

## Chapter 3. Zoning Districts

### 40:3-1. Establishment of zoning districts

For the purpose of limiting and restricting to specified districts, and regulating therein buildings and structures according to their construction and the nature and extent of their use, and the nature and extent of the use of land, and to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use and extent of use of buildings and structures and land, for trade, industry, residence or other purposes excluding municipally owned and operated or municipally operated buildings and related premises used for governmental purposes, the City of Newark is hereby divided into districts, of which there shall be twenty (20) in number, known as:

R-1	Detached Single-Family Residential
R-2	Single- and Two-Family Residential
R-3	One- to Three-Family and Town House Residential
R-4	Low-Rise Multifamily Residential
R-5	Mid-Rise Multifamily Residential
R-6	High-Rise Multifamily Residential
C-1	Neighborhood Commercial
C-2	Community Commercial
C-3	Regional Commercial
I-1	Light Industrial
I-2	Medium Industrial
I-3	Heavy Industrial
MX-1	Mixed Use, Residential/Commercial
MX-2	Mixed Use, Residential/Commercial/Industrial
EWR	Airport
EWR-S	Airport Support
PORT	Port
INST	Institutional
PARK	Park
CEM	Cemetery

### 40:3-2. Zoning map

The boundaries of the districts set forth above shall be as shown and delineated on the "Newark Zoning Maps" found on pages 7-31 of this booklet and declared to be part of this Chapter.

### 40:3-3. Interpretation of zoning district boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Title, the following rules shall apply:

**40:3-3-1.** Where the district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Title are bounded approximately by streets or alley lines, the center line of the street or alley shall be construed to be the boundary of such district.

**40:3-3-2.** The district boundaries are, unless otherwise indicated, either street lines or lines drawn parallel to and one hundred (100) feet back from one (1) or more of the street lines bounding a block. Where two (2) or more district designations are shown within a block two hundred (200) feet or less in width, the boundaries of the less restricted district shall be deemed one hundred (100) feet back from its street line. Where two (2) or more district designations are shown within a block more than two hundred (200) feet in width, the boundaries of the more restricted district shall be deemed one hundred (100) feet back from its street line.

### 40:3-4. General compliance conditions

Except as otherwise provided in this Title:

**40:3-4-1.** No building, structure or land shall be used for, nor shall any building or structure be erected, converted, enlarged, reconstructed, or structurally altered for any use which does not comply with all district regulations established by this Title for the district in which the building, structure, or land is located.

**40:3-4-2.** The yard regulations and the lot area per unit provisions required by this Title shall be considered minimum regulations for each and every building or structure existing on the effective date of the zoning ordinance and for any building or structure thereafter erected or structurally altered. No land required for yards, or lot area per unit provisions for any building or structure hereafter erected or structurally altered, shall be considered as a yard or for a lot area for any other building or structure.

**40:3-4-3. Extraneous Living Spaces**

Any indoor living space that could be converted to an additional dwelling unit shall be considered as an additional dwelling unit for all zoning, building, or land development regulation purposes. Such an indoor space shall be defined as having two hundred and fifty (250) or more square feet and having direct access to the structure's common stairwell, hallway, or lot. Such spaces are typically labeled as recreation rooms, storage rooms, home offices, dens, or a combination of such rooms. If, however, this space contains the dwelling unit's only entranceway, or consists of a dwelling unit's only living room, dining room, or kitchen, it shall not be considered an additional dwelling unit. If this space consists of a commercial or live/work area required because it fronts on a commercial row or is proposed as permitted commercial space, it shall not be considered an additional dwelling unit.

**40:3-5. New territory**

Whenever lands or territory shall hereafter be acquired by annexation, the lands or territory shall be deemed to be zoned as it was prior to annexation in the municipality from which it was acquired.