

## Chapter 8. Requirements for Off-Street Parking & Loading Areas

### 40:8-1. Variances and Waivers

Any deviation from a provision of this Chapter which is identified as a design standard shall require a waiver by the reviewing board from the specific design standard. 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.

### 40:8-2. Parking Location

#### 40:8-2-1. Zoning Standards

1. Except as otherwise expressly provided in this Title, required off-street parking, loading, and vehicle stacking spaces shall be located on the same lot as the principal use and must have adequate access to a street or driveway connecting to a street.

a. Parking spaces should utilize vacant land whenever possible and preserve existing vegetation.

2. When the parking spaces required by this Title are provided off the site, the following additional regulations shall apply and shall continue so long as the premises are used for such purpose, except that in lieu of the area originally designated, other equal area may be substituted from time to time:

- a. Such parking spaces shall be in the same possession by lease or ownership as the use to which they are an accessory.
- b. Such spaces shall conform to all regulations of the district in which they are located.
- c. For all building types except the Industrial building type described in Chapter 5:
  - i. All parking spaces shall be inside the structure or located at the rear or at one (1) side of that structure.
  - ii. On-site parking is prohibited in front of a structure or forward of a street-facing facade of that structure.
  - iii. Tandem parking arrangements of only up to two (2) spaces deep are allowable in one-, two-, or three-family dwellings.
  - iv. In multifamily structures with four (4) or more dwelling units, tandem parking arrangements of up to two (2) spaces deep can only be used if both spaces are assigned to the same dwelling unit and shall only count as one parking space.

### 40:8-3. Off-Street Parking Lots

#### 40:8-3-1. Design Standards

1. Complete Streets Policy.
  - a. The design and layout of off-street parking lots shall be reviewed so as to provide an high-quality, urban, shaded, compact, and walkable design and layout.
  - b. Pedestrian, bicycle, and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of pedestrian circulation from the public right-of-way to the development, parking areas, and off-street loading and unloading.
  - c. The Central Planning Board shall ensure that parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be appropriately designed using Complete Streets standards outlined in the "Urban Street Design Guide" published by the National Association of City Transportation Officials (NACTO).
  - d. The site plan shall provide a safe and efficient circulation system for the movement of people, whether on foot, bicycle, or vehicle into, out of, and within the site. The circulation system shall have minimum adverse impact on surrounding areas and shall comply with the Complete Streets standards outlined in the "Urban Street Design Guide" published by the National Association of City Transportation Officials (NACTO).
  - e. Particular attention shall be given to provide for safe emergency access for fire and police protection, vehicular and pedestrian circulation.
2. Sufficient off-street parking shall be required to ensure minimum on-street parking.
3. Off-street parking areas shall be designed to permit all vehicles to turn around on the site in order to prevent the necessity of any vehicle backing onto a collector or an arterial street from such site. No required off-street parking space or maneuvering

space shall be located within the existing or proposed right-of-way of the street.

4. Off-street parking shall meet the following requirements:

- a. The site plan shall provide for sufficient parking spaces, driveways, maneuvering areas and loading zones.
- b. For all automobile parking the minimum space shall be eight feet six inches wide and eighteen (18) feet long. An eight-foot six-inch stall width assumes a clear space on adjacent stalls of the same dimension on both sides. If a stall is located with one (1) side adjacent to a wall or high curb, an additional six (6) inches of width is needed. The minimum stall width, if walls are on both sides, shall be therefore, nine (9) feet. The use of minimum width of eight (8) feet shall be permitted for attendant type parking.
- c. The stall dimensions are in addition to the required maneuver and access aisles as determined by the Newark Department of Engineering. In no event shall the overall layout of the off-street parking area be conducive to a back-out maneuver onto a collector or an arterial street.
- d. In any case where a reduction of the required area per parking space is permitted by the Newark Department of Engineering on the basis of the developer's certification that such space will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.
- e. A parking area shall be illuminated and shall be shielded to protect motorists on the adjacent or adjoining residential properties from resulting glare.

5. If parking lifts are to utilized, refer to Chapter 4 Section 6-1.

#### **40:8-4. Off-Street Structured Parking (Freestanding or in Mixed-Use Building)**

##### **40:8-4-1. Zoning Standards**

1. Structured parking shall be designed to complement Newark's neighborhoods and streets to create a pedestrian-friendly environment and aesthetically-pleasing public realm.
2. All structured parking and structured parking garages and structures (referred to here as parking structures) must have a primary pedestrian entrance and exitway facing a public street located at the sidewalk.
3. Facades on all parking structures shall be partially enclosed or screened as follows:
  - a. First or Ground floor: First floor of parking structures shall have at least 70% of the façade elevation enclosed with a wall so that it is not open to the exterior. In addition, a minimum of 65% of ground-floor facade shall be transparent with windows or other openings. Decorative exterior materials shall be used for enclosure and screening of openings.
  - b. Second floor and above: A minimum of 50% of the façade elevation area must be enclosed with a wall so that it is not open to the exterior. In addition, a minimum of 35% of facade shall be transparent with windows or other openings. Decorative exterior materials shall be used for enclosure and screening of openings.
4. Parking structures shall not be clad in EIFS or similar materials.

##### **40:8-4-2. Design Standards**

1. Public art and/or creative design and color schemes to make garage façade elevations aesthetically attractive and provocative to the street are encouraged.
2. Parking structures are encouraged to incorporate green roofs, sustainable materials, solar panels, and exterior vegetative landscaping features where appropriate.
3. New parking structure entrances/exits are prohibited on arterial streets.

4. Parking structures, whether stand-alone or incorporated into a building with other uses, shall not have more than 48 feet in height of exposed elevation frontage on any residential street. Parking structures exceeding 48 feet in height must be wrapped with other street-facing uses.

5. Parking structures with over 450 vehicles shall have more than one exit/entry. Second entry/exit to garage should be on a different street than the other exit/entry if feasible.

6. The permitted and prohibited uses and ground floor use standards sections that are in the Permitted Uses by District contained in Chapter 4 provide may further restrictions on the design and placement of structured parking.

7. For ground-floor standards for parking structures, refer to Chapter 4. Permitted Uses by District.

#### **40:8-5. Off-street parking landscaping**

##### **40:8-5-1. Zoning Standards**

1. All automobile and truck parking lots whether public or private, residential, commercial, or industrial parking lots shall be effectively screened by attractive decorative landscaping, the purpose of which is to screen from public view cars and trucks within the parking area. In all parking areas, at least 15% of the interior parking area shall be landscaped with plant material reasonably distributed in the lot.

a. One pollution-resistant shade or ornamental tree shall be planted for every five (5) parking spaces. These shall be reasonably distributed in parking areas and in landscaped areas combined with shrubbery. The base of each tree shall be left free of pavement for a diameter of not less than five (5) feet. The landscaping should be located in protected areas, such as along walkways, lot perimeters, in center islands, at the end of bays or in diamonds between parking stalls. Such protected areas shall be constructed so as to prevent damage to plant material from vehicles.

b. Parking of motor vehicles on landscaped areas, on grass, or against trees and shrubbery shall not

be permitted in business, commercial, industrial and professional areas.

c. Parking area designs must provide for shade by deciduous trees that have or will have when fully mature a trunk at least 12 inches in diameter. New trees shall be of a type suitable and adaptable to planting within a parking lot for shading. Each tree shall be capable of shading a circular area having a radius of 15 feet with the trunk of the tree as the center. There must be sufficient trees so that, using this standard, 50% of the parking area shall be shaded within fifteen (15) years after establishment of the parking facility.

2. Only nursery grown planting stock, free of insects and disease, single-stem and spaced at a suitable distance to consider growth when reaching maturity, shall be used. Narrow evergreen coniferous shrubbery or trees shall be planted four (4) feet on centers (such as Arborvitae) where used as a screening device. Special design effort shall be made to protect, save and utilize healthy vegetation and trees three (3) inches or more in caliper.

2. All perimeter buffer areas shall comply with Section 40:8-1.

3. Wheelguards shall be constructed for all sites. These guards shall be positioned to prevent damage to fencing and landscaping along the property line and to ensure pedestrian safety wherever necessary.

##### **40:8-5-2. Design Standards**

1. Parking lots of more than six (6) vehicles but less than twenty (20) vehicles shall provide a buffer of of a hardy (salt-, shade-, and drought-resistant) plants to provide a deciduous or evergreen hedge-forming shrub variety which meets the following standards:

a. Such plantings shall not be less than three (3) feet high at planting.

b. Such planting shall be located adjacent to the parking areas or along all property lines adjacent to such parking areas to buffer lot use, noise, and dust.

- c. Such plantings shall be maintained at a height of four (4) feet except where the perimeter of a parking lot is adjacent to a residential district, the height of such screening shall be six (6) feet and evergreen.
  - d. Such plantings shall not be required in those instances where a permitted building or other structure screens such a parking lot.
  - e. Such plantings shall not be permitted within sight triangles of driveways.
  - f. Such plantings may be substituted by a combination of plantings and walls or other opaque, durable decorative permitted fencing that sufficiently screens automobile headlights, provided that opaque fencing or walls are not placed along a lot line bordering a public right-of-way. Chain link fencing with or without vinyl slats shall not be permitted as a substitute for such plantings.
2. For parking lots with greater than twenty (20) spaces, the following landscaping requirements in addition to those set forth in Section 40:8-4 shall apply:
- a. A minimum of 15% of the area shown on the site plan shall be reserved for landscaping, which shall be reasonably distributed within the area, and which shall include foundation plantings in suitable planting beds not less than three feet wide on the front, sides and rear of any building structure.
  - b. Parking areas, 1/10 of the total of such area or 1,000 square feet within each 10,000 square feet of paved area, shall be landscaped with planting material reasonably distributed in the area. Landscaping in parking area shall be located in protected areas, such as along walkways, in center islands, at the end of bays, or in diamonds between stalls. Such protected areas shall be constructed so as to prevent damage to plant material from vehicles. One approved shade or ornamental tree shall be planted for every five parking places. These shall be reasonably distributed in parking areas in any landscaped areas combined with shrubbery. The base of each tree shall be left free of pavement for

a diameter of not less than one (1) foot per diameter inch of expected growth.

c. Each tree shall be capable of shading a circular area having a radius of 15 feet with the trunk of the tree as the center. There must be sufficient trees so that, using this standard, 35% of the parking area will be shaded. All remaining areas shall be suitably graded and landscaped with grass, ground cover, trees, shrubs and other suitable plants in a manner most compatible to the area and consistent with the aesthetic considerations of this article.

d. At least fifteen percent (15%) of the total parking area shall be landscaped with appropriate trees, shrubs, ground cover, or other plant materials within the lot to assure the establishment of a safe convenient and attractive facility.

e. At least one (1) tree of not less than two and one-half (2 1/2) inches caliper of a variety other than those named in Section 40:16-2-2, shall be provided within such parking lot for each five (5) parking spaces.

f. Green "belts," "islands," or strips, where appropriate, shall be provided to guide vehicle movement and to separate opposing rows of parking spaces and to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. Such street design should be wide enough to accommodate two (2) rows of deciduous trees with a walkway between the two allowing for pedestrians to safely walk to and from destination. Design shall meet the following requirements:

- i. Such raised planting islands and the landscaping within them shall be designed and arranged so as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel interior traffic flow, to prevent indiscriminate diagonal movement of vehicles and to provide cooling shade and visual relief.

- ii. Such plantings shall be maintained at a height of four (4) feet.

iii. Curbs of such islands shall be designed so as to facilitate surface drainage.

iv. In lieu of planting islands, five (5) foot by five (5) foot tree wells may be planted with shade trees with a minimum caliper of two and one-half (2 1/2) inches and minimum height of eight (8) feet in such positions necessary to effectively guide vehicle movement. These treewells shall have a curb surrounding them and shall incorporate structural soil under impervious surfaces to equal minimum square footage to sustain the tree at predicted maturity size.

3. The selection, amount and location of all landscaping materials shall be subject to approval by the staff of the Central Planning Board, and Urban Forester based upon considerations of the adequacy of the proposed landscaping to serve its intended purpose with minimal maintenance problems including plant care, snow removal and leaf removal.

4. All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the use, building or structure which is intended to serve. Any planting not so maintained shall be replaced with new plants promptly.

5. A maintenance plan shall be submitted and reviewed prior to approval and shall be at least 10 years in effect.

**40:8-6 Loading Areas**

**40:8-6-1. Design Standards**

1. An off-street truck loading stall shall have a minimum width of ten (10) feet, a minimum length of forty-five (45) feet and a minimum clear height of fourteen (14) feet.

a. No truck parking or loading shall be located within ten (10) feet of a residential building.

b. Entrances and exits of driveways to a parking or

truck loading area shall be paved and shall include turning areas, and shall be so designed as to assure ease of mobility, ample clearance and safety of vehicles and pedestrians.

c. A parking or truck loading area shall be surfaced with concrete or bituminous cover graded so as to prevent an accumulation of water on the surface of the areas. In no case shall drainage of any sort be permitted across the public walk into the roadway.

d. A parking area shall be illuminated and shall be shielded to protect motorists on the adjacent or adjoining residential properties from resulting glare.

**40:8-7. Bicycle Parking Areas**

**40:8-7-1. Design Standards**

**40:8-7-2. Location**

1. Bicycle racks shall be well integrated into the pedestrian realm. Racks shall not be permitted on a public right of way or on the sidewalk of a private road where the rack would limit the pedestrian right of way width to less than six (6) feet.

2. Storage for bicycles may be provided inside a building so long as the following standards are met:

- a. Minimum width: Two (2) feet.
- b. Minimum length: Six (6) feet.
- c. Minimum overhead clearance: Seven (7) feet.

3. Bicycle spaces must be located on private property unless the Department of Engineering approves location within the public right-of-way.

4. Parking racks provided outside of a building shall be located within a one hundred (100) foot radius of the primary building entrance.

5. Racks and other fixtures used to provide required

parking must be affixed securely to the ground or a building, to which a bicycle may be locked or chained.

**40:8-8. Driveway Design Standards**

**40:8-8-1. Design Standards**

1. Complete Streets Policy.
  - a. The design of the driveway shall provide safe pedestrian movement along the public right-of-way and shall comply with the Complete Streets standards outlined in the "Urban Street Design Guide" by the National Association of City Transportation Officials (NACTO).
2. The dimensions of entrances and exit driveways and interior roads shall be adequate to accommodate the volume and character of vehicles anticipated to be using the site, but not wider than necessary to accommodate the volume and character of vehicles anticipated to be using the site, but not wider than necessary to accommodate the expected traffic, at a speed of fifteen (15) miles per hour.
3. All entrance and exit driveways shall be located so as to afford maximum safety to, and minimum disruption of, traffic on the street.

4. Where the frontage of the lot is too narrow to permit the above distance, the driveway shall be located as far from the intersection as possible but in no case any closer than twenty-five (25) feet from a public pedestrian crosswalk.

5. All driveways shall require depressed curb construction.

6. All driveways shall conform to all applicable Newark standards. Driveway pavement shall extend to the curb of the street with which it connects.

7. For driveway construction and design, the standards shall apply as given in Table 8-1, set forth hereinafter:

**40:8-9. Buffer Zones**

Buffer areas shall be required 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. Buffering requirements shall be as follows.

**40:8-9-1. Design Standards**

Buffer zones shall provide a year-round visual screen

Table 8-1: Driveway Dimensions And Locations		
	Commercial	Residential
<i>Driveway Width (feet)</i>		
Minimum, one-way	12	10
Minimum, two-way	24	20
Maximums	24 (Two-way)	10 (One-way); 20 (Two-way)
<i>Minimum Driveway Spacing (feet)</i>		
From Street Corner		
Signalized	50	50
Not Signalized	25	25
<i>Number of Driveways</i>	Properties with a frontage of less than 100 feet. should have only ONE driveway. Properties with a frontage of more than 100 feet. TWO (2) driveways shall be permitted on different streets.	

in order to minimize adverse impacts from a site on adjacent property or from adjacent areas.

1. Within a buffer area, a solid and continuous landscape screen shall be planted and maintained. Planted materials in the buffer zone shall be placed within the buffer and shall be sufficiently large and planted in such a fashion that a screen at least eight (8) feet high, occupying 50% of the width of the buffer shall be produced within three growing seasons. The buffer may consist of evergreen and deciduous plants, natural features, berms, fencing, mounds or combinations to achieve objectives. A variety of plant material providing seasonal color and interest should be provided. Possible arrangement of plant material include plantings in parallel, serpentine or broken rows. If planted berms are used, the minimum top width shall be four feet (4) and the maximum side slope shall be 2:1. The intense density of the buffer screen may be reduced by the Board if it is found that the proposed use is visually attractive and not detrimental to the appearance of the neighboring uses.
2. Within any buffer zone, no use, activity or sign shall be established.
3. Any school use, which shall be required by this article or requested by the governing Board to provide a buffer zone to separate such use from a residential use, shall provide a buffer area, consisting of a strip of land sufficient in width, which shall be landscaped in accordance with the regulations herein set forth and in accordance with the shade tree planting specifications for buffers and with a minimum row of massed evergreens, deciduous trees and shrubs.
4. In all areas where a buffer zone is required by this article, permanent curbing shall be installed simultaneously with the installation of landscaping and screening for the protection of the buffer zone.
5. Residential sites. Landscaping, grass and shade tree installation shall be installed in the course of the development of any residential site in accordance with the requirements of this article, and in accordance with the planting specifications.

6. Prior to the issuance of a certificate of occupancy, the applicant or developer of any tract of land or building site shall be required to post a performance bond to cover the cost of such landscaping which may not have been completed prior to such time as the building erected on such tract or site is ready to be occupied. The amount of such performance bond shall be established by the Newark Department of Engineering and the Urban Forester. Said bond shall be released only after the total landscaping plan as previously approved has been completed.

7. All buffer zones and other areas subject to the landscaping requirements of this article, including all trees, shrubbery, grass and fences located therein, shall be properly maintained for a period of 12 months. The applicant or developer shall post with the City a maintenance bond in an amount equal to 1/2 of the total cost of the installation of all landscaping required by this article. Said maintenance bond shall be in addition to any performance bond required. All plantings which shall fail to survive for a period of 24 consecutive months shall be replaced by the applicant or developer at their expense. Such replacement shall be made within 60 days following a written demand for replacement or within such extended period of time as may be specified. Such replacement plantings shall conform to the standards applicable to original plantings as set forth in this article.

