approved by the City Engineer.

§17:11-14 LOT CONFIGURATION

Subdivision and site plan layout shall be designed to encourage the development of the land which, through the standards adopted in this ordinance, provide for flexibility in planning and development and that respect the natural character of the land, its drainage system, soil capabilities, groundwater and aquifer recharge quality, and to include only those uses that are compatible with allowed uses in the zoning district and existing uses on adjacent lands. Such compatibility shall be determined on the basis of inventories of the natural features of the site, plans indicating the physical relationship among types of uses and any natural or artificial barriers, existing or planned, between different uses both within and adjacent to the proposed development. Subdivision plans shall be designed to meet these goals and the following guidelines:

- A.** Sidelines of lots shall be at right angles or radial to the street lines, unless a waiver from the rule will give a more

practical and rational street and lot plan.

- B.** Lots with double frontage and reverse corner lots shall be avoided where practicable.
- C.** Where a subdivision borders on a railroad right of way, a major arterial or collector, or any other major source of noise, the subdivision is to be designed to reduce noise in residential lots to a reasonable level, and to retain limited access to such facilities by such measures as a parallel street, a landscaped buffer area, or lots with increased setbacks.
- D.** Lots shall ordinarily be rectangular in shape.
- E.** Pie slice-shaped lots are not permitted.
- F.** Flag-shape lots are not permitted.
- G.** Each lot must front upon an approved public street.
- H.** Where extra width has been dedicated, or proposed for dedication or reservation, for the widening of existing streets, lots shall begin at such new street line and all setbacks shall be measured from such line.
- I.** Where there is a question as to the suitability of a lot or lots for their intended use due to environmental factors such as poor drainage conditions or flood conditions, the board having jurisdiction may withhold approval of such lots. If approval is withheld, the board shall give reasons for such withholding on the record.

§17:11-15 PARKING

- A.** Layout. All parking lots and associated access and improvements shall be designed for the safety, control, efficient movement and convenience of motor vehicle circulation within a site. Traffic circulation shall be designed to minimize the use of aisles serving parking areas as access drives. For non-residential uses, parking areas with more than twenty-five (25) spaces shall have entrances and exits separated by a landscaped traffic island, where possible. Where a site encompasses both level and sloped areas, parking should be located on the level portion of the site and buildings on the sloped portion.
- B.** Aisle dimensions. Where no parking is provided, interior driveways shall be eleven (11) feet wide for one (1)-way traffic and twenty-two (22) feet wide for two (2)-way traffic. Where parking is provided, parking lot aisles shall measure as follows.

AISLE DIMENSION STANDARDS

Angle of Parking Stall (degrees)	Width of One-Way Traffic Aisle	Width of Two-Way Traffic Aisle
0 (parallel)	11 feet	22 feet
30	12 feet	not permitted
45	13 feet	not permitted
60	18 feet	not permitted
90 (perpendicular)	24 feet	24 feet

- C.** Vehicle overhangs. Where sidewalks abut the ends of parking spaces, wheel stops shall be provided so that parked

vehicles do not overhang or extend over the sidewalk, unless an additional two (2) feet of sidewalk width is provided in order to accommodate such overhang. Where wheel stops are installed, the length of the parking spaces shall be measured from the curb line to the end of the parking space.

- D. Striping and signage.** Surface painted aisle, stall and directional striping and directional and traffic safety signs shall be provided throughout the parking, loading and circulation areas, in accordance with the Manual of Uniform Traffic Control Devices.
- E. Handicapped accessible parking spaces.** The number, location, size and marking of handicapped parking spaces is regulated by the requirements specified in N.J.S.A. 55: 32-12 and are zoning standards. However, where handicapped accessible or adaptable dwelling units are provided, a minimum of one handicapped parking space shall be provided in a location within closest proximity to such dwelling unit.
- F. Construction and repair specifications.** All parking lots shall be constructed or repaired to specifications as approved by the City Engineer and adopted by ordinance.

§17:11-16. REFUSE AND RECYCLING AREAS

All uses must provide an area used for refuse and recyclable disposal collection. All containers, bins, dumpsters and/or storage facilities shall be designed to reduce discernible odors and contain such within the storage facility area. Refuse and recycling areas shall comply with the following provisions:

A. Non-residential uses.

- 1.** All non-residential refuse and recyclable disposal collection areas shall be suitably buffered and screened to minimize the impacts of noise, odors, disposal and collection activities and views of collection bins and dumpsters. Buffering and screening shall minimize such impacts both from within the site itself, as well as from adjacent and nearby properties and public rights-of-way. Buffering shall consist of a minimum four (4) foot wide area surrounding all sides of such facility exposed to view. If such facility is located on a site adjacent to a residential use or zone, such buffering shall consist of a minimum ten (10) foot area surrounding all sides of such facility exposed to view. Screening shall consist of a minimum six (6) foot-high masonry wall, solid wooden fence or accessory building with gates or doors and ramped access to facilitate the movement of bins or dumpsters. The base of such screen shall be planted with a minimum four (4) foot high evergreen hedge along the sides and rear of same.
- 2.** All storage facilities shall be located in proximity to one another or may be combined in a single common facility. Such facilities shall be centrally located and convenient for the users of the site. Designated recyclable storage facilities may be located inside a building. Such facilities shall not be located as to be visual focal points in courtyards or parking lots.
- 3.** Where located in a parking lot, such facilities shall not be permitted to be placed on the paved surface of the parking lot and shall be placed on a curbed area set back a minimum of two (2) feet from the curb edge of such parking lot. No refuse and recycling area may be located within a required principal building setback area.
- 4.** Adequate pedestrian and service vehicle access shall be provided to all storage facilities. Such vehicular

access shall accommodate the type of service vehicles used for the collection of solid waste and designated recyclable materials.

5. The size and capacity of all storage facilities shall be based on the size and capacity of containers, bins and/or dumpsters utilized, frequency of pickup and projected generation rates of users of the site.
6. All non-residential uses shall be designed to have a temporary designated refuse and recyclable storage area located within the building occupied by such use. Such storage area may be located anywhere within the interior of a building, including basements, storage closets or attached garages, but shall not be situated in a hallway or corridor necessary for internal circulation or emergency access. Such area shall be designed to accommodate the average accumulated volume of designated recyclables and refuse per occupant per period of collection and any necessary storage equipment.

B. Residential uses.

1. All dwelling units shall be designed to have a temporary designated recyclable and refuse storage area located either within the interior of such unit in the kitchen, laundry room, basement or storage closet or in an attached garage or private rear yard area.
2. Such area shall be designed to accommodate the average accumulated volume of designated recyclables and refuse per dwelling unit per period of collection and any necessary storage equipment. The minimum size of such storage area shall be six (6) square feet.

§17:11-17. SHADE TREE STANDARDS

- A. Location and spacing. The Board may require shade trees to be massed at critical points along the street, such as the visual termination of a curve in the roadway. Planting sites shall be indicated on the preliminary plat.
- B. Planting placement. Shade trees shall be planted at intervals of forty feet (40') and a minimum of three and one-half (3½) feet inside the sidewalk, on or near the right of way line or, if such location is not possible, in the planting strip between the curb and the sidewalk. On streets where existing shade trees are consistently located at a certain location so as to form a line parallel to the street, shade trees may be placed to continue this pattern. The placement and type of shade trees shall be such so as not to interfere with below-grade utilities, roadways, sidewalks or streetlights.
- C. Specifications. Shade trees shall be planted at a minimum size of two and one-half inches (2½") in caliper, ten feet (10') to twelve feet (12') in height and shall be planted according to accepted horticultural standards. All shade trees to be planted shall be nursery-grown, or substantially uniform size and shape and shall have straight trunks. Ornamental trees need not have straight trunks, but must conform in all other respects with the provisions for trees and tree plantings outlined in this section. All shade trees shall be planted in a dormant state, or at other times only with the approval of the Department of Public Works.

§17:11-18 SIDEWALK AND WALKWAY DESIGN STANDARDS

- A. Applicability. This section shall apply to all site plan and subdivision applications that involve the construction of a new public sidewalk or private walkway or repair of an existing public sidewalk or private walkway not regulated by the Residential Site Improvement Standards (RSIS).

- B. Pedestrian circulation.** Walkway systems shall promote pedestrian activity both within the site itself and throughout the community by its integration with the city sidewalk system. Walkways shall be separate from motor vehicle circulation to the greatest extent possible and shall provide a pleasant route for users that will promote enjoyment of the site and encourage incidental social interaction among pedestrians.
- C. Lot access.** Such access shall be designed for the safety, control, efficient movement, convenience and encouragement of pedestrian traffic into and out of the site and to promote pedestrian circulation generally within the City.
- D. Construction and repair specifications.** All sidewalks and walkways shall meet the construction or material specifications as set forth in applicable city ordinances or as approved by the City Engineer. This shall also apply to recommendations by the City Engineer regarding the maintenance, repair or upgrading of existing sidewalks located in that portion of the public right of way that directly abuts the tract to be developed.
- E. Materials.** The Board may waive the paving material specifications required by paragraph C. above, if the applicant can demonstrate that the substitute paving materials will be architecturally compatible with the style, materials, colors and details of buildings and other structures on the site and adjacent properties and will create a more attractive development generally. In no instance, however, shall a sidewalk located in a public right of way be permitted to be constructed of asphalt.
- F. Public sidewalks.** Sidewalks shall be provided in the right of way along all public and private streets. The location and width of sidewalks shall be consistent with the location and width of existing sidewalks adjacent to or near the site to be developed, but in no case shall be less than four (4) feet in width.
- G. Private walkways.** Walkways shall be located on a site to facilitate pedestrian access between the public sidewalk, buildings, parking lots and other facilities and to provide for pedestrian circulation generally within a site. Where walkways abut the ends of parking spaces and wheel stops are not provided, the minimum width of such walkways shall be a minimum of five feet in order to provide for the front ends of vehicles to overhang onto such walkways with appropriate space remaining for the passage of pedestrians. In no case shall a private walkway be less than four (4) feet in width.

§17:11-19. SOIL CONSERVATION

The purpose of this section is to control unregulated and uncontrolled excavation, removal, placement and movement of soil and other mineral deposits that can result in conditions detrimental to the public health, safety, and welfare. While state soil conservation service regulations control soil erosion and runoff for areas of disturbance in excess of 5,000 square feet, much of the development in the City occurs on small lots with less substantial areas of disturbance. Soil movement has therefore been uncontrolled. This has resulted in soil runoff onto properties adjacent to construction, muddy streets and blocked public ways, the introduction of soil deposits into the City storm water system, and the removal of valuable topsoil. This regulation is an attempt to reduce such harmful effects to the environment and character of the City.

- A.** All topsoil from disturbed areas of properties shall be set aside on the premises separately from other subsoil. No such topsoil shall be removed from a site. Topsoil moved during the course of construction shall be redistributed on all re-graded surfaces so as to provide at least four inches (4") of even cover to all disturbed areas of the site and shall be stabilized by seeding or planting in accordance with Soil Conservation Service Standards.

- B.** Soil mounds are to be maintained on the property in a manner as to prevent erosion onto adjacent properties. No soil is to be located so as to block pedestrian access across the property within the public right of way. Proper safeguards such as the placement of temporary plantings and walls are to be taken by the contractor at all times to insure such soil stabilization.
- C.** An appropriately sized refuse container shall be maintained at all times on the subject property for use by the site contractor. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law. No site generated waste shall be buried on site except in accordance with N.J.A.C. 7:26-17 and the requirements of the Construction Official. Subsoil removal from the property will be accomplished in accordance with accepted Soil Conservation Service methods and the requirements of the Construction Official. All appropriate measures, including installation of stone tracking areas, and the washing down of trucks, are to be taken if necessary to reduce the potential for tracking mud into streets. Mud cannot be allowed to flow into streets. The contractor will take all necessary actions required by the Construction Official to eliminate site soil runoff.
- D.** Maximum efforts are to be taken during construction to preserve existing plantings when deemed appropriate by the approving authority. No material or temporary soil deposits are to be placed within three (3) feet of shrubs or fifteen (15) feet of tree trunks designated to be retained by the approving authority. Protective barriers are to be installed around plants at the above distances that are to remain on site during the construction. Plantings that are designated to be retained but die within one year of completed construction activity are to be removed by the contractor and replaced, either on site or in public areas, with plantings equal in caliper and type to what was removed, or if that is unreasonable, with twice the number of plants, but at the minimum size provided in this ordinance at locations approved by the approving authority.
- E.** The contractor is to advise the Construction Official in writing of the intended soil conservation measures on site during construction. No building permit for activities related to new construction is to be issued by the Construction Official without this submission being made and accepted.
- F.** Nothing in this section shall be construed to supersede or remove the need to obtain Somerset-Union Soil Conservation Service Approval where required. Nothing in the above shall be construed to affect or apply to any person engaged in a state mandated clean-up plan provided that all operations are performed in accordance with the approved plan and provided that notice of the clean-up plan is filed with the Construction Official at least 48 hours prior to the commencement of any activity, and such activity is subject to inspection by the Zoning Officer.

ARTICLE XII - STORMWATER MANAGEMENT

§17:12-1. STORMWATER MANAGEMENT REQUIREMENTS

A. All development shall be provided with a stormwater management plan consisting of, but not limited to, inlets, manholes and pipes where necessary for proper surface drainage. The system shall be adequate to carry off and/or store the stormwater and natural surface runoff, which originates not only within the property in question, but also beyond the tract boundaries.

Where possible, all runoff within a site shall ultimately leave the site in the same watershed in which it originated and shall be released in such a manner so as to not overload existing drainage systems, create flooding creating a need for additional drainage facilities on other public or private lands or increase predevelopment erosion of adjacent lands.

The peak rate of runoff from a site during and after development shall not exceed the predevelopment peak rate of runoff. Development upstream of known areas of problem flooding shall be required to further reduce the peak rate of runoff below the pre-developed rate. Where the upstream tributary drainage area exceeds fifty (50) acres, the standards established in the Technical Manual for Stream Encroachment, NJAC 7:13-2.8, Stormwater Management, NJDEP, shall govern.

The increase in volume of runoff from a site, during and after development, from the predevelopment total of volume of runoff shall be minimized. Runoff control measures shall be used to retard or reduce runoff and increase recharge. Depending on the soil characteristics natural and artificial recharge area and systems should be employed whenever practical to minimize the volume of surface water runoff. These include, but are not limited to, infiltration pits, dry wells, infiltration trenches and the extensive use of sheet flow through vegetated areas. The use of such measures will not eliminate or reduce, even partially, the need for other requirements of this section.

The peak rate of runoff for areas of up to twenty (20) acres shall be calculated by the rational method or derivatives. The equation for the rational method is as follows:

$$Q_p = CIA$$

Where

Q_p = The peak runoff rate in cubic feet per second (cfs).

C = The runoff coefficient.

I = The average rainfall intensity in inches per hour in/hr), occurring at the time of concentration T_c (min).

T_c = The time of concentration in minutes (min).

A = The size of the drainage area in acres (ac).

1. Typical runoff coefficients (C values) are provided in the Technical Manual for Stream Encroachment, prepared by the New Jersey Department of Environmental Protection (NJDEP), page 51, Table 3.1-2(B-1). Runoff coefficient C used in the rational formula shall be weighted if there is more than one (1) kind of land use within the drainage basin under consideration.
2. The time of concentration (t_c) is defined as the time required for water to reach the point in question from

the most hydraulically distant point in the basin. Time of concentration (t_c) shall be estimated from the Nomograph for the Determination of Time of Concentration, prepared by the State of New Jersey Highway Authority. The analysis shall also consider the procedure outline in Section 3.12(c) for Technical Release (TR) Number 55, Urban Hydrology for Small Watersheds, United States Department of Agriculture, Soil Conservation Series, as supplemented and amended (SCS method).

3. Rainfall intensity as a function of duration and storm recurrence frequency shall be based upon geographically appropriate data as depicted in the plates in Technical Paper Number 25, Rainfall Intensity Duration-Frequency Curves, United States Department of Commerce, Weather Bureau, as supplemented and amended. Intensity curves may be based on local rainfall frequency data, where available. In all instances, a minimum time of concentration of five (5) minutes should be used,
4. The peak rate of runoff for areas greater than twenty (20) acres shall be calculated by hydrograph analysis method as outlined in the latest edition of Urban Hydrology for Small Watersheds Technical Release Number 55 (TR55).

Runoff volume calculation:

Runoff volume shall be calculated by the hydrograph analysis method as outlined in the latest edition of Urban Hydrology for Small Watershed Technical Release Number 55 (SCS method). This method shall be used for watersheds having drainage areas greater than twenty (20). For drainage areas of less than twenty (20) acres, the rational method triangular hydrograph approximation with the peak rate occurring at the time of concentration and the end of the hydrograph at three (3) times the time of concentration may be used as an alternative.

System design.

1. Collection systems shall be designed to accommodate the intensity for a storm frequency of once in ten (10) years for storm drainage facilities located in or affecting streets of the rural, local and minor collector classifications. A storm frequency of once in twenty-five (25) years shall be utilized for systems affecting secondary arterial and major collector streets as well as all open channels.
2. Hydraulic capacity for open channel or closed conduit flow shall be determined by the Manning equation or charts/nomographs based on the Manning equation. The hydraulic capacity is termed “Q” and is expressed as discharge in cubic feet per second. The Manning equation is as follows:

$$Q_p = \frac{1.486 A R^{2/3} S^{1/2}}{n}$$

Where

- n = Manning’s roughness coefficient.*
- A = Cross-sectional area of flow in square feet.
- R = Hydraulic radius in feet ($R = Q/P$, where P is equal to the wetted perimeter).
- S = Slope of conduit in feet per foot.

NOTE: The Manning roughness coefficients to be utilized are shown in the Technical Manual for Stream Encroachment, NJDEP, Table 3.2-11(A-1).

3. Velocities in open channels at design flow shall not be less than five-tenths (0.5) foot per second and not greater than that velocity which will begin to cause erosion or scouring of the channel. Permissible velocities for swales, open channels and ditches are allowed for the appropriate soil type based on the Soil Conservation Service Standards for Soil Erosion and Sediment Control in New Jersey, as amended.
4. Velocities in closed conduits at design flow shall be at least two (2) feet per second but not more than ten (10) feet per second.
5. No pipe size in the storm drainage system shall be less than fifteen (15) inches in diameter.
6. All discharge pipes shall terminate with a precast concrete flared end section or a cast-in-place concrete headwall with or without wingwalls as conditions dictate.
7. The spacing of inlets shall be such that surface water shall not flow for more than five hundred (500) feet or the quantity of water is such that it caused ponding of water deeper than two (2) inches at Type B and Type E inlets, whichever is the lesser distance. If due to the slope of the approach prior to the inlet, eighty percent (80%) of the stormwater does not enter the inlet, decreased spacing and depth of water permissible shall be required. Sufficient inlets will be placed to eliminate any flow exceeding two (2) cubic feet per second across any roadway intersections or pedestrian crosswalk.
8. Dished gutters shall be permitted at any street intersection on rural and local streets and at the intersection of rural and local streets with minor collector streets and at the intersection of minor collector streets with major collector streets where the street of the lower classification is to be officially designated and signed as a stop street. In such case, the dished gutter shall cross only the street of the lower classification. At the intersections of primary and secondary arterial streets and major collector streets, sufficient catch basins, at the discretion of the reviewing agency, shall be installed at each street intersection to avoid gutter overflow and at low points in the street grade, and dished gutters shall not be permitted.
9. Manhole spacing shall increase with pipe size. The maximum spacing shall be five hundred (500) feet for fifteen (15) to eighteen (18) inches; six hundred (600) feet for twenty-one (21) to thirty-six (36) inches; and seven hundred (700) feet for forty-two (42) inches and greater.

Construction Standards for Pipe.

1. Materials used in the construction of storm sewers shall be constructed of reinforced concrete, ductile iron, corrugated aluminum or corrugated steel unless site and other conditions dictate otherwise. Reinforced concrete pipe shall be used unless the applicant can demonstrate that the use of other materials will be more beneficial due to the proposed installation. Cost will not be a consideration in this analysis. Specifications referred to, such as American Standards Association, American Society for Testing and Materials, American Water Works Association, etc., should be the latest revision.
2. Reinforced Concrete Pipe.
 - a. Circular reinforced concrete pipe and fittings shall meet the requirements of ASTM C-76.
 - b. Elliptical reinforced concrete pipe shall meet the requirements of ASTM C-507.

- c. Joint design and joint material for circular pipe shall conform to ASTM C-443.
 - d. Joints for elliptical pipe shall be bell and spigot or tongue and groove, sealed with butyl, rubber tape or external sealing bands conforming to ASTM C-877.
 - e. All pipe shall be Class III unless a stronger pipe (i.e., higher class) is indicated to be necessary.
 - f. The minimum depth of cover over the concrete pipe shall be as designated by the American Concrete Pipe Association.
3. Ductile Iron Pipe. Ductile iron pipe shall be centrifugally cast in metal or sand-lined molds to ANSI A 21.51-1976 (AWWA C151-76). The joints shall conform to AWWA C111. Pipe shall be furnished with flanges where connections to flange fittings are required. Pipe should be Class 50 (minimum). The outside of the pipe should be coated with a uniform thickness of hot-applied coal tar coating and the inside line cement in accordance with AWWA C104. Ductile iron pipe shall be installed with Class C ordinary bedding.
4. Corrugated Aluminum Pipe. Within the public right of way and where severe topographic conditions or the desire to minimize the destruction of trees and vegetation exist, corrugated aluminum pipe, pipe arch or helical corrugated pipe may be used. The material shall comply with the Standard Specifications for Corrugated Aluminum Alloy Culvert and Under Drain AASHTO designation M196 or the Standard Specification for Aluminum Alloy Helical Pipe AASHTO Designation M-211. The minimum thickness of the aluminum pipe to be used shall be:
- g. Less than twenty-four-inch diameter or equivalent, seventy-five thousandths (0.075) inch (14-gauge).
 - h. Twenty-four-inch diameter and less than forty-eight-inch diameter or equivalent, one hundred five thousandths (0.105) inch (12-gauge).
 - i. Forty-eight-inch but less than seventy-two-inch diameter or equivalent, one hundred thirty-five thousandths (0.135) inch (10-gauge).
 - j. Seventy-two-inch diameter or equivalent and larger, one hundred sixty-four thousandths (0.164) inch (8-gauge).
5. Corrugated Steel Pipe. Corrugated steel pipe may be used in place of corrugated aluminum and shall meet the requirements of AASHTO Specification M36. Coupling bands and special sections shall also conform to AASHTO M-36. All corrugated steel pipe shall be bituminous coated in accordance with AASHTO M-190 Type A minimum.
6. Pipe bedding shall be provided as specified in Design and Construction of Sanitary and Storm Sewers, ASCE Manuals and Reports on Engineering Practice Number 37, prepared by A Joint Committee of the Society of Civil Engineers and the Water Pollution Control Federation, New York, 1969.

Construction standards for inlets, catch basins and manholes. Inlets, catch basins and manholes shall be designed in accordance with State Highway Department Standard Plans and Specifications. Frames shall be Campbell Foundry

Company Pattern Number 2541, 2548, with eight-inch curb face, and 3432, 3440, for Type E inlets, or approved equal. All grates shall be bicycle grates.

1. Manholes and catch basins shall be precast concrete, brick or concrete block, coated with two (2) coats of portland cement mortar.
2. If precast manhole barrels and cones are used, they shall conform to ASTM Specification C-473 with round rubber gasketed joints, conforming to ASTM Specification C-923. Maximum absorption shall be eight percent (8%) in accordance with ASTM Specification C-478, Method A.
3. If precast manholes are utilized, the top riser section shall terminate less than one (1) foot below the finished grade and the manhole cover shall be flush with the finished grade.
4. Manhole frames and covers shall be of cast iron conforming to ASTM Specification A-48 Class 30 and be suitable for H-20 loading capacity. All manhole covers in rights-of-way or in remote areas shall be provided with a locking device. The letters "Year 20 __ " and the words "STORM SEWER" shall be cast integrally in the cover.

Detention Facilities.

1. Development shall use the best available technology to accommodate stormwater management by natural drainage strategies as indicated in section D of this section.
2. Detention and all other stormwater management facilities shall conform to the standards under the New Jersey Stormwater Management Act, N.J.S.A. 40:55D-93 et seq.
3. Where detention facilities are deemed necessary, they shall accommodate site runoff generated from two-year, ten-year and one-hundred-year storms considered individually, unless the detention basin is classified as a dam, in which case the facility must also comply with the Dam Safety Standards, N.J.A.C. 7:20. These "design storms" shall be defined as either a twenty-four-hour storm using the rainfall distribution recommended by the United States Soil Conservation Service (such as United States Soil Conservation Service, Urban Hydrology for Small Watersheds, Technical Release Number 55) or as the estimated maximum rainfall for the estimated time of concentration of runoff at the site when using a design method such as the modified rational method. Runoff greater than that occurring from the one-hundred-year, twenty-four-hour storm will be passed over an emergency spillway.

Detention will be provided such that, after development, the peak rate of flow from the site will not exceed that by similar storms prior to development.

4. In calculating the site runoff to be accommodated by a detention facility, the method to be used is a tabular hydrograph method as presented in TR Number 55 (SCS method), as supplemented and amended. The pre-developed lands in the site shall be assumed to be in good condition, if the lands are woods, or with conservation treatment, if the land is cultivated, regardless of conditions existing at the time of concentration.
5. Detention facilities shall be located as far horizontally from surface water and as far vertically from groundwater as is practicable. A complete soils report for the detention basins and surrounding areas

shall be submitted. The report should address the effect groundwater will have on the construction and maintenance of the detention basins.

6. Only one-half ($\frac{1}{2}$) of the area devoted to detention or retention facilities shall be considered non-impervious surfaces in calculating the maximum percentages as set forth in other sections of this chapter. The area devoted shall be the area encompassed by the depth of water to the emergency spillway, plus one (1) foot.
7. The top of the excavation or the toe of the outside slope shall be set back twenty-five (25) feet from adjoining nonresidential property lines and fifty (50) feet from an adjoining property line of a lot on which there is a residential use. The edge of the design high water for the detention basins shall be setback one hundred (100) feet existing or proposed dwelling units.
8. The top of the excavation or the toe of the outside slope shall be set back fifty (50) feet from the edge of the pavement from adjoining roads and shall be set back twenty-five (25) feet from the adjoining right of way line for any right of way dedicated for use as a public road.
9. Dry detention basins. The following design standards shall apply to all dry detention basins:
 - a. The maximum embankment side slopes shall have the ratio of one (1) vertical to three (3) horizontal.
 - b. Basin bottom shall meet the following specifications:
 - (1) Traverse slope (to low flow channel); minimum two percent (2%);
 - (2) Low flow channel if sodded: minimum slope two percent (2%);
 - (3) Low flow channel if concrete; slope not less than one percent (1%);
 - (4) Riprap low flow channel will not be accepted.
 - c. An area ten (10) feet wide with a maximum slope of two percent (2%) shall be constructed at the top of the bank surrounding the basin.
 - d. Vegetation stabilization cover shall be provided throughout the basin and landscaping shall be provided on the perimeter of the basin as approved by the Board's landscape architect.
 - e. The basin floor shall lie a minimum of two (2) feet above the seasonal high groundwater table.
10. Wet detention/retention basins are discouraged. Wet basins may be permitted only if no other above ground stormwater management facility is feasible.
11. Underground detention/retention basins are discouraged. Underground detention/retention basins may be permitted only if no other above ground stormwater management facility is feasible.

Protecting Water Quality

1. In addition to addressing water quantity generated by development, a stormwater management system shall also enhance the water quality of stormwater runoff.
2. In order to enhance water quality of stormwater runoff, stormwater management shall provide for the

control of a water quality design storm. The water quality design storm shall be defined as the one-year frequency SCS Type III twenty-four-hour storm or a one-and-twenty-five-hundredths-inch two-hour rainfall.

3. The water quality design storm shall be controlled by best management practices. These include but are not limited to the following:
 - a. In dry detention basins, provisions shall be made to ensure that the runoff from the water quality design storm is retained such that not more than ninety percent (90%) will be evacuated prior to thirty-six (36) hours for all nonresidential projects or eighteen (18) hours for all residential project. The retention time shall be considered a brim-drawdown storage. The retention time shall be reduced in any case which would require an outlet size diameter of three (3) inches or less. Therefore, three-inch diameter orifices shall be the minimum allowed. The depth of the water quality storm should not exceed two (2) feet in depth.
 - b. In permanent ponds or wet basins, the water quality requirements of this section shall be satisfied where the volume of permanent water is at least three (3) times the volume of runoff produced by the water quality design storm.

Principal Outlets Quantity Control.

1. All principal outlet structures shall be concrete block or reinforced concrete. All construction joints are to be watertight. The outlet structure can consist of a riser, culvert pipe and/or weir outlet and must be accessible from the buffer area/access road when the basin is operational at full design flow for the 100-year design storm event.

To minimize the chance of clogging and to facilitate cleaning, outlet openings, other than 3a above, shall be at least six (6) inches in diameter. Similarly, riser pipes, if utilized, shall be at least eight (8) inches in diameter. All pipe joints are to be watertight, reinforced concrete pipe. In addition, trash racks and/or antivortex devices may be required where deemed necessary by the City. Outlet control structures should be protected by maintenance free trash racks. Trash racks should be designed to be on an incline with a clear opening area large enough so that debris buildup does not impede the area of the opening it protects. The trash rack should be a hinged rack and should avoid moving parts. It should be able to be opened to gain access for cleaning the outlet pipe, and should be made of a non-corrosive material (stainless steel or aluminum).

2. Eight-inch-thick antiseep collars are to be installed along outlet pipes. Such collars shall be constructed of reinforced concrete with minimum Number 5 bars, each way, and two (2) inches of cover.
3. Where applicable, a concrete cradle shall be provided for outlet pipes.
4. Suitable lining shall be placed upstream and downstream of principal outlets as necessary to prevent scour and erosion. Such lining shall conform to the criteria contained in Standards for Soil Erosion and Sediment Control in New Jersey, published by the New Jersey State Soil Conservation Committee.
5. All outlet facilities shall be designed to prevent the potential hazard of a child's or an adult's either being carried into the opening or being held against the outlet by the pressure of the flowing stream waters, even

during a one-hundred-year storm.

6. Safe outlet structure design can encompass either outlet risers, gratings, trash racks or other means that, in the opinion of the Planning or Zoning Board, provide the desired level of safety.
7. Outlet structures should be designed to facilitate outlet operation and maintenance as the water level rises and to permit clearing either during or after a storm. Structural support members, steps, rungs or ladders should be provided to allow easy escape opportunities for a child or an adult without having these support members, ladders, etc., impede the clearing of trash from the outlet structure or the upward movement of trash from the outlet structure or the upward movement of trash as the water level rises.
8. The use of thin metal plates for trash rack bars, hand hold supports, sharp crested weirs or orifices are prohibited because of the potential for accidents. Wire mesh fabric is similarly prohibited due to its poor suitability for trash clearance.
9. Any outlet protective facility should have lockable hinged connections providing adequate access to thoroughly clean the area enclosed by the structure and to facilitate removal of accumulated debris and sediment around the outlet structure.
10. The outlet protective structure should have negligible influence upon the hydraulic performance of the outlet structure.
11. All outlet structures shall be structurally sound and shall be designed to withstand, without failure or permanent deformation, all structural loads, hydrostatic, dynamic or otherwise, which impact upon it during the design life of the installation. They shall be maintenance free to the maximum extent possible.
12. The detention/retention basin side slope walls shall be graded to slopes no greater than three (3) horizontal to one (1) vertical for a distance no less than twenty-five (25) feet on all sides of the outlet structure.
13. Other means of attaining the same outlet safety condition, such as inaccessible outlet locations, weirs, cascades, etc., will be considered as approvable if the same goals were attained.
14. Existing basins and outlet structures shall be revised by the respective responsible owners to comply with the above-defined goals within one (1) year of the enactment of this amendment.

Principal Outlets Quality Control.

1. Based upon the requirement limiting the size of the outlet to a minimum of six (6) inches in diameter, water quality control shall be maintained by providing an amount of storage equal to the total amount of runoff which will be produced by the one-year frequency SCS Type III twenty-four-hour storm or a one-and-twenty-five-hundredths-inch, two-hour rainfall at the bottom of the proposed detention basin along with a minimum three-inch diameter outlet.
2. The invert(s) of the principal outlet(s) used to control the larger storms for flood control purposes should be set at the elevation of the water surface elevation required to produce the water quality storage volume. Therefore, the principal outlets would be utilized for storms in excess of the one-and-twenty-five-hundredths-inch, two-hour event which, in turn, would be completely controlled by the lower three-inch

outlet. If the above requirements would result in a pipe smaller than three (3) inches in diameter, the period of retention shall be waived so that three (3) inches will be the minimum pipe size used. It should be remembered that, in all cases, the basin should be considered initially empty (i.e., the storage provided for the quality requirements and the discharge capacity of its outlet should be utilized during the routing of the larger flood control storms).

Emergency Spillways.

1. Vegetated emergency spillways shall have side slopes not exceeding three (3) horizontal to one (1) vertical.
2. Emergency spillways not excavated from noncompacted soil shall be suitably lined and shall comply with criteria contained in Standards for Soil Erosion and Sediment Control.
3. Maximum velocities in emergency spillways shall be checked based on the velocity of the peak flow in the spillway resulting from the routed emergency spillway hydrograph. Where maximum velocities exceed those contained in Standards for Soil Erosion and Sediment Control in New Jersey, suitable lining shall be provided.

Dams and Embankments.

1. The minimum top widths of all dams and embankments are listed below. These values have been adopted from the Standards for Soil and Sediment Control in New Jersey, published by the New Jersey State Soil Conservation Committee.

MINIMUM TOP WIDTHS FOR DAMS & EMBANKMENTS

Height (feet)	Top Width (feet)
0-15	10
15-20	12
20-25	14

2. The design top elevation of all dams and embankments after all settlement has taken place shall be equal to or greater than the maximum water surface elevation in the basin resulting from the routed freeboard hydrograph. Therefore, the design height of the dam or embankment, defined as the vertical distance from the top down to the bottom of the deepest cut, shall be increased by the amount needed to ensure the design top elevation will be maintained following all settlement. This increase shall not be less than five percent (5%). Where necessary, the Engineer shall require consolidation tests of the undisturbed foundation soil to more accurately determine the necessary increase.
3. Maximum side slopes for all dams and embankments are three (3) horizontal to one (1) vertical.
4. All earth fill shall be free from brush, roots and other organic material subject to decomposition.
5. Cutoff trenches are to be excavated along the dam or embankment centerline to impervious subsoil or bedrock.
6. Safety ledges shall be constructed on the side slopes of all detention basins having a permanent pool of

water. The ledges shall be four (4) to six (6) feet in width and located approximately two and one-half (2 ½) to three (3) feet below and one (1) to one and one-half (1 ½) feet above the permanent water surface.

7. The fill material in all earth dams and embankments shall be compacted to at least ninety-five percent (95%) of the maximum density obtained from compaction tests performed by the appropriate method in ASTM D698.
8. The top of bank for facilities constructed in cut and the toe of slope for facilities constructed in fill shall be located no closer than ten (10) feet to an existing or proposed property line.
9. Detention basins shall be sodded, attractively buffered and landscaped and designed as to minimize propagation of insects, particularly mosquitoes. All landscaping and buffering shall be approved by the City.

Detention Facilities in Flood Hazard Areas.

There will be no detention basins in the floodway except for those on-stream and shall comply with all applicable regulations under the Flood Hazard Control Act, N.J.S.A. 58:16A-50 et seq., and the New Jersey Stormwater Management Act, N.J.S.A. 40:55D-93 et seq.

Detention facilities in freshwater wetlands.

Detention basins located in freshwater wetlands may be allowed only in accordance with the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq. and any rules adopted pursuant thereto.

Detention Facilities; Maintenance and Repair.

1. Responsibility for operation and maintenance of detention facilities, including periodic removal and disposal of accumulated particulate material and debris, shall remain with the owner or owners of the property with permanent arrangements that it shall pass to any successive owner, unless assumed by a government agency. If portions of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall designate for each project the property owner, governmental agency or other legally established entity to be permanently responsible for maintenance, hereinafter in this section referred to as the “responsible person.”
2. Prior to granting final approval to any project subject to review under this section, the applicant shall enter into an agreement with the municipality (or county) to ensure the continued operation and maintenance of the detention facility. This agreement shall be in a form satisfactory to Corporation Counsel and may include, but may not necessarily be limited to, personal guaranties, deed restrictions, covenants and bonds. In cases where property is subdivided and sold separately, a home-owners’ association or similar permanent entity should be established as the responsible entity, absent an agreement by a governmental agency to assume responsibility.
 - a. An applicant seeking approval for construction of a detention facility shall provide the funds necessary to permanently maintain the facility. The amount necessary to permanently maintain the facility shall be calculated by the Planning Board Engineer based upon current estimates for maintenance with an annual increase of four percent (4%). The Planning Board Engineer shall

1. Stormwater, groundwater, rainwater, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections of a sump pump, cellar drain or any other means of conveyance into a community sanitary sewer owned or operated by the Plainfield Municipal Utility Authority (PMUA) or any sewerage authority.
2. Any person who is convicted of violating any provision of this section shall be fined not less than fifty dollars (\$50.) for a first offense and not less than one hundred dollars (\$100.) for each subsequent offense.

ARTICLE XIII – FEES

§17:13-1. BOARD AND COMMISSION RELATED APPLICATION FEES

Type of Application	Application	Fees per Each Variance
Design Standard Waiver Amendment of Approval	The fee for request for each design standard waiver The fee for a change to an approved application that is determined by the administrative official to be minor in nature	\$10.00 \$100.00
Variances From NJSA 40:55D-70d	For a one or two family residential use For each unit in a multi-family use For a commercial/business use For an industrial use For a charitable, benevolent and eleemosynary use	\$150.00 \$50.00 \$250.00 \$100.00 \$250.00
Variances From NJSA 40:55D-70c	Off-street parking All other bulk requirements One or two family residential use Multi-family residential use Non residential use	\$150.00 \$75.00 \$100.00 \$150.00
Site Plan Review	Preliminary Minimum fee for all applications which require site plan review For industrial and commercial uses up to 5,000 SF of gross building floor area For industrial and commercial uses from 5,001 to 20,000 SF, plus .02/SF of gross building floor area For industrial and commercial uses greater than 20,000 SF plus \$0.03 for each additional square foot Mixed uses for each residential dwelling unit Mixed uses for each commercial use Dwelling unit conversions only New multi-family dwelling units (per dwelling unit) For a final site plan application plus fifty dollars (\$50.00) for each re-submission	\$200.00 \$300.00 \$400.00 \$500.00 \$50.00 \$100.00 \$200.00 \$50.00 \$50.00

Subdivision	Sketch Plat for a Major Subdivision	\$100.00
	Preliminary	
	Minor – plus twenty-five dollars (\$25.00) per each lot added	\$100.00
	Major – plus twenty-five dollars (\$25,00) per each lot added (the sketch plat fees are considered part of this fee)	\$300.00
	Final	
	Minor – 10% of preliminary fee (minimum)	\$25.00
	Major – 10% of preliminary fee (minimum)	\$50.00
	Subdivision Certificate	\$25.00

Fees for all applications for development and appeals shall be paid to the board secretary upon filing of an application or appeal with either the Planning Board, Zoning Board of Adjustment or Historic Preservation Commission. (All references to Boards in this article include the Commission.) All checks are to be made payable to the City of Plainfield. Failure to submit payment or the submission of checks that are improperly drawn or with insufficient funds shall cause an application to be deemed incomplete and a hearing on the application to be delayed. These fees are in addition to the escrow fees required in this ordinance. Such fees shall be as follows:

§17:13-2. CERTIFICATE OF APPROPRIATENESS

The fee for a Certificate of Appropriateness from the Historic Preservation Commission shall be \$40.00. This fee shall be paid for all work on a contributing structure even if an administrative determination is made that a formal Historic Preservation Commission issuance of a Certificate of Appropriateness is not required.

§17:13-3. SIGNS

The Fee for a sign permit shall be \$20.00 plus a fee of one dollar (\$1.00) for each square foot of sign area.

§17:13-4. APPEALS OR ZONING INTERPRETATIONS

Appeals to the Board of Adjustment for interpretation of the zoning ordinance/appeal of an Administrative Official decision shall be \$100.00.

The fee for a Certificate of Non-conformance from the Zoning Board of Adjustment shall be \$100.00.

§17:13-5. HEARINGS

The fee for applications requiring a public hearing shall be \$25.00. The fee for each additional hearing that is required for an application which continues beyond the initial hearing shall be \$100.00 for each additional hearing. (Upon request, the additional hearing fee for may be waived by the approving authority.)

The fee for a hearing scheduled at a special meeting held at the request of the applicant shall be \$150.00 for each hearing

scheduled. One half of this fee (\$75.00) shall be used to pay the Board Secretary for attendance.

The fee for an informal review of a concept plan shall be \$100.00.

§17:13-6. LIST OF PROPERTY OWNERS

The fee for preparation of a list of property owners to be notified of a public hearing shall be \$20.00 or \$0.25 a name, whichever is greater.

§17:13-7. TAX SEARCH/CERTIFICATE OF CURRENT TAXES

The fee for preparation of a tax search or certificate to determine payment of property taxes shall be \$10.00.

§17:13-8. LEGAL NOTICE

The fee for publication of the legal notice indicating the decision of the approving authority shall be \$20.00.

§17:13-9. DOCUMENTS

The fee for copies of public documents shall be established as part of the rules and regulations adopted by the City Council.

§17:13-10. STENOGRAPHER (COURT REPORTER) FEES

The applicant shall be responsible for obtaining and paying for the services of a court reporter if desired. The cost of taking testimony stenographically shall be borne and paid for by the applicant or appellant. The cost of transcribing the same (if required) shall be borne by the applicant or appellant upon the need for a Board member to read the testimony in order to vote on the matter or in the case of a legal proceeding. A copy of any transcript prepared shall be provided by the applicant or appellant to the board secretary and such transcript and records shall be and remain the property of the Board.

§17:13-11. DEVELOPMENT PERMIT

The fee for a development permit shall be \$10.00.

§17:13-12. UTILITY REGISTRATION FEE

The fee for a public utility, cable television company or local utility registering with the City Clerk in order to receive notice pursuant to Article I of this ordinance shall be \$10.00.

§17:13-13. OUTDOOR DINING/SIDEWALK CAFÉ ANNUAL FEE

The fee for obtaining an annual permit for Outdoor Dining Areas and Sidewalk Café Areas shall be \$20.00.

§17:13-14. OUTDOOR SALES FEE

The fee for conducting outdoor sales of trees, flowers or other decorative or ornamental plants pursuant to Article IX of this ordinance shall be \$10.00 for limited sales of less than two weeks, and \$50.00 for sales for longer periods of time. A \$100.00 bond is also to be posted with the City Clerk to guarantee cleanup and removal of all material within the required

time frame.

§17:13-15. DEVELOPER'S ASSISTANCE PACKAGE/ZONING ORDINANCE

The fee for a copy of the Developer's Assistance Package shall be \$20.00. The fee for a copy of the City Zoning Ordinance including a copy of the zoning map shall be \$30.00.

§17:13-16. MASTER PLAN/MASTER PLAN RE-EXAMINATION

The fee for obtaining a copy of the City Master Plan or of a City Master Plan Re-Examination Report is Forty Dollars (\$40.00) Dollars per plan or report.

§17:13-17. CITY ENGINEER DETERMINATION AS TO FLOOD ZONE LOCATION

The fee for a formal signed and sealed City Engineer certification as to property location within a flood zone shall be \$100.00.

§17:13-18. EXTENSION OF VARIANCE

The fee for a request for the extension of a variance \$50.00.

§17:13-19. EXTENSION OF SITE PLAN OR SUBDIVISION APPROVAL

The fee for a request for the extension of a site plan or subdivision approval is \$50.00.

§17:13-20. DEPOSITS AND ESCROW: PAYMENTS TO PROFESSIONALS FOR REVIEW OF SUBDIVISION, SITE PLAN AND VARIANCE APPLICATIONS BEFORE THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT

- A. In accordance with the authority granted it pursuant to N.J.S.A.40:55D-8 and 53.2 et. seq., the Municipal Council hereby establishes the fees as set forth in this ordinance as escrow deposit fees governing the review of applications before the Planning Board, and Zoning Board of Adjustment. These fees are intended to cover the costs of professional services including but not limited to planning, engineering, legal, landscaping, traffic, environmental and other reasonable and necessary expenses incurred by the approving authority for the review of submitted materials for specific applications.
- B. An applicant shall deposit with the City an amount of money determined in accordance with this section and the applicable provisions of N.J.S.A. 40:55D-1 et seq. (1) to pay for the services of professionals employed by the City or the approving authority to review the application for development and to review and prepare documents in accordance with N.J.S.A. 40:55D-53.2. (2) for inspection fees in accordance with N.J.S.A. 40:55D-53, (3) to satisfy the guarantee requirements of N.J.S.A. 40:55D-53, and (4) for any other purposes permitted under the provisions of N.J.S.A. 40:55D-1 et seq. or other applicable law. The City shall deposit the money in an escrow account in accordance with N.J.S.A. 40:55D-53.1.
- C. The Chief Financial Officer of the City shall hold all fees required for these purposes in escrow. Each applicant shall provide the Chief Financial Officer with a Federal tax Identification Number or Federal Social Security Number. All

fees are to be made out to the City of Plainfield. All deposits in excess of \$5,000.00 shall be held in trust by the City in an interest bearing account in a banking or savings and loan institution in New Jersey. This institution shall be insured by an agency of the federal government. The Chief Financial Officer shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. If the amount of interest exceeds \$100.00, the entire amount shall belong to the applicant and shall be refunded to him/her by the Chief Financial Officer annually or at the time the deposit is repaid or applied to the purposes for which it was deposited. The City may retain for administrative expenses a sum equivalent to no more than 33 1/3% of that entire amount which shall be in lieu of all other administrative and custodial expenses.

- D.** Deposits required for inspection fees and to satisfy the guaranteed requirements in accordance with N.J.S.A. 40:55D-53 shall be established, maintained, and administered in accordance with the provisions of that statutory section, and applicable sections of Chapters 13 and 17 of the Municipal Code.
- E.** The chief financial officer of the City shall make all payments to professionals for fees or charges in connection with services rendered to the City or the approving authority for review of applications for development, review and preparation of documents, inspection of improvements, or other purposes permitted under law. Such fees or charges shall be based upon a schedule established by resolution of the approving authority. The application review and inspection charges shall be limited to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the City. The only costs that shall be added to any such charges shall be typical out of pocket expenses of any such professionals or consultants incurred in processing applications and conducting inspections. The City or approving authority shall not bill the applicant for any municipal clerical or administrative functions, overhead expenses, meeting rooms charges, or any other municipal costs and expenses except as provided for N.J.S.A. 40:55D-53, nor shall any municipal professional add such charges to any bill. If the salary, staff support and overhead for a professional are provided by the City, the charge shall not exceed 200% of the sum of the products resulting from multiplying (1) the hourly base salary of each of the professionals, which shall be established annually by ordinance by (2) the number of hours spent by the respective professional on the review of the application for development or inspection. For other professionals such fees and charges shall be at the same rate as all other work of the same nature performed by the professional for the municipality when fees are not reimbursed or otherwise imposed on applicants or developers.
- F.** Schedule of Required Fees for Escrow Deposits. For deposits required pursuant to N.J.S.A. 40:55D-53.2, the amount of the deposit shall be reasonable in regard to the scale and complexity of the development. The amount of the initial deposit shall be established by ordinance and this amount shall be a cumulative total of the following specific approval requests:

Schedule of Required Fees for Escrow Deposits

Application	Deposit
Concept Plan Applications	
Minor subdivision or site plans	\$100.00
Major subdivision and all other site plans	\$500.00
Variances	
Bulk variances under N.J.S.A. 40:55D-70 not requiring site plan or subdivision approval	\$500.00
Variances under N.J.S.A. 40:55D-70d	\$1,000.00
Site Plan Applications	
Residential Applications (those involving dwelling units)	
3 – 9 units	\$1,000.00
10 – 25 units	\$2,000.00
26 – 50 units	\$2,500.00
51 – 100 units	\$4,000.00
101 – 250 units	\$5,000.00
251 – 500 units	\$7,500.00
over 500 units	\$10,000.00
Non-residential Applications	
1,000 – 5,000 gross square feet of new floor area	\$1,000.00
5,001 – 10,000 gross square feet of new floor area	\$2,000.00
10,001 – 20,000 gross square feet of new floor area	\$3,000.00
20,001 – 50,000 gross square feet of new floor area	\$4,000.00
50,001 – 100,000 gross square feet of new floor area	\$5,000.00
over 100,000 gross square feet of new floor area	\$10,000.00
For non-residential applications that do not involve new buildings	
1 – 25 parking spaces (existing or required)	\$500.00
26 – 100 parking spaces (existing or required)	\$750.00
more than 100 parking spaces (existing or required)	\$1,000.00
Final site plan applications	
Twenty percent (20%) of preliminary approval escrow fee or a minimum of \$500.00, whichever is greater	
Subdivision Applications	
Minor	\$500.00
Preliminary approval – 3-10 lots	\$1,000.00
Preliminary approval – 11-25 lots	\$2,000.00

Schedule of Required Fees for Escrow Deposits

Application	Deposit
More than 25 lots	\$3,000.00
Final approval – 3-10 lots	\$1,000.00
Final approval – 11-25 lots	\$1,500.00
Final approval – over 25 lots	\$2,000.00
Re-submittals Applicants shall pay additional escrow deposit fees of ten percent (10%) of the original submission fee for each resubmission of revised plans that have either been determined to be incomplete, or have not satisfied Board conditions of preliminary or final approval.	
Request for Rezoning Any applicant seeking a property rezoning shall submit a \$1,000.00 escrow fee.	

G. Escrow Procedures:

1. An applicant is to submit the above required escrow amount to the appropriate board secretary at the time of submission, and as part of, the concept plan or preliminary application. The review of the adequacy of this fee shall be a component of the completeness review conducted by the administrative officer. Prior to making a determination of completeness upon any application, the administrative officer shall review said application to determine whether the escrow amount submitted is sufficient. If the administrative officer determines that the submitted amount is insufficient to cover professional costs anticipated by the application, appropriate additional funds shall be deposited by the applicant prior to the administrative officer declaring the application complete. The application shall not be declared complete or placed on an agenda for public hearing until such time as all escrow fees deemed sufficient are submitted.
2. Each applicant for subdivision, site plan, variance, or for an appeal, interpretation, or other action authorized by this ordinance, shall agree, in writing, at the time of the first submission of an application for development, to pay all reasonable costs for professional review of the application. This includes all costs incurred with any informal review of a concept plan that may have preceded the submission of a preliminary application. Additionally, each applicant shall agree, in writing, to pay all reasonable costs for the municipal inspection of the constructed improvement. All such costs for review and inspection must be paid before any construction permit is issued.
3. Each payment charged to a deposit made for the review of applications, the review and preparation of documents, and inspections of improvements shall be pursuant to a voucher from the professional. That voucher shall identify the personnel performing the services and, for each date, the services performed, the hours spent to one-quarter hour increments, the hourly rate, and the expenses incurred.
4. All professionals shall submit vouchers to the chief financial officer of the City on a monthly basis in accordance with schedules and procedures established by the chief financial officer.
5. If the services are provided by a municipal employee, the municipal employee shall prepare and submit to the chief financial officer of the City a statement, on a monthly basis, containing the same information as

required on a voucher.

6. The professional shall send an informational copy of all vouchers or statements submitted to the chief financial officer of the City simultaneously to the applicant. The chief financial officer of the City shall prepare and send the applicant a statement including an accounting of funds listing all deposits, interest earnings, disbursements, and the cumulative balance of the escrow accounts. This information shall be provided to the applicant on a quarterly basis if monthly charges are \$1,000 or less, or on a monthly basis if monthly charges exceed \$1,000.
7. If an escrow account or deposit contains insufficient funds to enable the City or approving authority to perform required application reviews or improvement inspections, the chief financial officer of the City shall provide the applicant with a notice of the insufficient escrow or deposit balance. An applicant should not be entitled to proceed with the application or any development until such time as the necessary funds are posted to ensure payment of professional fees.
8. In order for work to continue on the development or the application, the applicant shall within a reasonable time period post a deposit to the account in an amount to be agreed upon by the City or approving authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenished deposit.
9. Further additional escrow deposit fees may be required upon determination by the administrative officer that additional deposits as authorized under this ordinance are reasonably required. All approvals shall be conditioned upon receipt of such additional fees. No building permit or certificate of occupancy shall be issued until the Chief Financial Officer has received all required escrow accounts funds.

H. The following close-out procedures shall apply to all deposits and escrow accounts and shall commence after the approving authority has granted final approval and signed the subdivision plat or site plan, in the case of application review escrow's and deposits, or after the improvements have been approved, in the case of improvement inspection escrow and deposits:

1. The applicant shall send written notice by certified mail to the chief financial officer of the City, to the approving authority, and to the relevant municipal professional that the application or the improvements, as the case may be, are completed.
2. After receipt of such notice, each affected professional shall render a final bill to the chief financial officer of the City within thirty days, and shall send a copy simultaneously to the applicant.
3. The chief financial officer of the City shall render a written final accounting to the applicant on the uses to which the deposit was put within forty-five days of receipt of all final bills.
4. Any balances remaining in the deposit or escrow account, including interest, shall be refunded to the developer along with the final accounting, except for any amounts retained for administrative expenses pursuant to N.J.S.A. 40:55D-53.1.

I. Appeal Procedures:

1. An applicant shall notify the Plainfield City Council in writing, with copies to the chief financial officer,

the approving authority, and the professional, whenever the applicant disputes the charges made by a professional for services rendered to the City in reviewing an application for development, reviewing or preparing documents, inspecting improvements, or for other charges made pursuant to law.

2. The Plainfield City Council, or its designee, shall within a reasonable time period attempt to remediate any disputed charges.
3. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the county construction board of appeals in accordance with N.J.S.A. 52:27D-127 any charge to an escrow account or to a deposit by any municipal professional or consultant, or the cost of the installation of improvements estimated by the City Engineer pursuant to N.J.S.A. 40:55D-53.4.
4. An applicant or his authorized agent shall submit the appeal in writing to the county construction board of appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the City, to the approving authority, and to any professional whose charge is the subject of the appeal.
5. An applicant shall file its appeal within forty-five days from receipt of the informational copy of the professional's voucher, except that if the professional has not supplied the applicant with an informational copy of the voucher, then the applicant shall file his appeal within sixty days from receipt of the municipal statement of activity against the deposit or escrow account.
6. An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.
7. During the pendency of any appeal, the municipality or approving authority shall continue to process, hear, and decide the application for development, and to inspect the development in the normal course, and shall not withhold, delay, or deny reviews, inspections, signing of subdivision plats or site plans, the reduction or release of performance or maintenance guarantees, the issuance of construction permits or certificates of occupancy, or any other approval or permit because an appeal has been filed or is pending under this section. The chief financial officer may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the chief financial officer shall reimburse the deposit or escrow account in the amount of such disallowed charge or refund the amount to the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of the municipality, the professional or consultant shall reimburse the municipality in the amount of any such disallowed charge.

J. General Provisions:

1. All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction.
2. Review fees shall be charged only in connection with an application for development presently pending before the approving authority, or upon review of compliance with conditions of approval, or review of requests for modification or amendment made by the applicant.

3. A professional shall not review items which are subject to approval by any state governmental agency and not under municipal jurisdiction, except to the extent consultation with a state agency is necessary due to the effect of state approvals in the subdivision or site plan.
 4. Inspection fees shall be charged only for actual work shown on a subdivision or site plan, or required by an approving resolution.
 5. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and documents.
 6. If the City retains a different professional or consultant in the place of the professional originally responsible for development, application review, or inspection of improvements, the City or approving authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project. The City or approving authority shall not bill the applicant or charge the deposit or the escrow account for any such services.
- K.** Notwithstanding the above, all applications for development filed with the approving authority for single detached one and/or two family dwelling units that do not require site plan or subdivision approval or do not involve the installation of public improvements are not required to submit escrow deposits. Any application for development that involves a permitted change of use but does not require the construction, structural modification or expansion of an existing structure, or the installation, modification, or expansion of parking facilities is also exempt from the submittal of escrow deposits.

ARTICLE XIV – EFFECT AND SEVERABILITY

§17:14-1. WHEN EFFECTIVE

This Chapter shall take effect upon its final passage and upon publication and filing with the County Planning Board according to law.

§17:14-2. SEVERABILITY

If any section or provision hereof shall be adjudged invalid, such determination shall not affect the other provisions hereof which shall remain in full force and effect.