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# **PROPOSED ZONING ORDINANCE**

## **PLAINFIELD, N J.**

Raymond, May, Parish & Pine : Planning Consultants



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# **PROPOSED ZONING ORDINANCE**

**PLAINFIELD, N J.**

**MARCH 1970**

Raymond, May, Parish & Pine: Planning Consultants  
White Plains, New York

## CITY OF PLAINFIELD

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WHITE PLAINS, NEW YORK

George M. Raymond, A.I.P. - Partner-in-Charge  
Richard May, Jr. A.I.P. - Partner  
Nathaniel J. Parish, P.E., A.I.P. - Partner  
Samuel W. Pine, A.I.P. - Partner

Stuart I. Turner - Associate Partner-in-Charge

Richard Hyman - Planning Associate  
Joel Armstrong - Planning Associate

- Note 1: The preparation of this report was financed in part through an urban planning grant from the Department of Housing and Urban Development, under the provisions of Section 701 of the Housing Act of 1954, as amended. The remainder has been financed by local funds and by an appropriation of the State of New Jersey as part of the Cooperative Governmental Planning Program.
- Note 2: The proposed zoning ordinance contains the substantive proposals for regulating land development in the City of Plainfield. Prior to their presentation to the public as an ordinance for adoption, they should be approved as to precise legal form and wording by the City Attorney.

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**ZONING ORDINANCE OF  
THE CITY OF PLAINFIELD  
NEW JERSEY**

The City Council of the City of Plainfield hereby ordains and enacts as follows:

**AN ORDINANCE LIMITING AND RESTRICTING TO SPECIFIED  
DISTRICTS AND REGULATING THEREIN BUILDINGS AND  
STRUCTURES AND LANDS AND THE NATURE AND EXTENT OF  
THEIR USE IN THE CITY OF PLAINFIELD, PROVIDING FOR  
THE ADMINISTRATION AND ENFORCEMENT OF THE REGULA-  
TIONS HEREIN CONTAINED, FIXING PENALTIES FOR THE  
VIOLATION THEREOF, AND PROVIDING FOR THE REPEAL  
OF PRIOR ZONING ORDINANCES.**

This Ordinance shall be known and may be cited by the short form title of the  
"Zoning Ordinance of the City of Plainfield, New Jersey".



## ARTICLE I

### PURPOSES

#### Section 101. PURPOSES

There is hereby established a new comprehensive zoning plan for the City of Plainfield, New Jersey, which plan is set forth in the text and map that constitute this Ordinance.

Said plan is adopted for the purposes stated in Section 40:55-32 of the Revised Statutes of the State of New Jersey which for the protection and promotion of the public health, safety, and welfare shall be deemed specifically to include the following, among others:

- A. To provide for adequate light, air, and convenience of access;
- B. To lessen congestion in the streets;
- C. To secure safety from fire, flood, and other dangers;
- D. To avoid undue concentration of population by regulating and limiting the use of land, the height and bulk of buildings wherever erected;
- E. To limit and determine the size of yards, courts and other open spaces;
- F. To encourage more intensive use of underutilized land; and,
- G. To regulate the density of population.

#### Section 102. SCOPE

The provisions and requirements of this Ordinance shall be the minimum requirements and 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. Nevertheless, this Section shall not justify or cause violation of any existing private restriction greater than one required under any Section of this Ordinance.

## ARTICLE II

### DISTRICTS AND MAP

#### Section 201. LIST OF DISTRICTS

For the purposes of this Ordinance the City is hereby divided into the following classes of Districts:

<u>Designation</u>	<u>Title</u>
R-1	One-Family Residence District
R-2	One-Family Residence District
R-3	One- and Two-Family Residence District
R-4	Low Density Multi-Family Residence District
R-5	Multi-Family Residence District
R-6	One- and Multi-Family Residence District
R-7	One- and Multi-Family Residence District
R-8	One, Two and Multi-Family Residence District
B-1	Neighborhood Business District
B-2	Central Business District
B-3	General Business District
O-1	Research Office District
M-1	Light Manufacturing District
M-2	Heavy Manufacturing District

#### Section 202. ZONING MAP

The accompanying "Zoning Map, City of Plainfield" dated \_\_\_\_\_, delineating the boundaries of the above Districts is hereby declared to be a part of this Ordinance.

#### Section 203. DISTRICTS BOUNDARIES

In determining the boundaries of Districts shown on the Zoning Map, the following rules shall apply:



- A. Unless otherwise shown, the District boundaries shall be construed to coincide with the existing lot lines, and center lines of streets, watercourses, and railroad right-of-way, as indicated on said Zoning Map.
- B. Where a District boundary line does not coincide with any such line as above set forth, it shall be deemed to be parallel to a street line or other boundary line and (100) feet back therefrom, unless otherwise specified.
- C. Where, on the effective date of this Ordinance, a District boundary divides a lot, the less restrictive regulations shall apply within 30 feet of such District boundary in cases where at least 50% of the lot lies within the less restricted District. This paragraph shall not apply to cases where the divided lot is a through lot.

For purposes of this section, the more restricted District shall be deemed that District which is subject to regulations that set higher standards with respect to use, set-back, coverage, yards, screening, landscaping and similar requirements.

- D. In cases where a District boundary line is located not farther than 15 feet away from a lot line of record, the regulations applicable to the greater part of the lot shall apply to the entire lot.

## ARTICLE III

### DEFINITIONS

Unless otherwise expressly stated, the following terms shall for the purpose of this Ordinance have the meaning herein indicated. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot". The term "occupied" or "used" as applied to any building shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used." The word "shall" is always used in its mandatory and not its permissive sense.

### ACCESSORY BUILDING

An accessory building is a building or structure above or below ground, on the same lot with and clearly subordinate to a principal building. Where an accessory building is attached to a principal building by a breezeway, roof, common wall, or the like, such an accessory building shall be considered part of the principal building.

### ACCESSORY USE

An accessory use is a use naturally and normally incident and subordinate to the principal and primary use upon any premises. More particularly, but not by way of limitation, an accessory use shall be construed to include a private swimming pool, garage, off-street parking area, and green house for non-commercial use.

### ALTERATION OF BUILDING OR CHANGE OF USE

An alteration of building is any change in the supporting members of a building, such as bearing walls, columns, beams, girders, interior partitions, as well as any change in doors or windows, or any addition to or diminution of a building. A change of use is a change from the use permitted in one District to a use permitted in another District, any removal of a building from one location to another, or the conversion of any building, or any part thereof, from a use permitted in one District to a use permitted in another District.

### APARTMENT

An apartment is one of a group of three or more dwelling units in one building.

### ATTIC

An attic is the open, non-habitable space between the ceiling beams of a top habitable story and the roof rafters in any building.

### BASEMENT

That portion of a building in which the ceiling averages less than 4 feet above the finished grade where such grade meets the outside walls of the building. Where the ceiling height averages more than 4 feet above such grade, and has a clear height of 6 feet 6 inches or more, such space shall be considered a story.

### BOARDING HOUSE

A building other than a hotel or motel, wherein one or more persons not related in direct line by blood or marriage to the owner or operator of such business, are lodged and served with meals from one kitchen by the owner or operator, for a valuable consideration.

### BUILDING COVERAGE

The percentage of the lot area covered by the ground floor area of all buildings (measured within the outside faces of all walls and including the plan projection of all overhanging roofs except canopies, eaves, and overhangs of 3 feet projection or less).

### CANOPY OR MARQUEE

A canopy or marquee is a roof-like shelter without sides, permanently affixed to the wall of a building, and providing overhead protection from the weather at an entrance to said building, which shall be construed to be a part of the building to which it is affixed.

### COMMON OWNERSHIP

Common ownership is ownership of two or more contiguous lots of real property by one person or by two or more persons owning such property in any form of joint ownership.

### 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.

### DESIGN FLOOD

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.

### DESIGN FLOOD PROFILE

Design flood profile (floodway or flood hazard area) is the elevation of the water surface of the floodway design flood and the flood hazard area design flood as shown on the flood map.

### DWELLING UNIT

A building or entirely self-contained portion thereof intended or designed for non-transient residential use of one-family (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, or (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.

### FAMILY

One or more persons occupying a dwelling unit as a single non-profit housekeeping unit. More than four persons exclusive of domestic servants, not related by blood, marriage, or adoption, shall not be considered to constitute a family.

### FLOOD PLAIN

The relatively flat area adjoining the channel which has been or may be hereafter covered by flood water of the stream.

### FLOOR AREA

The sum of the gross horizontal areas of all of the floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, excluding cellar and basement areas used only for storage or the operation and maintenance of the building.

### FLOOR AREA, LIVABLE

All spaces within the exterior walls of a dwelling unit exclusive of garages, breezeways, unheated porches, cellars, and basements having a window area of less than 10% of the square foot area of the room. Usable floor area shall include all 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 6 feet from finished floor level to pitch of roof rafter with a clear height of 7 feet 6 inches from finished floor level to ceiling level over 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.

### GARAGE PRIVATE

A fully enclosed detached accessory building, or a portion of a principal building, used primarily for the storage of motor vehicles owned or used by the occupant of the principal building to which the garage is an accessory, but not conducted as a business or for profit.

### GARAGE PARKING

A building, or part thereof, other than an accessory or repair garage, used for the storage of vehicles and which may include servicing of said vehicles as an incidental use.



### GARAGE, REPAIR

A building, or part thereof, other than an accessory or parking garage, used for the storage, care, or repair of motor vehicles or where any such vehicles are kept for hire.

### GASOLINE STATION (SERVICE STATION)

An area of land, including structures thereon, that is used primarily for the retail sale and direct delivery to motor vehicles of gasoline and lubricating oil and the making of minor repairs other than in the open. Auto body work, welding, or painting, are prohibited.

### HEIGHT OF BUILDING

The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the mean height between eave and ridge for other type of roofs.

### HIGH RISE APARTMENT STRUCTURE

Any residential building four (4) or more stories in height shall be considered a high rise apartment structure.

### HOME OCCUPATION

Any endeavor carried on for profit in a dwelling only by a member of the family in residence, which generates no nuisance factors and gives no external evidence of non-residential use, including movement of people or trucks.

### HOTEL

Any building or portion thereof containing 6 or more rooms that are rented or hired or hired out for sleeping purposes for compensation, with common rooms and with or without related eating facilities and so constructed that access to and egress from rooms to the outside pass a control desk.

### JUNK YARD

Any space, whether inside or outside a building, used for the storage, keeping, or abandonment of junk, cloth, paper, or waste, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

### LOADING SPACE, OFF-STREET

Any off-street space on the same lot available for the loading or unloading of goods; not less than 15 feet wide, 45 feet long, and with a height clearance of not less than 14 feet, and having direct usable access to a street or alley, except that where one such loading space has been provided, any additional loading space lying alongside, contiguous to, and not separated from such first loading space need not be wider than 12 feet. 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.

### LOT

A lot is a parcel of land, the location, dimensions, and boundaries of which are set forth on the current City tax map. If two or more such parcels are contiguous and in common ownership, their aggregate land area shall, for the purposes of administering and enforcing this Ordinance, be construed to be one lot.

#### Corner Lot

A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 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 135 degrees.

#### Lot, Through

A lot other than a corner lot which adjoins two street lines which are at opposite ends of the lot.

#### Lot Depth

Lot depth is 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

The lot width shall be measured at the front yard 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.

### Lot Frontage

The length of the street line of a lot. In the case of a corner lot, the front of such lot shall, for the purposes of this Ordinance, be considered that frontage upon which the majority of the buildings in the same block front. In the case of a through lot or in case there has been no clearly defined frontage established, the owner may, when applying for a Building Permit, specify on his permit application which lot line shall be considered the front lot line.

### LOT LINE

Any boundary of a lot other than a street line.

### MANUFACTURING

Any process whereby the nature, size, or shape of articles or raw materials are changed, or where articles are assembled or packaged.

### MEDICAL OFFICE BUILDING

A structure occupied by more than one practitioner of the medical and related arts pertaining to human beings including doctors, dentists and their staff. Living quarters shall be limited to one apartment to be occupied by the custodian or caretaker of the building.

### MEMBERSHIP CLUBS

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, cafe, restaurant or other like public space.

### MOTEL

One or more structures designed for the renting of sleeping rooms to transients, and so laid out that there is direct and immediate access from a parked automobile to the rooms, and access to the rooms is not restricted to passage by a single control desk or lobby.

### MULTI-FAMILY RESIDENCE BUILDING

A building or portion thereof containing three or more dwelling units.

### NON-CONFORMING USE OR STRUCTURE

A non-conforming use or structure is one which is lawfully in existence at the time of the adoption of this Ordinance, or any amendment thereto, and which, following the adoption of this Ordinance, does not conform with the regulations and requirements of the District in which it is located.

### NURSING HOME OR CONVALESCENT HOME

For the purposes of this Ordinance, a nursing home or convalescent home shall mean a private nursing home, convalescent home, or boarding home for sheltered care as defined in N.J.S.A. 30:11-8.

### OPEN SPACE, USABLE

An open landscaped portion of a lot which is not devoted to driveways, parking spaces, or required front yards, which is free of structures of any kind, except those devoted to recreational purposes, of which not more than 25% is roofed, the minimum dimension of which is 30 feet, and which is available and accessible to all occupants of the building or buildings on the said lot for purposes of active or passive outdoor recreation.

### PARKING AREA

A parking area is 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 thereto and therefrom.

### PARKING SPACE, OFF-STREET

A parking space is a paved or surfaced accommodation for off-street motor vehicle parking which shall be a minimum of 19 feet in length and 9 feet in width, measured perpendicularly to the axis of the length. All parking spaces shall have adequate provisions for ingress and egress, as required by Section 601 H of this Ordinance.

### PRINCIPAL USE OR STRUCTURE

A principal use is the primary or predominant use of any lot. A principal structure is one devoted to the principal use.

### PUBLIC UTILITY FACILITIES

Public utility facilities are telephone and electric lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; or sewer pipes, valves or structures, maintained, operated and conducted for the service, convenience, necessity, health and welfare of the general public, whether owned by any arm or creature of the Local, State or Federal government or by any privately-owned public utility corporation.

### ROOMING HOUSE

A building other than a hotel or motel, wherein more than two furnished rooms without any cooking facilities, fixed or portable, are rented for a valuable consideration to persons not related in direct line by blood or marriage to the owner or operator of such rooming house.

### SCHOOL

A public or private school or college giving regular instruction at least five days a week for a normal school year, but not including a commercial school or a school for mental defectives.

### SCHOOL, COMMERCIAL

A school or college giving special or limited instruction such as business, art, music, or dancing.



### SINGLE OWNERSHIP

Single ownership, as distinguished from common ownership as defined in this Ordinance, shall be ownership of a single lot by one person, or jointly by two or more persons, whether as joint tenants, tenants by the entirety, or tenants in common.

### SIGNS

Sign shall mean and include any device, freestanding or attached to a building or structure, or erected, painted, represented or reproduced upon or in any building or structure, which displays, reproduces or includes any letter, word, name, number, model, insignia, design, device or representation used for one or more of the following purposes: To identify the premises or occupant or owner of the premises; to advertise any trade, business, profession, industry, service, or other activity; to advertise any product or item; to advertise the sale or rental or use of all or any part of any premises, including that upon which it is displayed; to direct vehicular or pedestrian traffic other than State, County or municipal highway and roadway markers; and shall include any announcement, declaration, demonstration, display, illustration, insignia or any representation used to advertise or intended to advertise or promote the interests of any person. A sign shall not be construed to mean any non-illuminated sign in the interior of any structure unless specifically designated as such in Article VII of this Ordinance; the flag, pennant, or insignia or any Nation, State, City or other division of government; or any signs which are solely devoted to prohibiting trespassing, hunting, or fishing.

### STORY

Any covered area with a clear headroom of 6 feet 6 inches or more, whether finished or not. If the ceiling or underside of of supporting members is less than 4 feet above average grade surrounding any space, that space shall not be considered a story nor counted as floor area.

### STORY, ONE-HALF

Is a space under a pitched roof at the top of a building, the floor of which is not more than two feet below any plate.

### STREET LINE

The dividing line between a lot and a street.

## STRUCTURE (BUILDING)

A structure is an object consisting of one or more fabricated or natural materials which is constructed, erected, or placed below, upon, or above ground level and shall include any building, edifice, construction or piece of work, or any part thereof, or any combination of related parts, including an object attached thereto. This does not include patios at grade or any unroofed surfaced ground area.

## YARD, FRONT

A front yard is an open, unoccupied space (unless occupied by a use hereinafter specifically permitted) extending across the full width of any lot and lying between the street line and the front yard line.

## YARD, REAR

A rear yard is an open, unoccupied space (unless occupied by an accessory building or use hereinafter specifically permitted) extending across the full width of any lot between the rear yard line and the rear lot line.

## YARD, SIDE

A side yard is an open, unoccupied space (unless occupied by a use hereinafter specifically permitted) extending from the front yard line to the rear yard line of any lot between either side lot line and side yard line.

## YARD LINE, FRONT

A line drawn parallel to a street line and a distance therefrom equal to the required depth of the front yard.

## YARD LINE, REAR

A line drawn parallel to a rear lot line and a distance therefrom equal to the required depth of the rear yard.

## YARD LINE, SIDE

A line drawn parallel to a side lot line and a distance therefrom equal to the required depth of the side yard.

## ARTICLE IV

### GENERAL REGULATIONS

#### Section 401. AFFECT OF ZONING REGULATIONS

No land or premises may be used and no building or structure may be erected, raised, moved, extended, enlarged, altered or used for any purpose other than one permitted by this Ordinance for the District in which the land, premises, building or structure is located, and all uses and construction shall be in conformity with the regulations provided for the District in which such land, premises, building or structure is located.

Any use not permitted by this Ordinance shall be deemed to be prohibited. Any list of prohibited uses contained in any section of this Ordinance, shall not be deemed to be an exhaustive list but has been included for the purposes of clarity and emphasis, and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible and are thus prohibited.

#### Section 402. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

No Building Permit and no Certificate of Occupancy shall be issued by the Building Inspector except upon application therefor in conformity with all the provisions of Article XI of this Ordinance. No sign erection permit shall be issued by the Building Inspector except upon application therefor in conformity with the terms of Article VII of this Ordinance.

#### Section 403. SUBDIVISION OF LOTS

Whenever a new lot or lots is or are formed from a part of any other lot or lots, the assembly or separation shall be effected in such a manner as not to impair any of the requirements of this Ordinance and shall be in accordance with the Subdivision of Land Ordinance of the City of Plainfield.

#### Section 404. YARDS

There shall be provided for every lot front, rear, and side yards as required in the District in which said lot is located. All front yards must face upon a dedicated public street and shall be of the size required for the particular District.

in which the lot is located; provided, however, that on streets less than 50 feet in width, the required front yard shall be increased by one-half the difference between the width of the street and 50 feet; and provided, further, that any lot which abuts a street with a proposed right-of-way greater than 50 feet in width as shown on the Master Plan or on the Official Map shall have a front yard measured from the proposed right-of-way line shown on said Master Plan or Official Map.

On any corner lot, the side yard along the street shall have a depth of not less than 75% of the front yard requirement for said lot.

No proposed one or two family residence need have a set-back greater than the average set-back of the two existing residences with the greatest set-backs within 200 feet on each side of the said proposed residence, on the same side of the street, within the same block, and the same District.

#### Section 405. ACCESSORY BUILDINGS AND USES

No accessory building shall be built on any lot on which there is not a principal building.

A. The following requirements shall be met in all Residence Districts:

1. No accessory building shall have a ground area greater than the ground area of the principal building on the same lot nor shall all accessory buildings occupy in the aggregate more than 40% of the required rear or side yards wherein they are located.
2. No free-standing accessory building shall exceed 15 feet in height, unless otherwise permitted.
3. No accessory building or use shall be permitted in any front or side yard.
4. All accessory buildings shall be located at least 10 feet from any principal building situated on the same lot.
5. Accessory buildings or uses in any rear yard shall not be closer than 3 feet from any side or rear property line.

B. The following requirements shall be met in all non-residential Districts:

1. No accessory building shall have a ground area greater than the ground area of the principal building on the same lot.
2. No free-standing accessory building except a sending or receiving radio tower, shall exceed 20 feet in height.
3. No accessory building shall be permitted in any required yard.
4. No accessory building shall be closer to the principal building on the lot on which it is located than 10 feet or the height of said accessory building, whichever is greater.

Section 406. SECOND PRINCIPAL BUILDING ON SAME LOT

No lot in the R-1, R-2, and R-3 Districts shall contain more than one principal building or structure. No building to be used as a dwelling shall be constructed, altered, or moved on, to, or in the rear of any building situated on the same lot.

Section 407. OUTDOOR STORAGE AND DISPLAY

- A. Outdoor storage and display of any kind or nature, except storage of those items customarily used in conjunction with a residential occupancy, is prohibited in all Residence Districts.
- B. In all non-residential Districts, outdoor storage is only permitted in the side and rear yards, as herein regulated. No article, equipment, vehicle, supplies or material shall be kept or stored outside the confines of any building unless and until the same is screened by special planting or fencing, as approved by the Planning Board, and maintained in good condition, so that it shall not be visible from any adjacent property or public street. Any fence, required by this Section to screen the outdoor storage of flammable material otherwise permitted by this Ordinance, shall not be closer than 20 feet to any property line of the lot upon which it is erected.
- C. If otherwise permitted by this Ordinance, the display for retail sale or rental of new and used motor vehicles, trailers, boats and mobile homes shall not be required to be screened.



Section 408. VISIBILITY REQUIREMENTS

All trees adjoining street lines in all Districts shall have their branches trimmed at all times to insure unobstructed vision 8 feet above street pavement level. On any corner lot in any Residence District, no fence, structure, planting or shrubbery over 30 inches in height above the level of the pavement at the center of the street opposite the point in question shall be erected or maintained within 25 feet of the intersection formed by the projections of the two street lines at the corner. On any other lot in any Residence District no fence structure, planting, or shrubbery within 25 feet of the street line shall have a height of over 48 inches above the street line opposite thereto.

Section 409. CONVERSION OF EXISTING STRUCTURES

The conversion of any existing structure to a use permitted in the District in which said structure is located is equally subject to the same regulations as new structures to be constructed in said District. The Board of Adjustment may in any Residence District authorize a special exception permit for the conversion of a dwelling unit or units existing prior to the date of this Ordinance into two or more dwelling units provided:

- A. Height and coverage requirements of the District are not violated, and Minimum Lot Area for each dwelling shall be as indicated below. If the lot area is less than the below, the Board of Adjustment will authorize the issuance of said permit only upon a finding that the other requirements are met and the proposed conversion can be effected in a satisfactory manner without any deleterious affect on the neighborhood in general or the adjoining properties:

<u>Districts</u>	<u>Minimum Lot Area For Conversions (Sq. Ft. Per Family)</u>
R-1	5,000
R-2	4,000
R-3	3,000
R-4	2,500
R-5	2,500

- B. Adequate light and air are provided.
- C. Ventilation is supplied as required by the Building Code.

- D. Usable open ground space of the lot, unencumbered by drives, parking spaces, or accessory buildings, and accessible to each dwelling, shall be provided to the extent of the area of all bedrooms but not less than 250 square feet for each dwelling unit.
- E. Artificial illumination is installed at the entrance if access to each dwelling unit is not directly from a public street.
- F. Internal access through a common hallway is available if each dwelling unit does not have a separate outside entrance.
- G. Each dwelling unit shall have at least a Living Room, Kitchen-Dining Room, one Bedroom, one Bathroom, and closet and accessory storage space areas (exclusive of walls, hallways, entrances, etc.). There shall be provided a gross floor area for each family unit to be accommodated therein in accordance with the requirements of the District.
- invalid* H. It must not be necessary to cross a bathroom or a bedroom to reach the kitchen, the living room, or another bedroom.
- I. One and one-half off-street parking spaces are available on the same lot as the dwelling structure for each dwelling unit. If the Board finds a physical impossibility of locating such parking space, it may authorize the use of any yard area if such use is not detrimental to adjacent property.
- J. The applicant presents to the Board a plot plan of the lot showing dimensions thereof including side, front and rear yard measurements, driveways, and relation of adjacent houses and also a floor plan of each habitable floor of the building with all interior dimensions including windows and doors and incidating thereon the assignment of space to the proposed dwelling units including rooms designated in Item G of this Section.
- invalid* K. No addition shall extend within the front, side and rear yards, required for Residence Districts. In the R-1 Residence District no outside stairway or fire escape shall be permitted. In all other Residence Districts outside stairways and fire escapes must be at the rear of the building.
- L. No dwelling shall be so converted unless in connection therewith it is placed in a reasonable state of repair and modernization.

The provisions contained in Items A through L above must be complied with before a Certificate of Occupancy may be issued.

#### Section 410. ACCESS TO USES

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

#### Section 411. USES PROHIBITED IN ALL DISTRICTS

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 soil and stream, or to affect adversely the surrounding area, or by reason of the creation of noise, vibration, electro-magnetic 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 Districts.

#### Section 412. HEIGHT EXCEPTIONS

The height provisions of this Ordinance shall not apply to the erection of church spires, belfries, towers designed exclusively for ornamental purposes, chimneys, flues, or gas holders. The height provisions of this Ordinance shall, moreover, not apply to bulkheads, elevator enclosures or water tanks occupying in the aggregate less than ten percent of the area of the roof on which they are located.

#### Section 413. FENCES AND RETAINING WALLS

Fences or walls not over 7 feet in height may be erected anywhere on the lot except as set forth in Section 408. Fences or walls with a height in excess of 7 feet shall conform to the requirements set forth for buildings.

#### Section 414. PROJECTIONS AND ENCROACHMENTS

The following requirements shall apply to projections and encroachments into required yards or courts.

- A. An open projection in the nature of a front entry not more than 8 feet wide may project not more than 7 feet from the front wall of the building.

- B. Cornices and eaves may project not more than 3 feet over any required yard or court;
- C. Sills, leaders, belt courses and similar ornamental or structural features may project six (6) inches into any required yard or court. A fire escape may project into a required side or rear yard not more than four (4) feet.
- D. Ground story oriel windows may project not more than three (3) feet into any required front yard, rear yard or side yard in the R-1, R-2, R-3 Districts.
- E. No canopy or marquee shall extend past any setback line affecting the building to which it is affixed. This shall not apply to retractable types of awning.
- F. Chimneys may project not more than 4 feet into a required rear yard.

#### Section 415. GASOLINE STATIONS

##### A. When Permitted:

No permit for any gasoline station shall be issued unless and until all the requirements of this Section are met.

##### B. Application for Permit:

Any person desiring to use any premises or to erect, construct or alter any new or existing building or structure arranged, intended or designed to be used as a gasoline station shall make application therefor in writing to the Building Inspector of the City, who shall forthwith forward such application to the Planning Board for site plan review as required in Article IX of this Ordinance. The application and supporting papers or documents shall set forth the following information:

1. A Site Plan, drawn to scale, showing the location of the premises and of the building or buildings thereon and the building or buildings to be erected or constructed thereon, the street entrances and exits or driveways, and the precise locations of all tanks, pumps, lifts and other machinery and equipment appurtenant thereto;

2. The width of the street or streets and of the sidewalk and paved areas thereon upon which said premises may abut;
3. The location, nature of construction and present use of all buildings within 200 feet of the lot lines of the premises for which the application has been filed; and
4. If the applicant is a person other than the owner of the premises, the written consent of the owner or owners authorizing the filing of the application.

C. Distance from Place of Public Assembly:

The nearest lot line of the lot or parcel of land to be used as a gasoline station shall be at least 200 feet, measured in a straight line, from the nearest lot line of any lot upon which is located any building used as a theater, auditorium, or other place of public assembly capable of seating over 300 persons, or used as a church, hospital for humans, college, school, public library, or institution for dependents or children, or any public playground or athletic field.

D. Mixed Use:

On any lot which is used for a gasoline station the only other uses permitted shall be the following accessory uses: vending machines and the rental of trailers and parking spaces. No accessory use shall be located within 20 feet of any street line or occupy more than 50% of the open area of the lot. In the case of any existing gasoline station, the addition of any of the above permitted accessory uses shall be subject to the same regulations.

E. Distance from Other Gasoline Station:

Unless separated by a public street, no part of any gasoline station, nor any driveway entrance or exit to or from the same, shall be located within 300 feet of any lot upon which another gasoline station is located or for which a building permit for a gasoline station has been issued.

F. Minimum Lot Area and Frontage:

The size of any lot upon which any gasoline station is located shall be not less than 15,000 square feet, and the street frontage of said lot on any street shall be not less than 100 feet.

G. Entrance and Exit Driveways:

Entrance and exit driveways to and from any lot upon which is located a gasoline station shall have an unrestricted width of not less than 16 feet nor more than 24 feet, shall be located not nearer than 10 feet from any lot line, and shall be so laid out as to avoid the necessity of any vehicle leaving the property by backing out across any public sidewalk, street, right-of-way or portion thereof.

H. Paving Requirements:

The area of all driveways and other areas over which motor vehicles are intended to be driven or parked on any lot on which is located a gasoline station shall be paved with a bituminous or concrete surface sufficient to meet City paving specifications applicable to streets and roadways.

I. Outdoor Repair Prohibited:

On any premises upon which a gasoline 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 a building capable of being wholly enclosed. Any vehicles stored outside overnight shall be stored in accordance with the provisions of Section 407 of this Ordinance.

J. Setback Restrictions:

Any building used as a gasoline station and any filling pump or other service appliance, whether for gasoline, oil or any other combustible liquid or material, shall not be erected within 10 feet of any side or rear lot line and the 10 foot free 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 15 feet of any street line.

K. Storage of Flammable Materials:

At any gasoline station storage facilities for gasoline, oil, or other flammable materials in bulk shall be located wholly underground and no nearer than 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.



L. District Boundary Line Restrictions:

No part of any building or structure used in whole or in part as a gasoline station shall be located within 100 feet of any boundary line of any Residence District.

Section 416. NON-CONFORMING USES AND STRUCTURES

A. Continuance of Non-Conforming Uses or Structures:

Any non-conforming use or structure which lawfully existed at the time of the passage of this Ordinance may be continued and any such existing non-conforming building or structure may be restored or structurally altered provided it shall meet the requirements of this Section.

B. Alteration, Extension or Enlargement of Non-Conforming Uses or Structures:

Changes in non-conforming uses or structures in all Districts shall conform to the following requirements:

1. Any structure or use of land which is non-conforming because of use shall not be enlarged or extended in any manner whatsoever.
2. There shall be no structural alterations made to any non-conforming building or structure that is non-conforming because of use. Structural alterations may be made in a building which is non-conforming because it fails to comply with height, area, yard, off-street parking or other like requirements of this Ordinance, so long as such alterations do not extend or enlarge the non-conformance. Nothing hereinbefore stated shall prevent the strengthening or restoring to a safe and lawful condition of any part of any building declared unsafe by the Building Inspector.
3. A non-conforming use changed or altered to a conforming use may not thereafter be changed back to a non-conforming use.
4. In the event that there shall be a cessation of operation of any non-conforming use for a period of 12 consecutive calendar months, the same shall be presumed an abandonment of such non-conforming use. Any subsequent attempt to rely upon, exercise, or reinstate such abandoned non-conforming use (the provisions of Section 416A of this Ordinance notwithstanding) shall be deemed a violation of the terms of this Ordinance.

5. Nothing in this Ordinance shall require any change in plans, construction, or designated use of a structure or building for which a building permit has been heretofore validly issued if construction has been started and diligently prosecuted at the time of the adoption of this Ordinance.
6. Nothing in this Ordinance shall be construed as authorization for or approval of the continuance of the use of a building, structure or premises in violation of any Zoning Ordinances, rules or regulations in effect immediately preceding the time of the effective date of this Ordinance, unless such use ceases to be in violation under the provisions of this Ordinance.
7. Any non-conforming use that is non-conforming because it fails to comply with height, area, yard, off-street parking or other like requirements of this Ordinance, may be changed or altered provided that such change or alteration shall not enlarge the non-conformance.

C. Restoration of Existing Buildings Which are Non-Conforming Because of Use:

Nothing in this Ordinance shall prevent the restoration or continuance of a non-conforming building or structure which is non-conforming because of its use and which is partially destroyed by fire, explosion, act of God, or of any public enemy, or the like, if the extent of the destruction be not more than 50% of the City tax appraisal of record of the whole building or structure at the time of the partial destruction. If, however, any such building or structure shall be destroyed in the manner aforesaid to an extent exceeding 50% of the City tax appraisal of record of the whole building or structure at the time of such destruction, then the same may only be reconstructed and thereafter used in such a manner as to conform to all the requirements, terms and conditions of this Ordinance.

D. Restoration of Existing Buildings Which are Non-Conforming Because of Reasons Other Than Use:

Nothing in this Ordinance shall prevent the restoration or continuance of a non-conforming building or structure which is non-conforming because it fails to comply with any height, area, yard, off-street parking or other like requirements of this Ordinance, and which is partially destroyed by fire, explosion, act of God, or of any public enemy, or the like; provided, however, that any restoration of any such building or structure shall not enlarge the previously existing non-conformance.

Section 417. TRANSITIONAL USES

A. Transitional Lots:

Transitional lots shall mean and shall be construed to mean lots within any Residence District having a side yard which immediately abuts any property line of any lot or lots in the B-1, B-2 or B-3 Districts.

B. Permitted Uses of Transitional Lots:

Transitional lots may be used for those purposes and uses which are permitted within the District in which the transitional lots are located, and, for a distance not to exceed 100 feet from the B-1, B-2 or B-3 District boundary, transitional lots may also be used for professional offices, and for off-street parking facilities as an accessory use to a principal use not located on the premises, to meet the requirements of subparagraph K of Section 601 of this Ordinance; provided, however, that the non-residential uses permitted by this Section shall not be permitted on a transitional lot in conjunction with or at the same time as a permitted residential use upon the same lot.

C. Prohibited Uses:

Any uses other than those permitted by Section 417B of this Ordinance are prohibited.

D. Required Conditions for Transitional Lots:

The following conditions and requirements shall be complied with for all transitional lots when used for a non-residential use permitted under Section 417B of this Ordinance.

1. Where a transitional lot is used for parking to meet the requirements of subparagraph K of Section 601 of this Ordinance, the off-street parking facilities shall meet all requirements and conditions of Article VI of this Ordinance.
2. Where a transitional lot is used as an office use as permitted in Section 417B of this Ordinance, the following additional requirements and conditions shall be met:
  - a. Off-street parking shall be provided in an amount adequate to meet the requirements and conditions of Article VI of this Ordinance.

- b. The side yard on the Residence District side of any transitional lot shall be not less than 15 feet in width. The side yard on the Business District side of any transitional lot shall be not less than 12 feet in width. Off-street parking shall not be permitted in the required side yard abutting the Residence District.
- c. Any building on a transitional lot, whether a new structure or a converted existing structure, shall be residential in exterior appearance.
- d. The front yard and rear yard requirements of the Residence District in which the transitional lot is located shall be met.
- e. Signs upon any transitional lot shall comply with all the requirements and conditions of Article VII of this Ordinance.

E. Site Plan Approval:

Where any transitional lot is used for a non-residential purpose permitted under Section 417B of this Ordinance, no Building Permit, or Certificate of Occupancy, as the case may be, shall be issued unless and until a Site Plan has been submitted to the Planning Board for its review and approval in accordance with all the requirements and conditions of Article IX of this Ordinance.

Section 418. MIXED USE

The mixed use of a lot or building, meaning a combination of a residential use and either a business or a manufacturing use on the same lot or building, is permitted only if approved by the Board of Adjustment.

## ARTICLE V

### USE AND BULK REGULATIONS

#### Section 501. R-1 ONE-FAMILY RESIDENCE DISTRICT

In an R-1 One-Family Residence District, no building or premises shall be used, and no building or part of a building shall be erected or altered, which is arranged, intended, or designed to be used in whole or in part for any uses except the following:

##### A. Permitted Uses

1. A one-family detached dwelling not to exceed one dwelling on each lot, including the renting of rooms to not more than two boarders or lodgers.
2. Buildings, structures, and uses owned and operated by the City of Plainfield.

##### B. Special Exceptions Permitted Upon Approval by the Board of Adjustment in Accordance with Article X hereof

The following uses are permitted subject to approval by the Board of Adjustment in accordance with the provisions of Section 1013. These uses are subject to the requirements specified below and elsewhere in this Ordinance including Site Plan Approval by the Planning Board in Accordance with Article IX.

1. Public utility rights-of-way as well as structures necessary to serve areas within the City, subject to such conditions as the Board of Adjustment may impose in order to protect and promote the health, safety, appearance and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.
2. Conversion of an existing structure from a one-family dwelling, except that Site Plan Approval is necessary only in case of conversion to more than four families.
3. Places of worship, including parish houses; schools, philanthropic and eleemosynary institutions; hospitals, medical centers and sanitarium for general medical care; subject to the following special requirements:

- a. No such building or part thereof shall be erected nearer than 50 feet to any street or property line.
  - b. The sum of all areas covered by all principal and accessory buildings shall not exceed 30% of the area of the lot.
  - c. Any school permitted under this paragraph shall be a non-profit organization within the meaning of the Revised Statutes of New Jersey.
  - d. The entire lot, except for areas covered by buildings, parking, or loading areas shall be suitably landscaped and properly maintained.
  - e. Sufficient exterior illumination of the site shall be required to provide convenience and safety. All such illumination shall be shielded from the view of all surrounding streets and lots.
  - f. The maximum height shall be  $2\frac{1}{2}$  stories or 35 feet.
4. Membership clubs subject to the following special requirements:
- a. The principal activity of such uses shall not be carried on as a business.
  - b. The minimum lot size shall be two (2) acres.
  - c. The maximum coverage of lot by structures shall not exceed 30 percent.
  - d. The maximum coverage of lot by structures and parking shall not exceed 75 percent.
  - e. The maximum height of structures shall not exceed 35 feet or  $2\frac{1}{2}$  stories.
  - f. No structures, parking, or loading area shall be located within forty (40) feet of any side or rear lot line.
  - g. The minimum front yard shall be fifty (50) feet and parking shall be prohibited in front yards.
  - h. One (1) off-street parking space for every two (2) members and one (1) space per employee shall be provided. Additional off-street parking shall be provided as required by the Planning Board.

- i. Shrubbery and/or fencing shall be provided, of sufficient height and density to screen the view of the parking areas and structures from adjoining residential property.
  - j. Structures shall be compatible and in harmony with residential buildings in surrounding areas.
  - k. Exterior lighting shall be so shielded as to not be visible from adjacent property and from the street.
  - l. Sound from orchestral or other music or entertainment shall be so limited as to be inaudible from adjacent property and from the street and shall cease promptly at 1:00 a.m. Public address systems or sound amplification devices shall not be used outside of any structure on the premises.
5. Home Occupations provided that:
- a. No display of goods or signs are visible from the street, except as set forth in Article VII, below;
  - b. Such occupation is incidental to the residential use of the premises and is carried on in the main building by a resident therein with not more than one non-resident assistant;
  - c. Such occupation is carried on in an area not exceeding 50% of the area of one floor of the principal building;
  - d. There shall be no exterior effect at the property line such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.
6. Professional office or studio of an artist, insurance agent or broker, real estate broker, dentist, doctor, surgeon, musician, teacher, physician, lawyer, architect, engineer, registered nurse, provided that:
- a. Such office or studio is incidental to the residential use of the premises and is carried on in the main building by a resident therein with not more than two non-resident assistants;

- b. Such office or studio shall occupy not more than 50% of the area of one floor of the main building;
- c. Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.

C. Accessory Uses, Limited to the following:

- 1. Garden house, tool house, greenhouse, playhouse, tennis court, wading pool, temporary or permanent swimming pool incidental to the residential use of the premises and not operated for gain. Any temporary or permanent swimming pools with an area of 150 square feet or more and a depth in excess of 2 feet shall be subject to the following requirements:

- a. No part of such pool shall be nearer than 10 feet to any property lines, and in no case within the required front or side yards.
- b. Such pool shall be surrounded by a 4 foot high permanent fence, and said fence shall be erected, maintained, and provided with a self-closing, self-locking gate to prevent unauthorized use of the pool and to prevent accidents.

However, if said pool is located more than 4 feet above ground, then a fence is not required, provided that all points of access to said pool are adequately protected by a self-closing, self-locking gate.

- 2. Private garages for no more than three motor vehicles. All but one passenger automobile space in such garages may be leased to persons not resident on the premises. Such garages may not be occupied by more than one commercial vehicle with a capacity not exceeding one ton, owned or used by a resident on said lot, provided that such vehicle may not be parked at any time on said premises without being garaged.
- 3. Not more than one camping trailer, not over 25 feet, or boat per dwelling unit may be stored on a lot provided that it is not stored within any required front or side yard or between the street line and the principal building and that it is screened from adjacent lots.
- 4. Signs subject to Article VII.



D. Bulk and Parking Regulations

Minimum Requirements

Total Lot Area (Sq. Ft.)	8,750
Lot Width (Ft.)	87.5
Lot Depth (Ft.)	100
Front Yard (Ft.)	50
One Side Yard (Ft.)	8
Both Side Yards (Ft.)	30
Rear Yard (Ft.)	30
Lot Coverage of Principal Building (Sq. Ft.)	1,000
Off-Street Parking Spaces per Dwelling Unit	2

Maximum Permitted

Building Height	
Stories	2½
Feet	35
Building Coverage (%)	25

Section 502. R-2 ONE-FAMILY RESIDENCE DISTRICT

In an R-2 One-Family Residence District, no building or premises shall be used and no building or part of a building shall be erected, or altered, which is arranged, intended, or designed to be used, in whole or in part, for any uses except the following:

A. Permitted Uses

1. Any use permitted in the R-1 Residence District.

B. Special Exceptions Permitted Upon Approval by the Board of Adjustment in Accordance with Article X and Site Plan Approval by the Planning Board in Accordance with Article IX, hereof

1. Any special exception permitted in, and as regulated in the R-1 Residence District.
2. A nursing home or convalescent home subject to the following regulations:
  - a. Application Procedure. The application shall be filed not later than fifty (50) days preceding the date of the hearing. Upon receipt of such application one copy thereof, together with copies of such materials and exhibits as may be a part thereof, shall be transmitted to the Planning Board for a report thereon as to the conformity of the site design to the standards set forth in c. (1) herein. The Planning Board shall render such report, in writing, to the Board of Adjustment at least 10 days prior to the public hearing.
  - b. Application Details. Application for a special permit for a nursing home or convalescent home shall include four (4) copies of the application, together with an equal number of copies of all additional required materials and exhibits. Such application shall include at least the information specified below:
    - (1) A statement to indicate the maximum in-patient capacity of the proposed facility.
    - (2) A statement to indicate the number of employees on the maximum work-shift of the proposed facility.
    - (3) A statement indicating the intended hours of operation of the proposed facility.

- (4) Maps and plats of the property and surrounding area in the form and detail as is required by Chapter 15:6-2, Preliminary Plat, of the "Revised Ordinances of the City of Plainfield, New Jersey, 1957."
  - (5) Drawing showing the location of any public entrances, emergency entrances, garbage storage facilities, and other such features associated with the normal operation of proposed facility.
  - (6) Map showing all existing structures and buildings on the property, as well as the size, location, and configuration of all proposed structures and buildings on the property.
  - (7) Sufficient information with respect to the site design in the form of maps, drawings or exhibits to provide the information to the Planning Board necessary for it to pass on the objectives and standards for site design set forth in c. (1) herein.
  - (8) Any such other exhibits or materials that, in the opinion of the Board of Adjustment or the Planning Board, are determined necessary to properly consider the application.
- c. Design Standards. The following standards and guidelines are to be used by the Planning Board and the Board of Adjustment in their considerations and findings.
- (1) For Planning Board. The Planning Board shall base its findings as to the suitability of the site design of the proposed use upon the following standards and upon the application's conformity with the requirements of Chapter 15:6-2, Preliminary Plat, of the "Revised Ordinances of the City of Plainfield, New Jersey, 1957."
    - (a) Location and layout of required parking area to guarantee free flow of traffic and to prevent hazards to patients, the public, or neighboring uses.
    - (b) Drainage and grading of the premises so as to avoid conflict with neighboring uses, or interference with the public streets and sidewalks.
    - (c) Traffic flow in the area of the entrances and exits to avoid congestion.
    - (d) Permanent landscaping and screening to provide maximum protection to neighboring uses. A landscaped buffer strip along all property lines not

abutting a public street shall be provided at least ten (10) feet wide and shall not be encroached upon by any building, structure, terrace or paved area.

- (e) Arrangement of structure(s), parking area(s) and driveway access in such manner that useful open "green" areas exist.
- (f) Adequate water lines and sanitary sewers are to be designed and installed subject to the approval of the responsible city departments.

(2) For Board of Adjustment. The following special conditions shall be complied with:

- (a) The structure must be compatible with that of surrounding properties.
- (b) Area and Bulk:

Minimum lot size - 2 acres

Minimum lot width - 225 feet

Minimum lot depth - 300 feet

Front Yard - 40 feet

Side Yard - 15 feet, aggregate width; two side yards not less than sixty feet

Rear yard - 50 feet

Maximum building coverage - 25 percent.

Maximum building height - 45 feet

Density - 1,000 square feet per patient of maximum inpatient capacity

Minimum Building setback line from side street - 25 feet.

- (c) Parking. The total area covered by parking spaces, driveways and maneuvering spaces shall not exceed twenty-five (25) percent of the total lot area.
- (d) Vehicle Access. Clear and direct ambulance access to the building shall be available from the street and there shall be at least one loading-unloading ramp to accommodate an ambulance.

There shall be standing and loading-unloading space for at least one service vehicle or truck. Such loading-unloading space shall not encroach on an ambulance access, parking areas, and maneuvering space. Each space shall measure not less than 12 feet in width and not less than 25 feet long.

- (e) Screening and Landscaping. All service areas, off-street parking areas, and open terraces and walks used by patients shall be landscaped so as to provide visual screening beyond property line.

A Site Plan shall accompany the application showing in detail the location, size, and variety of plantings.

- (f) Hours of Operation. No visiting hours before 9 a.m. or after 9 p.m. shall be permitted. Patients shall be admitted and discharged only between the hours of 9 a.m. and 9 p.m. except in cases of extreme emergency.
- (g) Capacity. The maximum capacity of any permitted nursing home shall be 100 in-patients. The total number of beds in nursing homes in Plainfield shall be limited to 10 percent of the population over 65 years of age in accordance with the figures in the last Federal Census.
- (h) Signs. One non-illuminated sign not to exceed 12 square feet.
- (i) In addition to meeting the requirements of the Sanitary Code and other applicable ordinances and regulations of the City, any garbage and rubbish shall be so stored on the premises that the receptacles containing the same shall not be visible from outside the structure on the same premises.

Nothing herein contained shall be construed to relieve the user of such premises from the necessity of complying with all State and other Municipal laws, Ordinances and Regulations applicable to nursing or convalescent homes.

#### C. Accessory Uses

1. Any accessory use permitted in, and as regulated in the R-1 Residence District.

D. Bulk and Parking Regulations

Minimum Requirements

Total Lot Area (Sq. Ft.)	6,000
Lot Width (Ft.)	60
Lot Depth (Ft.)	100
Front Yard (Ft.)	30
One Side Yard (Ft.)	6
Both Side Yards (Ft.)	15
Rear Yard (Ft.)	30
Livable Floor Area Per Dwelling Unit (Sq. Ft.)	1,100
Off-Street Parking Spaces per Dwelling Unit	2

Maximum Permitted

Building Height	
Stories	2½
Feet	35
Building Coverage (%)	30

Section 503. R-3 ONE AND TWO-FAMILY RESIDENCE DISTRICT

In an R-3 One and Two-Family Residence District, no building or premises shall be used and no building or part of a building shall be erected, or altered, which is arranged, intended, or designed to be used, in whole or in part, for any uses except the following:

A. Permitted Uses

1. Any use permitted in the R-1 Residence District.
2. A two-family detached dwelling, including the conversion of a one- to a two-family dwelling, provided the lot shall have an area of not less than  $1\frac{1}{2}$  times the minimum lot area required for a one-family dwelling and no rooms shall be rented out to boarders or roomers.
3. A boarding or rooming house for not more than five boarders or roomers.

B. Special Exceptions Permitted Upon Approval by the Board of Adjustment in Accordance with Article X and Site Plan Approval by the Planning Board in Accordance with Article IX, hereof.

1. Any special exception permitted in, and as regulated in the R-2 Residence District.

C. Accessory Uses

1. Any accessory use permitted in and as regulated in the R-1 Residence District.

D. Bulk and Parking Regulations

<u>Minimum Requirements</u>	<u>One-Family</u>	<u>Two-Family</u>
Total Lot Area (Sq. Ft.)	5,000	7,500
Lot Width (Ft.)	50	75
Lot Depth (Ft.)	100	100
Front Yard (Ft.)	30	30
One Side Yard (Ft.)	6	6
Both Side Yards (Ft.)	15	25
Rear Yard (Ft.)	25	25
Livable Floor Area Per Dwelling Unit (Sq. Ft.)	750	750
Off-Street Parking Spaces per Dwelling Unit	2	1½
<u>Maximum Permitted</u>		
Building Height		
Stories	2½	2½
Feet	35	35
Building Coverage (%)	30	30



Section 504. R-4 LOW DENSITY MULTI-FAMILY RESIDENCE DISTRICT

In an R-4 Low Density Multi-Family Residence District, no building or premises shall be used, and no building or part of a building shall be erected, or altered, which is arranged, intended, or designed to be used, in whole or in part, for any purpose except the following:

A. Permitted Uses

1. Any use permitted in the R-3 Residence District.

B. Uses Permitted Upon Site Plan Approval by the Planning Board in Accordance with Article IX hereof

1. Multi-family residence buildings subject to the following special requirements:
  - a. Each such building shall contain a minimum ground floor area of 1,800 square feet.
  - b. No building shall exceed 160 feet in length.
  - c. The minimum distance between principal buildings shall be equal to 25 ft. or the height of the highest building, whichever is greater. The minimum distance between a principal and an accessory building shall be 20 ft.
  - d. Any inner court shall have a minimum dimension of 60 feet and any outer court shall have a minimum dimension of 40 feet and its depth shall not exceed its width.

C. Special Exceptions Permitted Upon Approval by the Board of Adjustment in Accordance with Article X and Site Plan Approval by the Planning Board in Accordance with Article IX hereof

1. Any special exception permitted in, and as regulated in the R-2 Residence District.

D. Accessory Uses Limited to the following

1. Any accessory use permitted in and as regulated in the R-1 Residence District.

2. For Multi-family residences, accessory off-street parking not exceeding two spaces per dwelling unit, either in garages or in the open shall not be located within 5 feet of any side or rear lot line or in any front yard.

**E. Bulk and Parking Regulations**

<u>Minimum Requirements</u>	<u>One-Family</u>	<u>Two-Family</u>	<u>Multi-Family</u>
Total Lot Area (Sq. Ft.)	5,000	7,500	10,000
Lot Width (Ft.)	50	75	80 (and if row house then 20 ft./unit)
Lot Depth (Ft.)	100	100	100
Front Yard (Ft.)	30	30	30
One Side Yard (Ft.)	6	6	25
Both Side Yards (Ft.)	15	25	50
Rear Yard (Ft.)	25	25	25
Livable Floor Area Per Dwelling Unit (Sq. Ft.)	750	750	600
Off-Street Parking Spaces per Dwelling Unit	2	1½	1½
<u>Maximum Permitted</u>			
Building Height			
Stories	2½	2½	2½
Feet	35	35	35
Building Coverage (%)	30	30	25
Dwelling Units per Acre	-	-	20

Section 505. R-5 MULTI-FAMILY RESIDENCE DISTRICT

In an R-5 Multi-Family Residence District, no building or premises shall be used and no building or part of a building shall be erected or altered, which is arranged, intended, or designed to be used, in whole or in part, for any purpose except the following:

A. Permitted Uses

1. Any use permitted in the R-3 Residence District.

B. Uses Permitted Upon Site Plan Approval by the Planning Board in Accordance with Article IX hereof.

1. An apartment building or buildings subject to the following special requirements.

- a. The maximum number of dwelling units per acre shall be as follows:

<u>Stories</u>	<u>Dwelling Units Per Acre</u>
1-3	40
4-6	50
7-12	60

No story shall be considered such in the above ratio unless it is devoted to either parking or dwelling units for tenants and is entirely above average grade. Where there is more than one structure on a lot, the largest multi-family dwelling structure may be considered for purposes of the density ratio.

- b. The total number of efficiency apartments in any building shall be limited to 15% of the total number of apartments in the building.
- c. No portion of any building below the average grade shall be used for dwelling purposes except that a basement dwelling unit may be provided for and occupied by a janitor or superintendent employed upon the premises provided that such basement unit shall be included in the computation of maximum dwelling units per acre.

2. Medical office buildings (for conversions to medical office buildings see C.2. below).

C. Special Exceptions Permitted Upon Approval by the Board of Adjustment in Accordance with Article X and Site Plan Approval by the Planning Board in Accordance with Article IX hereof.

1. Any special exception permitted in and as regulated in the R-2 Residence District.
2. Conversions to medical office buildings.

D. Accessory Uses Limited to the following

1. Any accessory use permitted in and as regulated in the R-1 Residence District.
2. For multi-family residence buildings accessory off-street parking not exceeding two spaces per dwelling unit either in garages or in the open.
3. Multi-deck accessory parking structures are permitted provided that the floor level of the upper-most parking deck shall not be more than four (4) feet above the average grade.

E. Bulk and Parking Regulations

<u>Minimum Requirements</u>	<u>One-Family</u>	<u>Two-Family</u>
Total Lot Area (Sq. Ft.)	5,000	7,500
Lot Width (Ft.)	50	75
Lot Depth (Ft.)	100	100
Front Yard (Ft.)	30	30
One Side Yard (Ft.)	6	6
Both Side Yards (Ft.)	15	25
Rear Yard (Ft.)	25	25

<u>Minimum Requirements (Continued)</u>	<u>One-Family</u>	<u>Two-Family</u>
Livable Floor Area Per Dwelling Unit (Sq. Ft.)	750	750
Off-Street Parking Spaces per Dwelling Unit	2	1½
<u>Maximum Permitted</u>		
Building Height		
Stories	2½	2½
Feet	35	35
Building Coverage (%)	30	30

Multi-Family

Minimum Requirements

Total Lot Area (Sq. Ft.)	20,000
Lot Width (Ft.)	100
Lot Depth (Ft.)	100
Street Frontage (Ft.)	100
Front Yard (Ft.)	25
Side Yard (Ft.)	
1-3 stories	15
4 stories	20
5 stories	25
6-8 stories	30
9-12 stories	35

Minimum RequirementsMulti-Family

## Rear Yard (Ft.)

1-4 stories

30

5 stories

35

6-8 stories

40

9-12 stories

50

## Livable Floor Area per Dwelling Unit

(Sq. Ft.)

Efficiency

450

One-Bedroom

650

Two-Bedroom

800

Three or more Bedrooms

950

## Off-Street Parking Spaces per

Dwelling Unit

1

## Usable Open Space per Dwelling Unit (Sq. Ft.)

Efficiency

125

One-Bedroom

150

Two-Bedroom

200

Three or more Bedrooms

250

## Distance Between Buildings on Lot (Ft.)

25

Distance Between an Apartment Building and  
any other Residence Building (Ft.) $1\frac{1}{2}$  times height of lower building but  
not less than 25 feet.Distance Between Parking Garage or  
Parking Space and any Side or Rear  
Lot Line (to be a planted green area) (Ft.)

5

Maximum Permitted

## Building Height

Stories

12

Feet

125

Maximum Permitted (Continued)

Multi-Family

Building Coverage (%)

1-3 stories

25

4-10 stories

20

Dwelling Units Per Acre

1-3 stories

40

4-6 stories

50

7-12 stories

60

Length of Apartment Building (Ft.)

160

Gross Floor Area of a Single Floor of  
a Building (Sq. Ft.)

12,500

Section 506-R-6 One and Multi-Family Residence District

In an R-6 One and Multi-Family Residence District, no building or premises shall be used and no building or part of a building shall be erected or altered, which is arranged, intended, or designed to be used, in whole or in part, for any purpose except the following:

A. Permitted Uses

1. Any use permitted in, and as regulated in the R-1 Residence District.

B. Uses Permitted Upon Site Plan Approval by the Planning Board in Accordance with Article IX hereof

1. Multi-family residence buildings subject to the following special requirements:
  - a. The minimum lot size for any Multi-Family Development shall be one (1) acre in area.
  - b. The maximum number of dwelling units per acre for Multi-Family Developments containing  $2\frac{1}{2}$  story buildings exclusively shall be 16.
  - c. The maximum number of dwelling units per acre for all other Multi-Family Developments shall be 40.
  - d. The total number of efficiency apartments in any building shall be limited to 15% of the total number of apartments in the building.
  - e. No portion of any building below average grade shall be used for dwelling purposes except that a basement dwelling unit may be provided for and occupied by a janitor or superintendent employed upon the premises provided that such basement unit shall be included in the computation of maximum dwelling units per acre.
  - f. The distance between any parking garage or parking space and any side or rear lot line shall be at least 5 feet and suitably landscaped.



C. Special Exceptions Permitted Upon Approval by the Board of Adjustment in Accordance with Article X hereof

1. Any special exception permitted in, and as regulated in the R-1 Residence District.

D. Accessory Uses Limited to the Following:

1. Any accessory use permitted in, and as regulated in the R-5 Residence District.

E. Bulk and Parking Regulations

Minimum Requirements

One-Family

Total Lot Area (Sq. Ft.)	8,570
Lot Width (Ft.)	87.5
Lot Depth (Ft.)	100
Front Yard (Ft.)	50
One Side Yard (Ft.)	8
Both Side Yards	30
Rear Yard (Ft.)	30
Lot Coverage of Principal Building (Sq. Ft.)	1,000
Off-Street Parking Spaces per Dwelling Unit	2

Maximum Permitted

Building Height	
Stories	2½
Feet	35
Building Coverage (%)	25

Minimum Requirements

Total Lot Area (Acres)

Lot Width (Ft.)

Lot Depth (Ft.)

Front Yard (Ft.)

Side Yard (Ft.)

Rear Yard (Ft.)

Livable Floor Area Per Dwelling Unit (Sq. Ft.)

Efficiency

One-Bedroom

Two-Bedroom

Three-Bedroom

Off-Street Parking Spaces per Dwelling Unit

Usable Open Space per Dwelling Unit (Sq. Ft.)

Distance Between Building on Lot (Ft.)

Maximum Permitted

Building Height

Stories

Feet

Building Coverage (%)

Length of Apartment Building (Ft.)

Multi-Family

1

120

100

 $\frac{1}{2}$  the height of the building, but not less than 50 feet. $\frac{1}{2}$  the height of the building, but not less than 30 feet. $\frac{1}{2}$  the height of the building, but not less than 40 feet.

500

650

850

1,150

 $1\frac{1}{2}$ 

200

 $1\frac{1}{2}$  times the height of the lower building.

## Section 507 R-7 One and Multi-Family Residence District

In an R-7 One and Multi-Family Residence District, no building or premises shall be used and no building or part of a building shall be erected or altered, which is arranged, intended, or designed to be used, in whole or in part, for any purpose except the following:

A. Permitted Uses

1. Any use permitted in the R-1 Residence District.

B. Uses Permitted Upon Site Plan Approval by the Planning Board in Accordance with Article IX hereof

1. Multi-Family residence buildings as regulated in the R-6 Residence District.

C. Special Exceptions Permitted Upon Approval by the Board of Adjustment in Accordance with Article IX hereof

1. Any special exception permitted in, and as regulated in the R-2 Residence District.

D. Accessory Uses Limited to the following:

1. Any accessory use permitted in and as regulated in the R-5 Residence District.

E. Bulk and Parking Regulations

<u>Minimum Requirements</u>	<u>One-Family</u>	<u>Multi-Family</u>
Total Lot Area (Sq. Ft.)	6,000	(As regulated in the R-6 Residence District)
Lot Width (Ft.)	60	
Lot Depth (Ft.)	100	
Front Yard (Ft.)	30	
One Side Yard (Ft.)	6	

Minimum Requirements (continued)One-FamilyMulti-Family

Both Side Yards (Ft.)

15

(As regulated in the R-6  
Residence District)

Rear Yard (Ft.)

30

Livable Floor Area Per Dwelling  
Unit (Sq. Ft.)

1,100

Off-Street Parking Spaces Per  
Dwelling Unit

2

Maximum Permitted

Building Height

Stories

 $2\frac{1}{2}$ 

Feet

35

Building Coverage (%)

30

Section 508 - R-8 One, Two, and Multi-Family Residence District

In an R-8 One, Two, and Multi-Family Residence District, no building or premises shall be used and no building or part of a building shall be erected or altered, which is arranged, intended, or designed to be used, in whole or in part, for any purpose except the following:

A. Permitted Uses

1. Any use permitted in and as regulated in the R-3 Residence District.

B. Uses Permitted Upon Site Plan Approval by the Planning Board in Accordance with Article IX hereof

1. Multi-family residence buildings as regulated in the R-6 Residence District.

C. Special Exceptions Permitted Upon Approval by the Board of Adjustment in Accordance with Article X hereof

1. Any special exception permitted in, and as regulated in the R-2 Residence District.
2. A multi-family residence building erected by the Housing Authority of Plainfield to be designed for and used by Senior Citizens subject to the following special requirements:
  - a. No such multi-family residence building shall exceed 12 stories, and shall be of approved fire proof construction.
  - b. The maximum density shall not exceed 110 dwelling units per acre with no more than 225 units on any one tract.
  - c. Such multi-family structures shall be set back not less than 50 feet from the street line and shall have side yards of at least 40 feet.
  - d. At least one off-street parking space shall be provided for each five dwelling units.
  - e. The Housing Authority of Plainfield may apply for a special exception permit without owning the property for which such multi-family residence building is planned and without having detailed plans for such a structure.

D. Accessory Uses Limited to the Following:

1. Any accessory use permitted in and as regulated in the R-5 Residence District.

E. Bulk and Parking Regulations

<u>Minimum Requirements</u>	<u>One-Family</u>	<u>Two-Family</u>	<u>Multi-Family</u>
Total Lot Area (Sq. Ft.)	5,000	7,500	(As regulated in the R-6 Residence District; for Senior Citizens housing by the Housing Authority, see Section 508-C, above.)
Lot Width (Ft.)	50	75	
Lot Depth (Ft.)	100	100	
Front Yard (Ft.)	30	30	
One Side Yard (Ft.)	6	6	
Both Side Yards (Ft.)	15	25	
Rear Yard (Ft.)	25	25	
Livable Floor Area Per Dwelling Unit (Sq. Ft.)	750	750	
Off-Street Parking Spaces Per Dwelling Unit	2	1½	
<u>Maximum Permitted</u>			
Building Height			
Stories	2½	2½	
Feet	35	35	
Building Coverage (%)	30	30	

Section 509. B-1 NEIGHBORHOOD BUSINESS DISTRICT

In a B-1 Neighborhood Business District, no building or premises shall be used, and no building or part of a building shall be erected, or altered, which is arranged, intended, or designed to be used, in whole, or in part for any purpose except the following, and all such uses shall be subject to Site Plan Approval in accordance with Article IX hereof:

A. Permitted Uses

1. Fully enclosed retail stores excluding drive-in establishments.
2. Banks, including drive-in banks.
3. Personal service stores such as, but not limited to, barber shops, beauty parlors and tailors but excluding car washes, gasoline service stations, repair garages, and other similar automotive service establishments; undertakers; and funeral homes.
4. Fully enclosed eating and drinking establishments, provided no live entertainment is supplied on the premises.
5. Business, professional, and governmental offices.
6. Public utility structures serving a local area.
7. Buildings, structures, and uses owned or operated by the City of Plainfield.
8. Self service or hand laundry; outlets and pick-up stations for a laundry or dry cleaning establishment;
9. A dry cleaning establishment containing units having an aggregate dry load capacity of not more than 60 pounds, provided that not more than 2 workers shall be engaged in the dry cleaning process.

B. Accessory Uses Limited to the following

1. Off-street parking and loading spaces subject to the requirements in Article VI.
2. Signs subject to the requirements in Article VII provided they advertise only activities conducted on the lot and that they do not exceed 2 feet in height nor 75% of the length of the building frontage.

C. Bulk and Parking Regulations

Minimum Requirements

Total Lot Area (Sq. Ft.)	5,000
Lot Width (Ft.)	50
Lot Depth (Ft.)	100
Front Yard (Ft.)	-
Side Yard (Ft.)	None, but if provided, 10
Side Yards along any Residence District Boundary (Ft.)	10
Rear Yard (Ft.)	10
Rear Yard along any Residence District Boundary (Ft.)	20
Off-Street Parking Spaces per 200 Sq. Ft. of Retail, Service, Bank, or Office Building Floor Area over 2,500 sq. ft.	1

Maximum Permitted

Building Height	
Stories	2
Feet	35
Floor Area Ratio	1.0



Section 510 - B-2 CENTRAL BUSINESS DISTRICT

In a B-2 Central Business District, no building or premises shall be used, and no building or part of a building shall be created, or altered, which is arranged, intended, or designed to be used, in whole, or in part for any purpose except the following, and all such uses shall be subject to Site Plan Approval in accordance with Article IX hereof.

A. Permitted Uses

1. Any use permitted in the B-1 Business District.
2. Fully enclosed commercial recreation uses such as theatres (except drive-ins), bowling alleys, and billiard halls.
3. Public utility structures.
4. Membership Clubs.
5. Off-street parking lots and parking garages, subject to all applicable provisions of Article VI.
6. Hotels and motels.
7. Funeral homes.
8. Commercial schools, including those for dancing and music instruction.
9. Recital and concert halls.
10. Studios and art galleries, including painting, photography, and sculpture produced on the premises.
11. Preparation or manufacture of goods or products for retail sale on the premises only, provided not more than 25% of the floor area of the establishment shall be so used and not more than 5 persons shall be so employed.

12. A fully enclosed automobile showroom, subject to the following special requirements:

- a. Entrance and exit driveways shall have unrestricted width of not less than 12 feet and not more than 24 feet, shall be located not nearer than 10 feet from any property line, and shall be so laid out as to avoid the necessity of any vehicle backing out across any public right-of-way.
- b. All activities and storage shall take place within a fully enclosed building. This requirement shall not be construed to mean that the doors must be closed at all times.
- c. The storage of gasoline or flammable oils in bulk shall be located fully underground and not nearer than 35 feet from any property line other than the street line.
- d. No commercial sale of gasoline shall be permitted.

B. Accessory Uses, Limited to the following

1. Off-street parking and loading space when provided shall be subject to the requirements in Article VI except that no parking is permitted between the front line of any building and the front street line.
2. Signs subject to Article VII.

C. Bulk Regulations

Minimum Requirements

Total Lot Area (Sq. Ft.)	5,000
Lot Width (Ft.)	50
Lot Depth (Ft.)	100
Front Yard (Ft.)	

Minimum Requirements (continued)

Side Yard (Ft.)	None, but if provided, 10
Side Yards along any Residence District Boundary (Ft.)	10
Rear Yard (Ft.)	None, but if provided, 10
Rear Yards along any Residence District Boundary (Ft.)	20

Maximum Permitted

Building Height	
Stories	15
Feet	160
Floor Area Ratio	7.0

Section 511 - B-3 GENERAL BUSINESS DISTRICT

In a B-3 General Business District, no building or premises shall be used, and no building or part of a building shall be erected, or altered, which is arranged, intended, or designed to be used, in whole or in part for any purpose except the following, and all such uses shall be subject to Site Plan Approval in accordance with Article IX hereof:

A. Permitted Uses

1. Any use permitted in the B-2 Business District.
2. New and used car sales.
3. Automobile repair garages in a fully enclosed building.
4. Newspaper and job printing plants.
5. Laundry and dry cleaning establishments.
6. Shops for the repair of household appliances, clothing, and household equipment such as an electrician, plumber, or similar tradesmen.
7. Hospitals for dogs, cats, and other household pets wholly contained in a soundproof building or buildings.
8. Telephone equipment offices.
9. Drive-in eating establishments.
10. Wholesale florists and retail nurseries including greenhouses.
11. Wholesale storage and warehousing.
12. Multi-family residence buildings permitted in and as regulated in the R-7 Residence District.

B. Special Exceptions Permitted Upon Approval by the Board of Adjustment in Accordance with Article X and Site Plan Approval by the Planning Board in Accordance with Article IX hereof

1. Gasoline stations subject to the requirements in Section 415.
2. Car washing establishments providing space for not less than 10 cars waiting in line.

C. Accessory Uses Limited to the following

1. Off-street parking and loading space subject to the requirements in Article VI except that parking is permitted in the front yards.
2. Signs subject to Article VII.

D. Bulk and Parking Regulations (excluding Multi-Family Residence Development)

Minimum Requirements

Total Lot Area (Sq. Ft.)	5,000
Lot Width (Ft.)	50
Lot Depth (Ft.)	100
Front Yard (Ft.)	-
Side Yard (Ft.)	None, but if provided, 10
Side Yards along any Residence District Boundary (Ft.)	10
Rear Yard (Ft.)	None, but if provided, 10
Rear Yard along any Residence District Boundary (Ft.)	20
Off-Street Parking Spaces per 200 sq. ft. of Floor Area over 2,500 sq. ft.	1

Maximum Permitted

Building Height  
Stories  
Feet

2

35

Floor Area Ratio

1.0

## Section 512 - O-1 RESEARCH-OFFICE DISTRICT

In an O-1 Research-Office District, no building or premises shall be used, and no building or part of a building shall be erected, or altered, which is arranged, intended, or designed to be used, in whole or in part for any purpose except the following, and all such uses shall be subject to Site Approval in accordance with Article IX hereof.

### A. Permitted Uses

1. Research Centers, whose principal use shall be for any type of research, engineering testing, laboratory work and pilot development, devoted to design and/or experimentation, and processing and fabricating incidental thereto providing no materials or finished products shall be manufactured, processed or fabricated on said premises for sale, except such as are incidental to said research, design or experimentation conducted on said premises, subject to the Performance Standards in paragraph D below.
2. Computer Centers, with no manufacturing of any product for commercial use other than for the normal product of a Computer Center, subject to the Performance Standards in paragraph D. below.
3. Business, professional or governmental offices.
4. Public utility structures.
5. A non-profit animal shelter provided that the land on which such shelter is located shall not be closer than 400 feet from any Residence District.
6. Buildings, structures, and uses owned or operated by the City of Plainfield.

### B. Accessory Uses, Limited to the following

1. Garages for storage and maintenance and utility shops for the upkeep and repair of buildings and structures and service; central heating and power plants for furnishing heat and electrical energy to structures on the site only; training schools for employees; buildings for the storage of documents, records and personal property; communication facilities and clinics, dining and recreational facilities, to be used only by company employees and by visitors to the building or buildings.
2. Off-street parking and loading space subject to the requirements in Article VI provided that:

- a. No parking shall be permitted between the front line of any building and the front street line.
  - b. In parking lots of one acre or more, at least 5% of the area of the parking lot shall be devoted to landscaping within the interior of the parking lot.
3. Signs subject to Article VII provided that:
- a. Either a free standing or attached sign is permitted which shall be no longer than one-half square foot for each lineal foot of building frontage but in no event shall the sign itself be longer than 10 feet nor higher than 4 feet.
  - b. Where both, an attached sign and a free standing sign, are to be erected, each sign shall be no longer or larger than one-half the maximum permitted sign.
  - c. The top of any free standing sign shall be no higher than 7 feet measured from the average grade at the location of the sign and shall be placed no nearer than 20 feet to a street.
4. Dwellings only for use of bona fide caretakers or watchmen and their families.

C. Special Requirements

- 1. The entire lot, except for areas covered by buildings, surfaced as parking or service areas, or large contiguous unimproved parts of the site, shall be suitably landscaped, and such landscaping shall be subject to approval by the Planning Board. All landscaping shall be properly maintained throughout the life of any use on said lot. Existing retaining walls, trees or landscaping located within 20 feet of any street or lot line shall not be removed except upon written approval of the Planning Board; nor shall existing grade be disturbed except with such approval.
- 2. Along the lot line of a lot abutting a Residence District, there shall be a five (5) foot wide strip of planted trees or shrubs of such type and spacing as shall be required by the Planning Board to screen adequately at all seasons of the year all operations on the lot from the view of adjoining properties. Such screening shall be not less than 6 feet in height.
- 3. All permitted uses and accessory equipment, materials, or activities shall be confined within completely enclosed buildings or completely screened from public view.



4. Fuel storage tanks utilized as part of the heating equipment of an establishment shall be located underground or in a building. Bulk storage of gasoline or petroleum products shall not be permitted except as incidental to a laboratory, a production operation or the servicing of company vehicles.

D. Performance Standards

1. No land or building shall be used or occupied so as to be likely to create or cause any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard, noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electro-magnetic or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such amount as to affect adversely the reasonable use of the surrounding area or adjoining premises (referred to herein as "dangerous or objectionable elements"), such determination to be made in accordance with the Performance Standards set forth hereinafter.

2. Performance Standards Regulations

- a. Fire and Explosion Hazards. All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices. The relevant provisions of State and local laws and regulations shall also apply.
- b. Radioactivity or Electromagnetic Disturbance. No activities shall be permitted which emit dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- c. Noise. The maximum sound pressure level radiated by any use or facility (other than transportation facilities) at the property line shall not exceed the values tolerable in a residential neighborhood except by specific review and approval by the Planning Board.
- d. Vibration. No vibration shall be permitted which is detectable without instruments at the property line.

- e. Smoke. No emission shall be permitted at any point from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954 (being a direct facsimile reduction of the standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 2 on said Chart may be emitted for 4 minutes in any 30 minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color but with an apparently equivalent opacity.
- f. Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable at the property line.
- g. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution. No emission shall be permitted which can cause damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point.
- h. No direct or sky-reflected glare. No glare shall be permitted whether from floodlights or from high-temperature processes such as combustion or welding or otherwise. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance.
- i. Liquid or Solid Wastes. No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground of any materials of such quantity, nature, or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.

E. Bulk and Parking Regulations

Minimum Requirements

Total Lot Area (Sq. Ft.)	40,000
Lot Width (Ft.)	150
Lot Depth (Ft.)	150
Front Yard (Ft.)	35 if on a through street 25 if on an interior street
Side Yard (Ft.)	25
Rear Yard (Ft.)	25
Off-Street Parking spaces per $1\frac{1}{2}$ employees on day shift	1

Maximum Permitted

Building Height	
Stories	2
Feet	30
Building Coverage (%)	40

Section 513. M-1 LIGHT MANUFACTURING DISTRICT

In an M-1 Light Manufacturing District, no building or premises shall be used, and no building or part of a building shall be erected, or altered, which is arranged, intended, or designed to be used, in whole or in part for any purpose except the following, and all such uses shall be subject to Site Plan Approval in accordance with Article IX hereof and subject to the Performance Standards in Section 512 D.

A. Permitted Uses

1. Any use permitted in and as regulated in the O-1 Research Office District.
2. Wholesale storage and warehousing.
3. Light manufacturing, converting, altering, finishing, processing, and assembly provided basic materials are not processed on the premises and no power generating plant is maintained on the premises and such use or activities shall be confined within completely enclosed buildings with the exception of off-street parking and loading spaces:
4. General contractors plants and building material storage yards.
5. Retail coal, coke, lumber, wood, and fuel oil yard.
6. Bottling works.
7. Cold storage plants.
8. Dry cleaning establishments.
9. Ice plants or ice storage.
10. Laundries.
11. Stone yard or monument works.
12. Gasoline stations subject to the requirements in Section 415.

13. Automobile repair garages in a fully enclosed building.
14. Car washing establishments providing space for not less than ten cars waiting in line.
15. Baking plants.

B. Accessory Uses

1. Any accessory use permitted in the O-1 Research Office District.

C. Special Requirement

1. Along the lot line of a lot abutting a Residence District, there shall be planted trees or shrubs of such type and spacing as shall be required by the Planning Board to screen adequately at all seasons of the year all operations on the lot from the view of adjoining properties. Such screening shall be not less than 6 feet in height.

D. Bulk and Parking Regulations

Minimum Requirements

Total Lot Area (Sq. Ft.)	5,000
Lot Width (Ft.)	50
Lot Depth (Ft.)	100
Front Yard (Ft.)	10, if across a street from a Residence District
Side Yard (Ft.)	None, but if provided, 10
Side Yard along any Residence District Boundary (Ft.)	25
Rear Yard (Ft.)	25
Off-Street Parking spaces per $1\frac{1}{2}$ employees on any day shift	1

Maximum Permitted

Building Height	
Stories	2
Feet	35

## Section 514 - M-2 HEAVY MANUFACTURING DISTRICT

In an M-2 Heavy Manufacturing District, no building or premises shall be used, and no building or part of a building shall be erected, or altered, which is arranged, intended, or designed to be used, in whole or in part for any purpose except the following, and all such uses shall be subject to Site Plan Approval in accordance with Article IX hereof and subject to the Performance Standards in Section 512 D.

### A. Permitted Uses

1. Any use permitted in the M-1 Light Manufacturing District, except that any manufacturing, converting, altering, finishing, processing and assembly use shall be subject only to the Performance Standards in Section 512 D, in addition to the requirements in this Section.
2. Truck terminals.
3. Storage or bulk handling of flammable liquids as permitted by the Fire Prevention Code.
4. Any manufacturing use subject to the Performance Standards in Section 512 D.

### B. Accessory Uses

1. Any accessory use permitted in and as regulated in the M-1 Light Manufacturing District.

### C. Special Requirement

1. As required in Section 513 C.

C. Bulk and Parking Regulations

Minimum Requirements

Total Lot Area (Sq. Ft.)	5,000
Lot Width (Ft.)	50
Lot Depth (Ft.)	100
Front Yard (Ft.)	10 if across a street from a Residence District
Side Yard (Ft.)	None, but if provided, 10
Side Yard along any Residence District Boundary (Ft.)	25
Rear Yard (Ft.)	25
Off-Street Parking spaces per $1\frac{1}{2}$ employees on day shift	1

Maximum Permitted

Building Height	
Stories	4
Feet	60
Floor Area Ratio	1.0



## ARTICLE VI

### OFF-STREET PARKING AND LOADING

#### Section 601. GENERAL REGULATIONS FOR OFF-STREET PARKING FOR MULTI-FAMILY AND NON-RESIDENTIAL USES AND TRANSITIONAL LOTS

- A. All off-street parking areas shall be surfaced with bituminous concrete or concrete pavement in accordance with City specifications for streets and roads, and maintained in good conditions, and shall be so graded and drained as to dispose of all surface waters in accordance with prepared engineering plans which shall be submitted to the City Engineer for review.
- B. All parking spaces within any parking area shall be clearly delineated by means of pavement markings to show the parking arrangement within said parking area.
- C. All lighting for off-street parking areas shall be so arranged and shielded as to reflect the light downward and prevent any light from shining directly on adjoining streets, Residence Districts and buildings.
- D. All parking areas shall be effectively screened as required by the Planning Board during Site Plan Approval on any side which abuts or faces any premises situated in any Residence District.
- E. If any fence, wall or hedge shall have been required for any parking area under subparagraph D of this Section, then said fence, wall or hedge shall be protected by a concrete curb or bumper guard, or the equivalent at least 5 inches in height above the paved surface adjacent to said fence, wall or hedge, and a sufficient distance therefrom to protect said fence, wall or hedge from the impact of motor vehicles. Utility poles or railroad ties shall not be used to meet required curbing.
- F. Off-street parking areas where permitted may be placed in any required side or rear yard. Off-street parking areas are prohibited in any front yard unless otherwise specified in the District Regulations. If any parking area shall have been permitted in any front yard, a concrete curb, bumper guard, or the equivalent, at least 5 inches in height above the paved surface, along and parallel to any landscaped area in the front yard or to the front street line and sufficient to protect the same from the impact or encroachment of motor vehicles shall be required.

- G. All such parking areas shall be used only for the parking of motor vehicles. No commercial repair work or sales of any kind shall be conducted in any parking area. No sign other than entrance, exit, identification and conditions of use signs shall be maintained in any parking area. No such sign shall be larger than 2 square feet in area. Nothing herein contained shall be construed to permit any required parking area to be used for the commercial storage of new or used motor vehicles by a new or used-car dealer or motor vehicle rental agency.
- H. A surfaced area of 300 square feet including aisles but excluding driveways, shall be provided for each required parking space. All parking areas shall be provided with adequate means of ingress and egress which shall be kept open and unobstructed at all times and which shall be at least 10 feet in width for one-way traffic or 20 feet in width for two-way traffic.
- Access aisles shall also be provided to meet the following minimum standards:
- From 61 to 90 degree parking - 25 ft.
  - From 46 to 60 degree parking - 20 ft.
  - From 0 to 45 degree parking - 16 ft.
- I. Any part of any entrance to or exit from any parking area shall be at least 40 feet distant from any street intersection.
- J. Every off-street parking area shall be subject to Site Plan Approval by the Planning Board. The Planning Board shall consider the effect of any parking area upon traffic safety and abutting properties.
- K. All off-street parking areas required by this Ordinance shall be furnished upon the same lot as the principal building or use; or, on other property or properties owned in fee simple by the applicant, provided, however, that at least 50% of the required parking spaces shall be on property located within 300 feet of any customary entranceway to the principal building or use and the remainder of the required parking spaces may be located on other properties not more than 500 feet from any customary entranceway to the principal building or use. All such parking areas shall be devoted exclusively to parking and to no other use so long as the principal building or use which makes such parking areas necessary shall continue in existence. A covenant running with all such parcels as approved by the Corporation Counsel shall be recorded in the Office of the County Register of Deeds. In meeting the requirements of this subparagraph, however, parking areas that are provided on properties other than the one upon which the principal building or use is located shall only be permitted in non-residential Districts or on transitional lots as regulated in Section 417.

- L. All parts of all yards not used for off-street parking areas shall be adequately landscaped, subject to approval by the Planning Board, and maintained in good condition.
- M. The parking of motor vehicles is prohibited within 15 feet of any wall or portion thereof of a three or more family dwelling which wall contains windows (other than bathroom or kitchen windows) with a sill height of less than 8 feet above the level of the said parking space.

Section 602 - GENERAL REGULATIONS FOR OFF-STREET PARKING FOR RESIDENTIAL USES IN THE R-1, R-2, and R-3 DISTRICTS

All off-street parking areas shall be surfaced with stone, gravel, bituminous concrete, or concrete.

Section 603 - JOINT PARKING FACILITIES

Any owners of property in the non-residential Districts may meet the required parking provisions of this Article by participating in a joint parking program involving two or more business uses; provided that (1) plans for such a joint program shall have been approved by the Planning Board, (2) the area for the parking facilities shall equal the collective parking area requirement of the participating properties to be served; and (3) in the event that any part of the parking requirement for any use shall be located on a lot other than the lot on which such use is located, a covenant running with all such parcels as approved by the Corporation Counsel shall be recorded in the Office of the County Register of Deeds.

Section 604 - OFF-STREET LOADING AND UNLOADING REGULATIONS

In all Districts, for every building, or part thereof, hereafter erected, which is to be occupied for manufacturing, storage, display of goods, retail store, wholesale store or warehouse, market, hospital for humans, laundry, dry-cleaning establishment, or other use similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such use one off-street loading space which shall be at least 15 feet wide, 45 feet long and have a 14-foot overhead clearance for each 10,000 square feet of floor area or fraction thereof over 8,000 square feet, except for supermarkets or food stores, one off-street loading space shall be provided for the first 7,000 square feet, an additional loading space for the next two increments of 5,000 square feet or fraction thereof, and an additional loading space for every 10,000 square feet thereof. A loading space shall only be permitted in a side or rear yard and no part of such space shall be nearer than 5 feet to any side or rear property line. A loading space may be located in a required off-street parking area provided said area is on the same premises with the use.

Section 605. SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

For:

Auditoriums, stadiums, theatres, courts of law, funeral homes, places of worship, and all other places of assembly providing seats for audience.

Elementary and Junior High Schools

Senior High Schools and Similar Institutions

Hospitals, convalescent and nursing homes

Rooming and boarding houses

Clubs and service organizations

Restaurants and taverns

Hotels and motels

Bowling Alleys

Professional Office and Home Occupations in Residence Districts

Commercial schools

At Least One Parking Space for Each:

200 square feet of floor area, but not less than one space for each 8 seats where provided.

$\frac{1}{2}$  classroom plus one space for each 5 seats in any auditorium or place of assembly.

$\frac{1}{4}$  classroom plus one space for each 5 seats in any auditorium or place of assembly.

3 beds plus one space for each employee on the day shift

Roomer or boarder in addition to the number required for the residence.

8 members

3 seats over 40

Guest room plus 1 for each employee

$\frac{1}{2}$  alley

100 square feet of net floor area devoted to professional or business use

36 square feet of gross floor area

## ARTICLE VII

### SIGNS

#### Section 701. GENERAL REGULATIONS

It shall be unlawful for any person to erect or relocate any sign, as defined by this Ordinance, within the City, without first obtaining a sign erection permit from the Building Inspector.

For the purposes of this Article, unless the context otherwise indicates, the following terms shall have the following meanings:

- A. Premises shall mean and include a building or structure or a piece or tract of land or real estate, vacant or otherwise;
- B. Advertise shall include giving, or attempting to give or intending to give, any notice or information, or any activity which gives, or attempts to give, or intends to give, notice, information or warning;
- C. Erect shall mean to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs;
- D. Windows shall mean and include any opening in the exterior wall or roof of any structure for the purpose of admitting air or light, whether or not covered with glass, plastic or other coverings;
- E. Window space shall mean and include the aggregate square footage of all windows on any given side and any given story of any structure, regardless of the angle or angles at which they are set; and, in computing window space, there, shall be included all portions of any door which, if part of any exterior wall, contains any window;
- F. Roof sign shall mean any sign extending above any part of the roof of any structures;

G. The area of a sign shall include all faces of a sign measured as follows:

1. When such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included; and
2. When such sign consists only of letters, designs or figures projected or in any manner affixed on a wall other than painted, said wall being of the same material as the entire face of the building, the total area of such sign shall be considered to be the aggregate area of all the smallest rectangles which shall enclose each of the letters, symbols, or devices which constitute such sign.

#### Section 702. SIGNS IN RESIDENCE DISTRICTS

In all Residence Districts, the following signs shall be permitted:

- A. On premises used for residential purposes, an announcement sign or signs, not exceeding one square foot in area is permitted for each tenant and owner.
- B. On premises used for residential purpose which contain a permitted office, in addition to the sign or signs permitted by subparagraph A above, a professional announcement sign, the dimensions of which shall not exceed one square foot; and
- C. On premises used for a permitted institution (schools, churches, hospitals, clinics, public buildings) a sign referring to the use and to the activities carried on upon said premises, which sign shall not exceed 25 square feet in area, whether affixed to a structure or free standing.

#### Section 703. SIGNS ON TRANSITIONAL LOTS

On transitional lots, only the following signs shall be permitted:

- A. A professional office sign affixed to the building and parallel thereto and setting forth the name of the occupant or occupants in the premises and to activities carried on therein, which shall not exceed 6 square feet in area; and
- B. On premises used for a permitted institutional use, a sign referring to the owner of the premises and to the activities carried on therein, not to exceed 25 square feet in area.

#### Section 704. SIGNS IN NON-RESIDENTIAL DISTRICTS

Within the non-residential Districts, only the following signs shall be permitted:

- A. A sign or signs referring to or advertising the premises upon which it is located or displayed, or to the identity of the occupant thereof, or to a service rendered thereon or therein, or to a product or item available therein, or to a permitted trade, business, or profession carried on thereon or therein; one such sign may be erected on any wall entrance, one on any wall facing on a street, one on any wall facing an immediately adjacent off-street parking area accommodating at least 12 motor vehicles and one on any wall facing a railroad, and, shall be erected parallel to the face of such wall, not extending more than 2 feet therefrom; the bottom of which shall be at least 10 feet above the level of the sidewalk, the top of which shall not project above the building wall to which it is affixed; and it shall be rigidly and securely attached thereto. The area of each sign shall not exceed  $1\frac{1}{2}$  square feet for each foot of building frontage occupied by the individual business on the first floor erecting the sign and upon which it is attached, except that in addition, in the case of open letter signs, the area of the smallest rectangle enclosing all letters, symbols, or other devices shall not exceed 3 square feet for each foot of building frontage. The maximum height of such sign shall not exceed 2 feet, and the maximum width shall not exceed 90% of the width of the store front or wall of that portion of the premises. Where there shall be more than one occupant of the building, the total areas of all signs of all occupants, taken in the aggregate, shall not exceed the maximum requirements above set forth for each wall upon which any sign is permitted to be erected. Any permitted area of signs based on building frontage may not be transferred from one frontage to another nor from one portion of a building frontage to another.
- B. In the case of premises, the use of which involves no structure, or on which the structure is set back at least 25 feet from the street line, a freestanding sign not exceeding 30 square feet in area or 60 square feet in aggregate area if both sides shall have signs thereon; which sign if on its own metal substructure shall be rigidly and securely attached to the ground so as to create no danger to life and limb may be erected for the purposes set forth in subparagraph A above; provided, however, that the top of such sign shall not be more than 18 feet above the level of the ground or the bottom less than 4 feet and shall not extend over the street line.
- C. A sign or signs limited to those purposes set forth in subparagraph A and showing or evidencing membership in a retail or professional organization or credit card or credit association or plan; or showing manufacturers' or legally required licenses, attached to or painted on a store window or windows on the exterior or interior of any structure, the total area of such signs not to exceed 30% of the window space.

- D. Individual tenants occupying upper floors in any building may have announcement signs next to the main entrance door of such building not exceeding one square foot in area which shall be in addition to the area of signs permitted in the case of first floor occupancy.

#### Section 705. GENERAL PROHIBITIONS

Without limiting the generality of the preceding provisions of this Article the following signs are prohibited:

- A. Signs on which the colors red or green are used either in direct illumination or in high reflection by the use of special preparation such as fluorescent paint or glass, if located within 200 feet of a traffic light.
- B. Intermittent, animated, flashing, moving or fluttering signs with varying light intensity except inside of store windows and said light intensity shall not exceed 50 watts. Signs which give time and/or temperature are exempted from this prohibition.
- C. Any sign visible from the public right-of-way using the word "Stop: that may affect the flow of traffic.
- D. Any free-standing sign within an area bounded by the intersection of street side lines and points 30 feet from such intersection measured along the street lines.
- E. It shall be unlawful for any person, firm or corporation to place any advertisement upon or across any public property such as sidewalks, hydrant, lamp post, tree, telephone, telegraph or electric light pole or fence in any public street or place, etc. within the City of Plainfield.
- F. No roof sign, often known also as a "sky sign", shall be permitted.
- G. No strings or streamers of flags, pennants, spinners, or other similar devices strung across, upon, over or along any premises or building, whether as a part of any sign or not, shall be allowed within any District, except those which shall be specifically exempted under Section 706 of this Ordinance.
- H. No signs for commercial advertising shall be allowed along the railroad right-of-way.
- I. No signs are permitted in the public right-of-way.



## Section 706. EXEMPTIONS

The provisions and regulations of this Ordinance shall not apply to the following signs, provided, however, said signs shall remain subject to the provisions of Section 708 of this Ordinance.

- A. A professional name plate or sign identifying a tenant or owner affixed to the door or adjacent wall of premises so used, not to exceed one square foot per professional occupant, tenant, or owner.
- B. A memorial sign or tablet, or sign indicating the name of a building, or the date of its erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.
- C. The following signs, customary and necessary to the operation of gasoline service stations: Lettering on buildings displayed over individual entrance doors consisting of the words "washing", "lubrication", "repairing", or words similar import, provided that there shall be not more than one such sign over each entrance, and that the letters shall not exceed 10 inches in height; lettering or other insignia, which are a structural part of a gasoline pump, consisting only of a brand name, lead warning sign and other signs as required by law; a credit card sign not exceeding 2 square feet in area, affixed to the building or permanent sign structure; and a sign attached to each gas pump, with the price of the product, as required by law.
- D. Signs for public convenience and welfare erected by or on behalf of the United States of America, the State of New Jersey, the County of Union and the City of Plainfield; traffic controls in private ways and parking lots; legal notices; posters, direction or warning signs, or other signs required for the operation of the railroad or for the convenience or instruction of persons using the facilities of the railroad; signs referring to the use and to activities carried on in a permitted institutional use; or other signs as required by law, and such temporary signs for public, political and charitable purposes as may be approved by the Building Inspector for a period of time not to exceed 30 days.
- E. Signs customary and necessary in the offering of real estate for sale or to let by the owner thereof in Residence Districts, not to exceed 4 square feet in area for existing or new structures or 20 square feet in area on the plots of new development. All such signs shall be at least 25 feet from any street line unless attached to a portion of a building that may be nearer to the street line.

Signs customary and necessary in the offering of real estate for sale or to let by the owner thereof, and his real estate agent or broker, in non-residential Districts, not to exceed 16 square feet in area.

- F. Temporary signs, customary and necessary in connection with the erection of buildings or other construction work shall be limited to one sign for each construction project and shall include only the identification of the project, the building, architects, engineers and contractors. Such sign may be freestanding or attached to the premises but shall not exceed 12 square feet in area and shall be removed at the completion of construction.
- G. The interior contents of lawfully permitted signs specifically designed to be changed from time to time, such as church announcement boards, theater marquees, restaurant menus, and the like.
- H. All signs referred to in subparagraphs E, F, and G of this Section may be freestanding or attached to the premises.
- I. Signs not exceeding 30 square feet in area in railroad stations and on station platforms.

#### Section 707. LIGHTING AND ILLUMINATION

Any sign permitted by the provisions of this Ordinance may be non-illuminated or non-flashing illuminated. Illuminated signs shall have sources of illumination shielded in such a manner that the same are not visible from the street or adjoining property. An illuminated sign in the interior of a building shall, if visible from any street or adjacent properties, meet all the requirements of this Ordinance, and the area thereof shall not, either by itself or cumulatively with any other exterior or interior illuminated sign or signs hereby permitted, exceed the total area permitted for exterior signs as regulated in Section 704 of this Ordinance. Flood lighting fixtures used to light parking lots, service stations, and other areas must be aimed so that the direct beams are not directed towards the street or adjoining property.

#### Section 708. UNSAFE SIGNS

If the Building Inspector shall find that any sign is unsafe or insecure, or is a menace to the public, he shall give written notice to the owners of the premises upon which such sign may be erected. If such owner, agent or person shall fail to remove or alter the sign so as to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure may be removed, or altered to comply, by the Building Inspector at the expense of the owner, agent, or person having the beneficial use of the premises upon which such sign may be erected. The Building Inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

Section 709. ZONING VARIANCE

A zoning variance granted pursuant to New Jersey Statutes 40:55-39 subd. "d" which varies a use allowed in a particular District for particular premises shall be deemed to vary the provisions of this Article in the same respect for the same premises.

Section 710. SIGNS ANTEDATING THIS ORDINANCE

Any sign existing at the time of the passage of this Ordinance which does not conform with any provision thereof, shall be deemed a non-conforming use and may be continued, maintained and repaired upon its present premises, provided, however, such sign was lawful under any prior ordinance. Any sign unlawful under any prior ordinance shall remain unlawful unless it complies with the provisions of this Ordinance and there is issued by the Building Inspector a sign erection permit therefor. Failure to keep non-conforming signs painted, illuminated or in good repair for a period of one year shall constitute abandonment, and such signs may not then be replaced or reused and must be removed.

Section 711. ENFORCEMENT

If any person shall have been convicted of a violation of this Ordinance under Article XII thereof, and the sign or signs shall continue as violations despite said conviction, then, upon the expiration of the time for appeal, as provided by the Municipal Court, if no appeal has been taken, the Building Inspector may serve an additional 10 days' notice upon the person so convicted to require him to remove the sign or signs in violation, and if said sign or signs shall not have been so removed upon the expiration of the said 10-day period, the Building Inspector shall have the power to remove the sign or signs or cause the same to be removed without further notice, but at the sole expense of the owner, agent or person of the premises.

## ARTICLE VIII

### FLOOD PLAIN REGULATIONS

#### Section 801 - GENERAL REGULATIONS

There are hereby created within the City, flood plain areas as shown on the Zoning Map annexed hereto and made a part thereof. The flood plain areas are divided into the following three categories:

A. Channel

The channel shall consist of the area between the top of the banks of any water course, 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 or more branches of the same watercourse.

Within the channel no building or structures and no landfill or excavation operations are permitted except by public authority in connection with stream improvement or stabilization, without the specific approval of the State Department of Conservation and Economic Development and the Planning Board of the City of Plainfield.

B. Floodway

The floodway shall consist of the channel and portions of the adjacent flood plain that carry the greater part of flood flow at greater depths and velocities than do the other parts of the flood plain, that constitute the minimum area required for the passage of flood flows without aggravating flood conditions upstream, and that are necessary to preserve the natural regimen of the stream for the reasonable passage of the floodway design flood.

The specific limits are shown on maps on file in the Plainfield Code Enforcement Division.

Within the floodway no building or structure may be erected and no landfill or excavation operations are permitted except by public authority in connection with stream improvement or stabilization, increasing the

storage capacity of the stream, or in the public interest, subject to the approval of the State Department of Conservation and Economic Development and the Planning Board of the City of Plainfield. Any other use that is allowed (by right or subject to the approval of the Board of Adjustment) in the District in which the said floodway is located is permitted provided that it is also subject to approval of the Planning Board.

Any existing building may be altered subject to the approval of the Planning Board provided that the alteration will not materially affect the floodway or increase the number of dwelling units.

C. Flood Hazard Area

The flood hazard area shall consist of the floodway, and additional portions of the flood plan that are subject to flood flow at lesser depths and lower velocities than the floodway and that are inundated by the flood hazard area design flood.

The specific limits are shown on maps on file in the Plainfield Code Enforcement Division.

Any use is permitted within the flood hazard areas that is allowed (by right or subject to the approval of the Board of Adjustment) in the District in which the said areas are located provided that they are also subject to the requirements in Section 802. Nothing herein shall be construed to prohibit the alteration of existing structures provided that the alteration conforms to the requirements in Section 802.

Section 802 - REQUIREMENTS IN FLOOD PLAIN AREAS

No structure shall hereafter be erected within any flood plain area unless and until a Site Plan shall have been submitted to the Planning Board for its review and approval in accordance with Article IX of this Ordinance.

A. Said Site Plan shall, in addition to the information required under Section 903 of this Ordinance, show the following information:

1. The existing and proposed contours at a contour interval of one foot;
2. The proposed elevations of the levels of the lands involved at the corners of the foundation of any structure or structures;

3. The lowest elevation of the lowest proposed area within any proposed structure after its completion;
4. The layout of existing and proposed public streets and the nature, extent and location of existing and proposed public utilities servicing and to service the premises in question.
5. The elevation of any pumping facilities.

B. The Planning Board shall not approve any Site Plan required in any flood plain area unless and until it is satisfied that the following requirements have been met:

1. The lowest floor including cellar and all essential services of any proposed structure will be at least one (1) foot above the flood hazard area design flood profile.
2. Proper facilities have been or will be provided for the disposal of sewage and of surface water;
3. Any proposed structure, when built, can be occupied without peril to the health or safety of the occupant;
4. Any proposed structure will not impede the flow of surface waters through any swale or other watercourse; and
5. The maximum permitted height of any structure located within the flood plain shall be measured from the design flood plain elevation.

C. In cases of doubt or uncertainty as to the exact limit of the floodway or flood hazard area in a proposed development, the City Engineer may, upon the application and with the consent of the landowner, determine the precise location of a floodway or flood hazard area limit by close inspection, field survey or other appropriate method, and cause the same to be marked on the ground, notifying the landowner, the Building Inspector and the Planning Board of the results thereof.

### Section 803 - TIME LIMITS

The Planning Board shall act upon any Site Plan provided for in Section 802 of this Ordinance within 60 days of the date of filing thereof, the date of approval by the State Water Commission where necessary, or other extension of time agreed to by the applicant. Failure of the Planning Board to act within said time limit or limits shall be deemed an approval of any Site Plan submitted. Planning Board disapproval shall include written findings upon any Site Plan element found contrary to the provisions or intent of this Ordinance.

### Section 804 - ISSUANCE OF PERMITS

No Building Permit shall be issued by the Building Inspector for any proposed structure to be located within any flood plain area unless and until the Planning Board shall have approved a Site Plan submitted in accordance with Section 802 of this Ordinance. Upon approval or denial of any Site Plan required by Section 802 of this Ordinance, the Secretary of the Planning Board shall forthwith notify the Building Inspector thereof. No Certificate of Occupancy shall be issued by the Building Inspector unless and until proof has been submitted to him that all conditions of Site Plan approval have been fully met and complied with.

## ARTICLE IX

### SITE PLAN APPROVAL BY THE PLANNING BOARD

In all cases where this Ordinance requires approval of Site Plans by the Planning Board, no building permit shall be issued by the Building Inspector except in conformity with the plans approved by the Planning Board.

#### Section 901. OBJECTIVES

In considering and acting upon Site Plans the Planning Board shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this Ordinance and the accomplishment of the following objectives in particular:

##### A. Traffic Access

That all proposed traffic access and ways are adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners, or places of public assembly; and other similar safety considerations.

##### B. Circulation and Parking

That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking spaces.



C. Landscaping and Screening

That all playground, parking, and service areas are reasonably screened from the view of adjacent residential lots and streets and that the general landscaping of the site is in character with that generally prevailing in the neighborhood.

D. Conformance to the Master Plan

That proposes site plans be in conformance to the Master Plan of the City of Plainfield.

E. Drainage

That in all applicable cases, a drainage system and layout shall afford the best solution of any drainage problems.

Section 902 - PLAN APPROVAL

- A. No building permit shall be issued for any structure covered by this Section until an approved Site Plan or approved amendment of any such plan has been secured by the applicant from the Planning Board and presented to the Building Inspector.
- B. No certificate of occupancy will be issued for any structure or use of land covered by this Section unless the structure is completed or the land is developed or used in accordance with an approved Site Plan or approved amendment of any such plan.

Section 903 - PROCEDURE

- A. Prior to the submission of a Site Plan, the applicant shall meet in person with the Planning Board or their representative. The purpose of such conference shall be to discuss proposed uses or development in order to determine which of the Site Development Plan elements listed in Section 904 shall be submitted to the Planning Board in order for said Board to determine conformity with the provisions and intent of this Ordinance.

- B. Within 6 months following the pre-submission conference, the Site Plan and any related information shall be submitted to the Building Inspector in triplicate at least 21 days prior to the Planning Board meeting at which approval is requested.
- C. The Building Inspector shall certify on each Site Plan or amendment whether or not the Site Plan meets the requirements of all provisions of this Ordinance other than those in this Section regarding Site Plan Approval.
- D. The Building Inspector shall retain one copy and transmit two copies of the certified Site Plan to the Secretary of the Planning Board at least 7 days prior to the Planning Board meeting at which approval is requested. If so required, by any ordinance, resolution or statute, a copy of said site plan shall be immediately sent to the County Planning Board for their review.
- E. In all cases where Site Plan Approval is not required by the County Planning Board, the City of Plainfield Planning Board may, by majority vote, refer said application to the County Planning Board for whatever informal advice or recommendation the County Planning Board may deem proper, relative to said application. Such advice or recommendation shall not be binding upon the local Planning Board, but merely for information.
- F. The Planning Board shall act to approve or disapprove any such Site Plan within 60 days from submission or from the time it is returned from the County Planning Board if applicable unless the applicant shall consent to an extension. Failure to act within 60 days shall be deemed approval. Planning Board disapproval shall include written findings upon any Site Plan element found contrary to the provisions or intent of this Ordinance.
- G. Amendments to a Site Plan shall be acted upon in the same manner as the original plan.

#### **Section 904. - SITE PLAN ELEMENTS**

The applicant shall cause a Site Plan map to be prepared by a civil engineer, surveyor, land planner, architect, or other competent person. Site Plan elements shall include those listed below which are appropriate to the proposed development or use as indicated by the Planning Board or its representative in the pre-submission conference.

A. Legal Data

1. Lot and block of the property taken from the latest tax records.
2. Name and address of the owner of record.
3. Name and address of person, firm, or organization preparing the map.
4. Date, north point, and written and graphic scale.
5. Sufficient description or information to define precisely the boundaries of the property. All distances shall be in feet and hundreths of a foot. All angles shall be given to the nearest 10 seconds or closer. The error of closure shall not exceed one in ten thousand.
6. The locations, names, and existing widths of adjacent street rights-of-way and curb lines.
7. The location and owners of all adjoining lands as shown on the latest tax records.
8. Location, width, and purpose of all existing and proposed easements, set-backs, reservations, and areas dedicated to public use within or adjoining the property.
9. A complete outline of existing deed restrictions or covenants applying to the property.
10. Existing zoning.

B. Natural Features

1. Existing contours with intervals of two (2) feet or less, referred to a datum satisfactory to the Board. Contour interval may be altered by agreement and permission of Planning Board.
2. Location and width of any existing watercourses and marshes.
3. Approximate boundaries of any areas subject to flooding or storm overflows, including the approximate highest water elevation in the last five years.

4. Location of existing watercourses, marshes, rock outcrops, and other significant existing features.

C. Existing Structures and Utilities

1. Location of uses and outlines of structures drawn to scale on and within 100 feet of the lot line for both subject property and adjacent property.
2. Paved areas, sidewalks, and vehicular access between the site and public streets.
3. Locations, dimensions, grades, and flow direction of existing sewers, culverts, water lines as well as other underground and above ground utilities within and adjacent to the property.
4. Other existing development, including fences, landscaping and screening.
5. Location and design of external lights and lighted areas.

D. Proposed Development

1. The location of proposed buildings or structure improvements.
2. The location and design of all uses not requiring structures, such as off-street parking and loading areas.
3. The location and plans for any outdoor signs.
4. The location, direction, power and time of use for any proposed outdoor lighting and public address system.
5. The location and arrangement of proposed means of access, including sidewalks, driveways, or other paved area. Profiles indicating grading and cross-sections showing width of sidewalks and location and size of utility lines.
6. Any proposed grading, screening, and other landscaping.
7. The location of all proposed water lines, valves, and of all sewer lines or alternate means of water supply and sewage disposal and treatment.

8. An outline of any proposed deed restrictions or covenants.
  9. Any contemplated public improvements on or adjoining the property.
  10. If the Site Plan only indicates a first stage, a supplementary plan shall indicate ultimate development.
- E. Any other information deemed by the Planning Board necessary to determine conformity of the Site Plan with the intent and regulations of this Ordinance.

## ARTICLE X

### BOARD OF ADJUSTMENT

#### Section 1001. MEMBERSHIP AND APPOINTMENT

Pursuant to the authority contained in N.J.S.A. 40:55-36, there is hereby created a Board of Adjustment which shall consist of five members and two alternates who shall not hold any elective office or position under the municipality, each to be appointed by the Mayor with the advice and consent of the City Council of the City of Plainfield for a term of three years and each to be removable for cause upon written charges. No members of the Board of Adjustment shall receive any compensation for his services as such. The Board of Adjustment already in existence (under the authority of the previous Ordinance, as amended) is hereby continued and is hereby made the Board of Adjustment under the provisions of the Ordinance and the members thereof shall continue in office until the terms under which they presently hold office (under the previous Ordinance, as amended) shall expire.

If any vacancy shall occur in the term of any member by reason of death, resignation or otherwise, the Mayor with the advice and consent of the City Council shall fill the vacancy by appointment for the unexpired portion of the term.

#### Section 1002. AUTHORITY VESTED IN BOARD

Subject to the provisions contained in this Ordinance, the Board of Adjustment shall possess the following powers:

- A. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or denial made by the Building Inspector or any other administrative official or agency based on, or made in the enforcement of, this Ordinance.
- B. Hear and decide requests for special exceptions to the regulations, for interpretations of the map, or for decisions upon special questions appertaining to this Ordinance.
- C. Hear and decide appeals for a variance relating to property where, by reason of exceptional narrowness, shallowness or peculiar shape of a specific piece of property or by reason of topographical conditions or other extra-ordinary and exceptional situation or condition of such piece of property, the strict application

of any regulation set forth in this Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

- D. Recommend in particular cases and for special reasons to the City Council the granting of a variance to allow a structure or use in a District restricted against such structure or use, whereupon the City Council may, by resolution, approve or disapprove such recommendations. If such recommendation shall be approved by the City Council, the Building Inspector shall forthwith issue a permit for such structure or use.

#### Section 1003. MEETINGS AND RECORDS OF BOARD

The Board of Adjustment shall adopt such rules and regulations as it may deem necessary to govern its procedure.

All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Board and shall be a public record.

#### Section 1004. SUBPOENAS

The Chairman of the Board, or in his absence the Acting Chairman, shall have power to issue subpoenas for the attendance of witnesses and the production of records, and may administer oaths. Upon the failure of any person to respond to such subpoena, application may be made to the Superior Court, or any justice thereof, for an order compelling the attendance of such person as a witness.

#### Section 1005. WHO MAY APPEAL TO BOARD

Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department or board of the City of Plainfield affected by any decision of the Building Inspector or Planning Board. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the

Building Inspector and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

#### Section 1006. PROCEDURE IN DISPOSITION OF APPEALS

In exercising the power conferred upon it, the Board of Adjustment shall proceed in conformity with the Revised Statutes of New Jersey and the amendments thereto and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision and determination appealed from, and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the power of the Building Inspector.

The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance, or to effect or recommend any exceptions to, or variations from, this Ordinance.

#### Section 1007. NOTICE OF HEARING

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving due notice thereof to the appellant. Such appellant shall thereupon, at least ten (10) days prior to the time appointed for said hearing, give personal notice to all owners of the property within two hundred (200) feet of the property to be affected by said appeal. Such notice shall be given either by handing a copy thereof to said property owners or by leaving a copy thereof at the usual place of abode of said property owners, if said owners are the occupants of the property affected by such appeal or are residents of the City of Plainfield. The applicant shall also publish a notice of the hearing in a local official newspaper at least fourteen (14) days prior to the hearing.

Whenever said owners are non-residents of the City of Plainfield, such notice may be given by sending written notice thereof by registered mail to the last known address of the property owner or owners as shown by the most recent tax lists of the City of Plainfield. Where the owners are partnerships, service upon any partner as outlined above, shall be sufficient; and where the owners are corporations, service upon any officer, as set forth above shall be sufficient. Said appellant shall, by affidavit, present satisfactory proof to the Board of



Adjustment at the time of hearing that said notices have been duly served as aforesaid. At the hearing, any party may appear in person, or by agent, or by attorney.

#### Section 1008 - APPEALS MUST BE DECIDED WITHIN SPECIFIED TIME

Whenever an appeal or request for a special exception shall be taken to the Board of Adjustment, said Board shall render its decision upon such appeal or request for special exception within sixty (60) days from the date of the hearing on such appeal or request for special exception, and in any event, within ninety (90) days from the date of the filing of the appeal or request for special exception as herein provided, and upon failure to do so, at the expiration of such time, such appeal shall be deemed to be decided adversely to the appellant, in the same manner as though said Board had rendered a decision to that effect.

#### Section 1009 - APPEAL STAYS ALL PROCEEDINGS

An appeal stays all proceedings in furtherance of the action in respect of which the decision appealed from was made unless the Building Inspector certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the Superior Court, or any justice thereof, on application and on notice to the Building Inspector and on due cause shown.

#### Section 1010 - USE VARIANCE AND SITE PLAN APPROVAL

If a proposed use requires both a use (d.) variance and Site Plan Approval, then before the Building Inspector can issue a building permit both the variance and the Site Plan must be approved.

**Section 1011. VARIANCE TIME LIMIT**

When the granting of a variance, under any of the provisions of Section 1002 herein, necessitates the obtaining of a building permit or certificate of occupancy, such permit or certificate must be obtained by the appellant within one year from the date the variance is approved, or in the event of litigation within one year from the date of final disposition of the litigation.

**Section 1012. FEES**

Upon the filing of any appeal to the Board of Adjustment by any party other than an official department, board or agency of the City, the appellant shall pay with said appeal a fee or fees as prescribed in the duly adopted rules and regulations of the Board of Adjustment.

**Section 1013. SPECIAL EXCEPTIONS**

- A. On application, and after public notice and hearing, the Board of Adjustment may authorize the issuance, by the Building Inspector, of permits for any of the special exceptions for which this Ordinance provides. In approving any such use, the Board of Adjustment shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this Ordinance and the accomplishment of the following objectives in particular:
1. That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.
  2. That the proposed use shall be of such location, size, and character that in general it will be in harmony with the appropriate and orderly development of the District in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
  3. That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residence District:

- a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site and interior layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said Residential District or conflict with the normal traffic of the neighborhood; and
- b. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

B. Any use for which a special exception permit may be granted shall be deemed to be a conforming use by action of the Board of Adjustment in the District in which such use is located provided that any modification of the plans or any addition or expansion of the said use shall be subject to approval by the Board of Adjustment in the same manner as the original application for a special exception permit; and provided further that such use shall be deemed to be a conforming use only so long as it conforms to all the conditions prescribed in the granting of said permit. Such permit shall be deemed to affect only the lot, building, or portion thereof for which the permit shall have been granted.

In the event that there shall be a cessation of operation of any special exception use for a period of 24 consecutive calendar months, the same shall be presumed an abandonment of such special exception use. Any subsequent attempt to rely upon, exercise, or reinstate such abandoned special exception use shall be a violation of the terms of this Ordinance unless another special exception permit shall be granted.

C. Special exception permits may be rescinded only upon a determination by the Building Inspector to the effect that such conditions as may have been prescribed by the Board of Adjustment in conjunction with the issuance of the original permit have not been, or are being no longer complied with. In such cases a period of 60 days shall be granted the applicant for full compliance prior to the revocation of the said permit.

## ARTICLE XI

### BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

#### Section 1101. BUILDING PERMITS

No building in any District shall be erected, reconstructed, restored, or structurally altered without a building permit duly issued upon application to the Building Inspector. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of this Ordinance. Any building permit issued in violation of the provisions of this Ordinance shall be null and void and of no effect, without the necessity for any proceedings or revocations of nullification thereof; and any work undertaken or use established pursuant to any such permit shall be unlawful.

#### Section 1102. CERTIFICATES OF OCCUPANCY

- A. The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Building Inspector:
1. Occupancy and use of a building erected, reconstructed, restored, structurally altered, moved, or any change in use of an existing building;
  2. Occupancy, use or any change in the use of land; and
  3. Any change in use of non-conforming use.
- B. No certificate of occupancy shall be issued for any special exception use requiring approval by the Board of Adjustment or for any use requiring Site Plan Approval by the Planning Board unless and until such special exception or Site Plan Approval has been duly granted. Every certificate of occupancy for which a special exception or Site Plan Approval has been granted or in connection with which a variance has been granted shall contain a detailed statement of any conditions to which the same is subject.
- C. On a form furnished by the Building Inspector, application for a certificate of occupancy shall be made at the time of application for a building permit.

- D. If the proposed use is in conformity with the provisions of this Ordinance and of all other applicable codes and ordinances, a certificate of occupancy for a new building, alterations to an existing building, the use of vacant land, or for a change of use of a non-conforming use shall be issued by the Building Inspector within 10 days after the completion of the erection or alteration of the building or the approval of the use of the premises.
- E. Every application for a certificate of occupancy shall be accompanied by a fee of \$4.00. Copies of such certificate will be made available upon payment of \$2.00 per copy.
- F. A certificate of occupancy shall be deemed to authorize, and is required for, both initial occupancy and the continuance of occupancy and use of the building or land to which it applies.
- G. Upon written request by the owner, and upon payment of a fee of \$4.00, the Building Inspector shall, after inspection, issue a certificate of occupancy for any building or use thereof or of land existing at the time of the adoption of this Ordinance, certifying such building or use conforms to the provisions of this Ordinance.
- H. A record of all certificates of occupancy shall be kept in the office of the Building Inspector and copies shall be furnished on request, to any agency of the City or to any persons having a proprietary or tenancy interest in the building or land affected.
- I. In the event that required exterior work on the premises or structure will be delayed in excess of one month by weather conditions, or in the event that portions of a structure are left unfinished pending future tenancy requirements, the Chief Building Inspector with the concurrence of the Bureau of Fire Prevention and other municipal agencies where involved, may grant written permission for temporary occupancy for periods of time not to exceed six (6) months. If, by the time the permission for temporary occupancy expires, a certificate of occupancy has not been issued as required above, the subject premises shall be liable for penalties provided herein. Request for temporary occupancy permission must be made in writing to the Chief Building Inspector.
- J. In regard to those uses which are subject to Performance Standards (Section 512 D.) the following requirements shall also apply:
1. Any normal replacement or addition of equipment and machinery not affecting the operations or the degree or nature of dangerous and objectionable elements emitted shall not be considered a change in use;

2. After occupancy, if there occurs continuous or frequent, even though intermittent, violations of the Performance Standards and other provisions for a period of 5 days, without bona fide and immediate corrective work, the Building Inspector shall suspend or revoke the occupancy permit of the use and the operation shall immediately cease until it is able to operate in accordance with these regulations, at which time the occupancy permit shall be reinstated;
3. The Building Inspector shall investigate any alleged violation of Performance Standards, and if there are reasonable grounds to believe that a violation exists, he shall investigate the alleged violation, and for such investigation may employ qualified experts. A copy of said findings shall be forwarded to the City Council. The services of any qualified experts employed by the City to advise in establishing a violation shall be paid for by the violator, if it shall be determined that a violation is proved, and otherwise by the City. No new certificate of occupancy shall be issued unless such charges have been paid to the City.

## ARTICLE XII

### ENFORCEMENT

#### Section 1201. DUTIES OF THE BUILDING INSPECTOR

- A. It shall be the duty of the Building Inspector, to enforce the provisions of this Ordinance and of all rules, conditions and requirements adopted or specified pursuant thereto.
- B. The Building Inspector or his duly authorized assistant(s), shall have the right to enter any building or enter upon any land at any reasonable hour as necessary in the execution of their duties provided that:
  - 1. The Building Inspector shall notify the owner and tenant before conducting any inspection.
  - 2. The Building Inspector or his duly authorized assistants shall display identification upon commencing an inspection.
  - 3. Inspections shall be commenced in the presence of the owner, or his representative or tenant.
- C. The Building Inspector shall maintain files, open to the public, of all applications for certificates of occupancy and building permits along with plans submitted therewith as well as final certificates and permits.
- D. The Building Inspector shall also maintain records of every written complaint of a violation of the provisions of this Ordinance as well as action taken as a result of such complaints.
- E. The Building Inspector shall submit a monthly report to the City Administrator.

#### Section 1202. VIOLATIONS AND PENALTIES

- A. Violation of any provision or requirement of this Ordinance or violation of any statement, plan, application, permit, or certificate approved under the provisions of this Ordinance shall be deemed an offense punishable by a fine of not more than two hundred dollars (\$200), imprisonment for not more than thirty days, or both for each offense.

- B. The owner, general agent or contractor of a building, premises, or part thereof where such a violation has been committed or does exist shall be guilty of such an offense.
- C. Any individual, agent, contractor, architect, builder, corporation or other business entity who commits, takes part or assists in such violation shall also be guilty of such an offense.
- D. Each and every day that any such violation continues after notification that such violation exists shall constitute a separate offense. Such notice shall be written by the Building Inspector and shall be served by mail or by personal service.
- E. The imposition of penalties herein prescribed shall not preclude the City or any person from instituting appropriate legal action of proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the illegal occupancy of a building, land, or premises.



## ARTICLE XIII

### AMENDMENTS

The regulations, limitations, and restrictions of this Ordinance may from time to time be amended, changed, modified or repealed and the boundaries of the Districts hereby established changed, by ordinance adopted by the City Council. No amendment or change shall become effective unless the ordinance proposing such amendment or change shall first have been submitted to the Planning Board for approval, disapproval or suggestions. The Planning Board shall have a maximum of 60 days for consideration and report. In the case of an unfavorable report by the Planning Board, such amendment shall not become effective except by a favorable vote of two-thirds of the City Council.

#### Section 1301. REPORT OF THE PLANNING BOARD

In making such report on a proposed amendment, the Planning Board shall make inquiry and determination concerning the items specified below:

- A. Concerning a proposed amendment to or change in text of the Ordinance:
  - 1. Whether such change is consistent with the aims and principles embodied in the Ordinance as to the particular Districts concerned;
  - 2. Which areas, land uses, buildings and establishments in the City will be directly affected by such change and in what they will be affected;
  - 3. The indirect implications of such change in its effect on other regulations; and
  - 4. Whether such proposed amendment is consistent with the aims of the Master Plan of the City.
- B. Concerning a proposed amendment involving a change in the Zoning Map:

1. Whether the uses permitted by the proposed change would be appropriate in the area concerned;
2. Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change;
3. Whether the proposed change is in accord with any existing or proposed plans in the vicinity;
4. The effect of the proposed amendment upon the growth of the City as envisaged by the Master Plan;
5. Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the City and the probable effect thereof.

#### Section 1302. PUBLIC HEARINGS

By resolution adopted at a meeting of the City Council, the City Council shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given. All notices of public hearing shall specify: the nature of any proposed amendment; the land or District affected and the date when, and the place where, the public hearing will be held. At least 10 days notice of the time and place of such hearing shall be published in the official newspaper, or a newspaper of general circulation in the City.

#### Section 1303. PROTEST AGAINST A ZONING AMENDMENT

In the case of a protest against such proposed change signed by the owners of twenty (20) percent or more either of the area of the lots or land included in such proposed change, or of the lots or land in the rear or on either side thereof, or directly opposite thereto, extending one hundred (100) feet (exclusive of any intervening street space) therefrom, such change shall not become effective except by the favorable vote of two-thirds of all the members of the City Council.

## ARTICLE XIV

### VALIDITY

#### Section 1401. VALIDITY

In case any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance as a whole or any other part thereof other than the part so held unconstitutional or invalid.

## ARTICLE XV

### REPEALER

#### Section 1501. REPEALER

Any and all ordinance or parts thereof in conflict with or inconsistent with any of the terms of this Ordinance are hereby repealed together with all amendments thereto; provided, however, that the adoption of this Ordinance shall not prevent or bar the continuance of any proceedings for offenses heretofore committed in violation of any said previously existing ordinances hereby repealed.

ARTICLE XVI

EFFECTIVE DATE

Section 1601. EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication as required by law.



State

P 69

P 71

.2/Z

Proposed Zoning Ordinance. State  
Plainfield, N.J. March P 69  
1970. P 71

.2/Z

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