

Chapter 16. Additional Zoning & Design Standards

40:16-1. Variances and Waivers

Any deviation from a provision of this Chapter which is identified as a design standard shall require a waiver by the Central Planning Board and the Zoning Board of Adjustment from the specific design standard for a site plan application. Any other deviation from a standard contained in this Chapter shall require a variance from the specific standard in accordance with the Municipal Land Use Law.

40:16-2. Landscaping For Buildings & Yards

40:16-2-1. Design Standards

1. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and screening requirements.
2. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and/or the use of building and paving materials in an imaginative manner.
3. Landscaping shall be provided for all residential, commercial, and industrial sites. Landscaping is required to meet the following objectives, however, nothing contained therein shall prevent the Central Planning Board from requiring additions or revisions to the landscape plan for the development.
 - a. Architectural Use. Landscaping shall be used to form walks, corridors, canopies, or floors of varying heights and densities. Planting shall be used as barriers to provide private, semi-private, and public space within planned unit developments, cluster housing, etc.
 - b. Engineering Use. Landscaping shall be used to control lighting, glare, and reflection, noise, soil erosion, provide for drainage control through the use of swales, and recharge areas, and for climate control for purposes of shading, wind reduction, snow fencing and insulation for buildings.
 - c. Aesthetic Use. Landscaping shall be used to provide buffers and screening for parking areas,

loading zones, refuse collection areas, and to enhance building design.

d. Plans shall clearly indicate all existing trees and their size in inches of diameter at breast height (dbh), to be removed due to the construction for which the applicant is seeking permission. The developer must provide, on-site, replacement trees, the combined cross sectional area of which measured at diameter at breast height, must be equal to or greater than the area or combined areas as measured in cross section of trees removed. All replacement trees, as to species and type, are to be approved by the Newark Planning Office and shall be planted at a minimum initial diameter of three (3) inches (dbh). If the site cannot accommodate the number of trees hereby required as replacement, the developer may be required to pay to a special fund, known as the Tree Planning and Preservation Fund, an amount determined by the Newark Planning Office to be equal to the value of the trees and the planting cost per the discretion of the Central Planning Board or the Zoning Board of Adjustments.

e. If trees required by Zoning Standards are planted in an area with less than 25 square feet of pervious area per tree, structural soil shall be applied under impervious surfaces.

40:16-2-2. Zoning Standards

1. All of the lot area not covered by buildings, parking areas, driveways, sidewalks and other impervious surfaces shall be landscaped with vegetative land cover.
2. On-Site Trees.
 - a. For each twenty-five (25) feet of lot width in a required front yard adjacent to a public street, there shall be at least one (1) tree planted with a minimum of two and one-half (2 1/2) to three (3) inches in caliper and eight (8) feet in overall height at the time of installation. There shall be a minimum pervious area of 25 square feet per tree.
 - b. Where more than one (1) tree is required, such trees may be planted in appropriate clusters or

groups. Trees shall be mulched with at least two (2) inches of bark mulch or other material commonly used for the purpose. If the front yard is greater than ten (10) feet in depth, any required trees shall be planted in the front yard, otherwise required trees may be planted within the side and/or rear yards. No trees shall be required where no yards have a depth less than ten (10) feet.

3. Shade trees shall be planted along streets spaced at a maximum of thirty-five (35) feet center at center and shall be three (3) inches to four (4) inches in caliper which shall be measured six (6) inches from the ground level after planting.

4. Prohibited tree species. The following tree varieties may not be planted and are prohibited:

- i. Bradford Pear / *Pyrus calleryana* 'Bradford'
- ii. Empress Tree / *Paulownia tomentosa*
- iii. Tree of Heaven / *Ailanthus altissima*
- iv. White Poplar & Lombardy Poplar / *Populus alba* & *Populus nigra*
- v. Russian Olive
- vi. Siberian Elm
- vii. Amur Maple
- viii. Silver Maple
- ix. Norway Maple
- x. Ginkgo Biloba - female

In addition, no tree listed on the NJDEP Invasive Plant List or USDA Invasive Plants Field and Reference Guide may be planted.

40:16-3. Buffer Areas

40:16-3-1. Zoning Standards

1. Buffer areas shall be provided along the entire linear footage of lot lines where a non-residential use or district line abuts a residential use except that where a new residential use is proposed on a lot adjoining an existing non-residential use or district line, the proposed residential use shall provide the buffer.

2. Buffer areas shall be planted with a combination of evergreens, deciduous trees and shrubs of such species and sizes which will produce within two (2) growing seasons a living screen at least six (6) feet in height. Buffers shall be of a density so as to obscure

throughout the full course of the year the glare of automobile headlights or other bright sources of illumination emanating from the premises.

3. Buffer areas shall not be less than five (5) feet in width. Where such width is not practical in the side or rear yard, decorative fencing subject to the requirements of Section 40:16-5 of this Chapter, shall be provided in lieu of a landscaped buffer. However, chain link fencing shall not be used for buffer purposes.

4. No activity, outdoor storage of materials or parking of vehicles shall be permitted in the buffer area except for access driveways, directional signs, and permitted signs.

5. Buffer areas shall be placed so that at maturity they will not protrude across any street or property line and so that a clear sight triangle shall be maintained at off-street intersections and at all points where private accessways intersect a public street.

40:16-4. Screening Of Uses & Activities

40:16-4-1. Zoning Standards

The following uses and activities visible from any public right-of-way shall be screened as follows.

1. Refuse Disposal Dumpsters, Trash & Recycling Containers

a. Screening shall consist of an opaque fence or wall to a height of five (5) feet.

b. Where such walls and/or fences are visible from any public way, there shall, where possible, be plantings visually consistent with other required landscaping. Such plantings shall be planted at a minimum initial planting height of three (3) feet.

c. Chain link fencing and gates with or without vinyl slats shall not be permitted for screening purposes.

2. Loading Berths

a. Such screening shall consist of an opaque fence or wall to a height of five (5) feet or a continuous evergreen or dense deciduous shrub hedge, or a combination of the two.

b. Chain link fencing and gates with or without vinyl slats shall not be permitted for screening purposes.

3. Outdoor Manufacturing Activities

a. Screening shall consist of a solid fence or wall five (5) feet in height or of such height necessary to screen such storage from view from the public street or adjacent properties. In the alternative, a continuous evergreen or dense deciduous shrub hedge, or a combination of the two may be used.

b. Chain link fencing and gates with or without vinyl slats shall not be permitted for screening purposes.

4. Ground-Mounted Mechanical Equipment

a. A wall or planting shall be installed to screen ground-mounted mechanical equipment from view on all sides.

b. The material, finish and design shall be architecturally compatible with the exterior façade of the principal structure on the lot.

c. All plantings shall be planted at a minimum initial planting height of three (3) feet.

5. Rooftop-Mounted Mechanical Equipment

a. Architectural screening shall be installed so as to screen the rooftop mounted mechanical equipment from view from all sides from which it may be visible. However, no additional screening shall be required where the parapet wall is at least as tall as the rooftop mechanical structure.

b. Screening shall consist of architectural elements

of a height equal to the mechanical equipment.

c. The material, finish and design shall be architecturally compatible with the exterior façade of the principal structure on the lot.

d. Rooftop mounted mechanical equipment shall be set back from the edge of the roof at least one (1) foot for each one (1) foot by which rooftop mechanical structures project above the roofline. No setback shall be required if the parapet wall is at least as tall as the rooftop mechanical structure.

40:16-5. Fences & Walls

40:16-5-1. Zoning Standards

1. Residential Uses. Fences or walls or a combination of the two, may be constructed between the building line and the property line as follows:

a. Height restrictions

i. The maximum allowable fence height shall be three (3) feet in front yards. Fences shall not be solid.

ii. The maximum allowable height shall be five (5) feet in side and rear yards.

iii. Where a residential use is adjacent to an industrial use, the side and rear yards may have a fence or wall up to eight (8) feet.

b. Design standards

i. Fences shall be of a consistent, ornamental nature such as wrought iron, picket wood, or tubular metal fencing. The minimum width of vertical bars shall be one-half (0.5) inch and the maximum spacing of the bars shall be four (4) inches.

ii. Walls shall consist of brick, stucco, decorative concrete, natural stone, or other similar decorative material shall be used.

iii. Chain link fencing shall not be permitted, except along the rear lot lines and those portions of the side lot lines within the rear yard of the property.

iv. PVC Vinyl or wood stockade fences are permitted only in rear yard areas.

v. No solid fencing or chain link fencing is permitted along a public right-of-way line or in a front yard.

vi. Gates shall not swing into the public right-of-way.

2. Parks, Recreational Areas and School Uses. Fences or walls may be constructed along all property lines as follows:

a. Height restrictions

i. The maximum allowable height shall be ten (10) feet for ballfields and six (6) feet for all other uses.

3. Commercial and Industrial Uses. Fences or walls or a combination of the two may be constructed between the building line and the property line as follows:

a. Height restrictions.

i. The height of any fence or wall shall not exceed four (4) feet.

b. Chain link fencing shall be permitted for industrial uses. For commercial uses, such fencing may be used in rear yards only including along the rear lot line and along those portions of the side lot lines within the rear yard of the property.

c. Design standards

ii. Where walls are utilized, walls consisting of brick, stucco, decorative concrete, natural stone, or other similar decorative material shall be used.

4. The use of razor wire, barbed wire or sharp projections on fences is prohibited for all residential and commercial buildings and sites and any buildings.

40:16-6. Lighting

40:16-6-1. Design Standards

1. Adequate lighting shall be provided to ensure the safe movement of persons and vehicles, and provide security.

2. Lighting design shall conform to standards presented in the current edition of the Illuminating Engineering Society Lighting Handbook.

3. Lighting shall be designed to minimize glare and reflection on adjacent properties.

4. The type of lighting provided shall be consistent with the existing street light in the immediate area of the site.

5. Unnecessary lighting should be avoided, but lighting essential for security or safety should always be provided.

40:16-6-2. Zoning Standards

1. General Illumination Standards

a. All exterior areas of a site, except for residential and school structures, shall be illuminated at night in accordance with the standards herein. This shall include, but not be limited to, pedestrian pathways, plazas, courtyards, building entrances, parking and driveway areas, and other outdoor spaces commonly used at night. When such areas are not in active use, lighting shall be sufficient to allow for appropriate surveillance for crime prevention purposes, but shall be designed and installed in such a way as to minimize glare or intrusive light onto adjoining properties.

b. All wires and cables used for the provision of lighting from lightpoles or other freestanding structures shall be underground.

c. All exterior lighting fixtures, however mounted, shall be provided with shields as necessary to confine the illumination to the site upon which it is located to the standards set forth herein and to eliminate glare on any adjacent properties and to adjacent streets.

d. All lighting except for decorative facade lighting shall be under one half (0.5) footcandles.

2. Illumination Levels

a. Illumination levels at the property line of a project shall not be more than one-half (0.5) footcandle

with the shell pointing downwards at any point when the project is located next to any residential use or residentially zoned property. The illumination levels at the property line of a project adjacent to any other use shall not be more than one (1.0) footcandle unless in conflict with a standard set forth below, in which case that standard shall apply:

- i. Off-street/surface parking areas or lots as well as private roadway areas shall comply with the following requirements: Illumination levels outside the radius of any light pole (with radius equaling the height of the pole, not to exceed thirty (30) feet, but no less than twenty (20) feet) shall range between a minimum of one (1) footcandle and a maximum of three (3) footcandles.
- ii. Access drives for non-residential uses and multi-family housing shall be illuminated with at least one half (0.5) footcandle.
- iii. Entrances and exits of non-residential structures and multi-family housing shall have a minimum illumination level of one (1) footcandle and a maximum level of five (5) footcandles.
- iv. Single-, two-, three- and four-family residential uses shall have a maximum illumination level of three (3) foot-candles at the driveway or walkway, but no more than one-half (0.5) footcandle at any property line elsewhere on the site.
- v. Pedestrian walkways or bikeways shall have an illumination level ranging between a minimum of one-half (0.5) footcandle and a maximum of two and a half (2.5) footcandles.
- vi. Large open areas and the grounds of multi-family housing complexes shall have a minimum illumination level of one-half (0.5) footcandle and a maximum level of two (2) footcandles.
- vii. Canopied areas, such as those found at drive-through facilities at banks, service stations, car washes, shall have a maximum illumination level of fifteen (15) foot-candles with a maximum to

minimum illumination level ratio of 2:1.

viii. Display areas at outdoor dealerships for new and used products, including, but not limited to, automobiles, trucks, motorcycles and boats, shall have a maximum illumination level of fifteen (15) foot-candles for any row or tier of display that is adjacent to an external road or street, and a maximum level of ten (10) footcandles for all other rows or tiers of display. Entrances and exits shall not exceed ten (10) footcandles.

ix. Illumination levels for outdoor recreational facilities, such as, but not limited to, football fields, soccer fields, baseball fields, or tennis courts, shall be determined on a case by case basis by the Zoning or Planning Board staff, but shall comply with the illumination limits at property lines established above in 40:16-6-2.

x. For all other outdoor spaces, the minimum illumination standard shall be one-half (0.5) footcandle. Such illumination shall be controlled by motion sensor lighting.

xi. For the parking areas of enclosed parking garages, a minimum lighting level of two (2.0) footcandles shall be maintained. No lighting shall produce glare outside the structure.

b. The spacing between poles illuminating large open areas including, but not limited to, surface parking areas or lots, parks, or the grounds of multi-family housing complexes shall be no closer than two and one-half (2 1/2) times the pole height. Light poles must be positioned to enable walkways to comply with local, Federal, or State disabled persons access legislation.

3. Architectural Lighting

a. Fixtures used to accent architectural features, materials, colors, style of buildings or art shall be located, aimed and shielded so that light is directed only on those features.

b. Such fixtures shall be aimed or shielded so as to minimize light spill into the sky. Such fixtures shall

not generate excessive light levels, cause glare, or direct light beyond the façade onto neighboring property, streets or the night sky. Lighting shall not change colors or strobe.

4. Height Standards

a. Freestanding Lights

i. For residential uses, the maximum height of freestanding lights shall not exceed the height of the principal building or fifteen (15) feet, whichever is less.

ii. For commercial and mixed-use uses, the maximum height of freestanding lights shall not exceed the height of the principal building or twenty (20) feet, whichever is less.

iii. For industrial uses, the maximum height of freestanding lights shall not exceed the height of the principal building or thirty (30) feet, whichever is less.

b. Mounting Heights. The mounting height of any building-mounted light source shall be the lowest height possible to achieve appropriate illumination, but in no case shall the mounting height exceed twenty (20) feet above grade.

40:16-7. Garbage & Refuse Collection Disposal & Recyclable Materials

40:16-7-1. Design Standards

1. All new multi-family projects shall be provided with a means of collection and storage for garbage, refuse, and waste which will be generated by the development and must be designed to adequately ensure protection and freedom from vermin and rodent infestation.

2. There shall be included in any new multi-family housing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of residentially-generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and

with current methods of collection in the area in which the project is located.

3. The dimensions of the recycling area and the bins or containers shall be consistent with the City of Newark, Title XV, Solid Waste Management, Chapter 12, Mandatory Recycling Ordinance.

4. The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster. All refuse and recyclable materials storage areas shall be contained on a concrete pad and shall be enclosed with a five (5) foot high solid fence or wall.

5. Landscaping shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner. (Evergreen shrubs shall be planted at the perimeter of the storage area at a minimum initial planting height of three (3) feet.)

6. If kept outside, the refuse and recycling area shall be well-lit, and shall be safely and easily accessible by recycling personnel vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.

7. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.

40:16-8. Sanitary Utilities

40:16-8-1. Design Standards

1. All sanitary utilities shall be separately conveyed

from on-tract storm water facilities, and shall be separately connected to the municipal sewerage system. A minimum internal pipe size of four (4) inches shall be used within all public rights-of-way, or of City easements. The materials and design shall be as approved by Title VII, State Uniform Construction Code, as adopted by the City. [7:1-1 et seq.]

2. All industrial users and/or major industry as defined under Title XXXII, Sewers and Sewage Disposal of these Revised General Ordinances shall comply with the regulations therein as well as the requirements of this chapter.

3. Sanitary waste loads from residential and commercial uses shall be calculated by the methods defined in the BOCA National Plumbing Code, or by utilizing per capita per day water consumption. Per capita per day consumption shall be assumed in all such calculations.

4. Pipes shall be designed with full flow velocities ranging from a minimum of two and one-half (2.5) feet per second and a maximum of ten (10) feet per second.

40:16-9. Water Supply

40:16-9-1. Design Standards

1. Water supply system for providing adequate water for potable water, fire protection, industrial or commercial uses shall conform to the current principles and standards of Title VII of the State Uniform Construction Code as adopted by the City [7:1-1].

40:16-10. Fire Prevention

40:16-10-1. Design Standards

1. The Fire Department of the City shall approve all means of fire protection including but not limited to such things as site accessibility for fire apparatus, the placement of hydrants, the placement of smoke and fire detectors and the installation of all fuel and heating systems such as gas and oil supplies. All on-site heating systems shall be designed in accordance

with the standards of the Uniform Construction Code and Fire Code as adopted by the City.

40:16-11. Maintenance

40:16-11-1. Zoning Standards

1. The property owner shall be required to maintain all landscaping, site lighting, fences, signs, and other site improvements to keep the features attractive; in good functioning condition; and free of weeds or overgrowth. Property shall be kept free of debris, trash, or rubbish. Regular weeding, pruning, and mowing of plant materials, and replacement of all dead plant material is also required.

40:16-12. Additional Measures

40:16-12-1. Design Standards

1. The Central Planning Board or the Zoning Board of Adjustments may require provisions of such additional measures as it deems necessary to protect public areas or neighborhood properties from adverse effects of the proposed development which would be harmful to health, safety, conservation of property values and general welfare.