

**6/4/12 REVISION**

# Newark's River



Public Access & Redevelopment Plan  
June 2012



City of Newark  
Mayor Cory A. Booker  
Adam Zipkin, Deputy Mayor for Economic & Housing Development  
Damon Rich, Chief Urban Designer



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**CORY A. BOOKER**  
MAYOR  
NEWARK, NEW JERSEY  
07102

Dear Reader,

At a press conference on March 26, 2009, I stood with young people from across the City to launch Newark Riverfront Revival. Since then, we've worked hard to reconnect Newarkers with their river and find ways that it can benefit our City and region.

We've hosted dozens of outreach events and a City Hall exhibition, and taken thousands of people on boat and walking tours. With the County of Essex and the Trust for Public Land, we are transforming fifteen acres of riverfront into Newark's first true riverfront park, with a walking and biking trail, floating boat dock, thousand-foot boardwalk, soccer, basketball, tennis facilities, and many inviting settings for picnics, exercise, relaxation, and environmental education.

With these emboldening successes, we can begin to imagine future riverfront parks stretching west and north, through our downtown and north of Route 280. We will go not only along the river, but across it to Hudson County, where Red Bulls stadium will soon open its third season. Our river must be a seam and not an edge. The riverfront already unifies our city and region geographically; in the future, it will unify us socially and spiritually. Thanks to all of our partners, that future is beginning today.

In the following pages, you will find the first new rules for building along our waterfront to be adopted since the 1950s. These codes are no less important than our public construction projects, as they ensure that public and private investments work in harmony, creating the greatest possible benefit to our city and its residents.

Behind our many initiatives are our Riverfront Development Principles:

- 1 BRING PEOPLE TOGETHER FROM ACROSS NEWARK AND BEYOND, CROSSING LINES OF RACE, BACKGROUND, AND INCOME.
- 2 SPUR ECONOMIC ACTIVITY AND CREATE JOB OPPORTUNITIES FOR NEWARKERS.
- 3 HEAL THE ENVIRONMENT AND THE RIVER.
- 4 REFLECT AND CELEBRATE THE CITY'S PROUD HISTORY AND CULTURE AND ATTRACT THE ATTENTION AND ADMIRATION OF THE WORLD TO NEWARK.
- 5 BE EASY AND SAFE TO VISIT.

These principles must inform every decision we make about the future of our riverfront. Our mantra is "Two cents from two percent," meaning that we aim for two percent of Newarkers to participate in making the future of the riverfront, whether at planning meetings, on boat tours, or hosting a Friends of the Riverfront event with their neighbors.

This summer, please take time to experience Newark's riverfront: take a boat or walking tour, visit Riverbank Park Neighborhood Arts Day, sign up for the Lower Passaic Waterfront Alliance's Annual Passaic River Paddle Relay, see students of Project USE launch rowboats they built themselves, or help with a riverfront clean-up.

As Newark rises, it will grow to the river. See you on the riverfront.

Sincerely,

Cory A. Booker

**Newark's River: Public Access & Redevelopment Plan**

A Plan submitted to the Central Planning Board by the  
Department of Housing & Economic Development Division of Planning

Submitted by:

Adam Zipkin, Deputy Mayor for Economic & Housing Development  
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with

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Thank you to

The many Newarkers and others who took time  
throughout this process to advocate for their visions

and

Scott Dvorak, Trust for Public Land  
Stephen Marks, Hudson County  
Veda Truesdale, NJ DEP

Central Planning Board Hearing Date: June 11, 2012

Council Adoption Date: TBD

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## Executive Summary

This plan updates Newark's municipal development regulations along five miles of the city's Passaic Riverfront. It replaces fifty-year-old zoning regulations primarily planned for industrial uses and lacking specific riverfront provisions with a legal framework that allows new uses and new mixes of uses, consolidates design standards to create valuable urban places, and provides for public access as required by federal and state law.

The area addressed stretches from the city's northern boundary with Belleville, down through the active industry of the North Ward and dense residences of the Lower Broadway neighborhood, through a picturesque section of Downtown, and across the northern edge of the tightly-knit Ironbound neighborhood. The provisions of the plan mirror a diverse riverfront, and have been tailored to build on what exists, catalyze development opportunities, and encourage neighborhoods to grow to the water's edge.

### North Ward

The plan protects the North Ward riverfront's status as a Dedicated Industrial Zone, building on its cluster of construction and manufacturing, with an eye towards job-intensive industrial development and increased future use of marine transportation.

### Lower Broadway

The plan introduces new residential and retail uses, allowing the neighborhood to grow towards the river, preserving existing light industry, and requiring public access to accompany redevelopment. Higher density development is encouraged near Broad Street Station and the Route 280 & Route 21 interchange in order to take advantage of robust transportation infrastructure. In the northern portion of the area, bonus density is provided in exchange for the provision of open space. To promote a valuable public realm, active streetfront design is required along key corridors.

### Downtown

The plan supports the Downtown riverfront as an amenity to promote upland residential, office, and retail development. To the west of McCarter Highway, the



plan encourages high-density development. Along the river's edge, the plan builds on existing designations for future park construction alongside medium-density development accompanied by public riverfront access. In the portion of the area closest to Newark Penn Station, bonus density is provided in exchange for the provision of open space. To promote a valuable public realm, active street frontage design is required along key corridors.

### Ironbound

The plan promotes the Ironbound riverfront as primarily recreational, endorsing existing plans for open space and waterfront walkway development north of Raymond Boulevard. South of Raymond Boulevard, the plan protects the existing mixed-use, low-rise character of the neighborhood and makes provisions for better connections between upland and riverfront with active streetfront design. Higher density development is encouraged near Newark Penn Station, stepping up from the low-rise neighborhood towards Downtown.

RIVERFRONT SEGMENT	USES	HEIGHT	OVERLAY	PUBLIC ACCESS	ACTIVE STREET DESIGN
<b>NORTH WARD</b>					
East of McCarter Highway	Primarily Dedicated Industrial			*	
West of McCarter Highway	Primarily Mixed-Use Residential, Light Industrial, Retail	Up to 5 stories			
<b>LOWER BROADWAY</b>					
North of Clay Street	Primarily Mixed-Use Residential, Light Industrial, Retail	Up to 5 stories	Allows up to 14 stories with provision of open space	Required riverfront parallel & regular perpendicular access	Along Clay, Passaic, & riverfront
South of Clay Street	Mixed-Use Residential, Office, Retail	Up to 30 stories		Required riverfront parallel access	Along Clay & riverfront
<b>DOWNTOWN</b>					
West of McCarter Highway	Mixed-Use Residential, Office, Retail	Up to 30 stories			Along McCarter
East of McCarter Highway	Primarily Mixed-Use Residential, Office, Retail	Up to 10 stories	Allows up to 30 stories between Penn Station & River Place with provision of open space	Required riverfront parallel & regular perpendicular access	Along McCarter & riverfront
<b>IRONBOUND</b>					
East of Prospect	Primarily Mixed-Use Residential, Light Industrial, Retail	Up to 5 stories		**	Along Raymond & portions of Market
West of Prospect	Primarily Mixed-Use Residential, Office, Retail	Up to 10 or 30 stories		Required riverfront parallel access	Along Raymond & portions of Market

\* Future North Ward parallel riverfront access may be provided by "rail with trail."

\*\* Public riverfront access under public control.

# 1. Introduction

*Newark came from the water.*

*Today Newark is alienated from the water in almost every way.*

*What would it mean to go back to the water?*

Newark exists because of its river. It is the reason that people first came to this place: Native Americans, European Puritans, American Industrialists, immigrants from abroad, and the Great Migration of African-Americans. But for too long Newarkers have been blocked off from their riverfront. For decades, people who care about Newark's riverfront have created visions and organized to bring Newark and Newarkers back to their river. They have attended riverfront litter clean-ups, advocated for environmental remediation, competed in paddle boat races, and worked to create public waterfront amenities.

In 2008, the City of Newark launched Newark Riverfront Revival (NRR), an initiative of the Department of Economic and Housing Development, to revive Newark's riverfront to bring concrete benefits to the City of Newark and its residents. Since then, NRR has built support for Newark's riverfront by taking thousands of people on boat and walking tours, hosting dozens of outreach events, organizing design education programs for youth, and staging a City Hall exhibition. In 2010, in partnership with the County of Essex and the Trust for Public Land, the City of Newark began construction on the first section of Newark Riverfront Park, containing a walking and biking trail, floating boat dock, riverfront boardwalk, and other settings for relaxation, picnics, exercise, and environmental education. For an overview of recent NRR activities, see *The Riverfront That Newark Wants, Progress Report: 2009-2010*.

This document supplements the work of organizing a riverfront constituency and building public amenities by providing clear riverfront development guidelines

and requirements. As a Redevelopment Plan, this document supercedes the zoning resolution for a five-mile stretch of Newark's frontage on the Passaic River, including all of the potentially accessible riverfront near residential, retail, business, and entertainment areas of the city, including the Ironbound, Lower Broadway, and Downtown Newark.

These guidelines and requirements, covering land use, building bulk, parking, urban design, and public waterfront access, were developed through a 24-month process including citywide and regional outreach, public meetings, consultations with property owners and community organizations. Stakeholder input was vital to crafting a set of rules for development that maximize the benefits and value of the riverfront. A full list of public meetings and consultations organized for the development of this plan may be found in Appendix A.

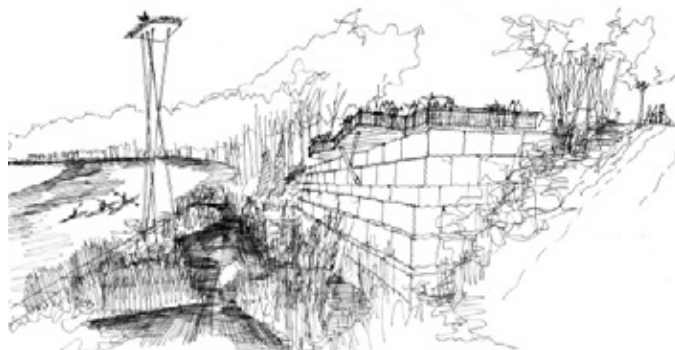
This plan is designed to expedite and catalyze private development. By aligning Newark's municipal zoning with State and Federal regulations, this plan will streamline entitlements for development along Newark's riverfront more efficient and straightforward.

As Newark continues to develop and gain access to its riverfront through public and private development, the guidelines and requirements of this plan will ensure that Newark gets the riverfront it deserves.





DOWNTOWN RIVERFRONT WALKSHOP



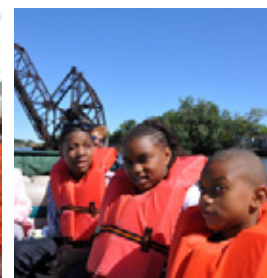
SKETCH FOR NEWARK RIVERFRONT PARK



RIVERFRONT PLANNING MEETING



BULKHEAD RECONSTRUCTION BY ARMY CORPS

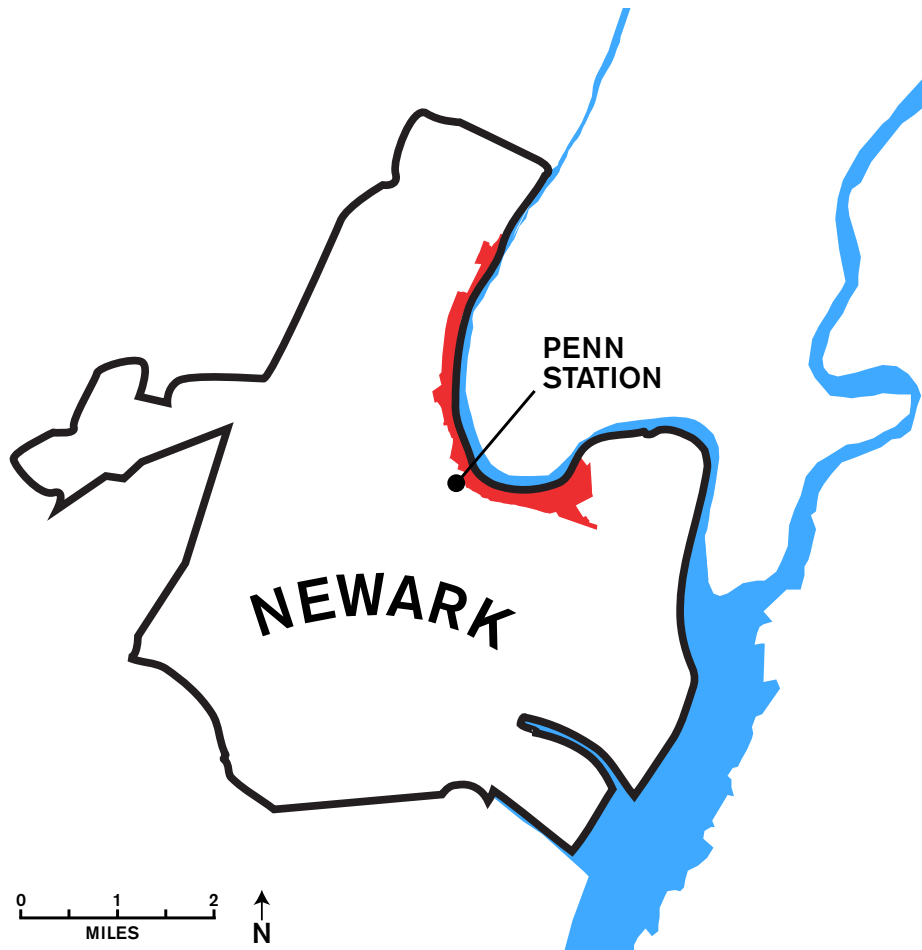


BOAT TOURS & YOUTH PROGRAMS



PLAN OF NEWARK RIVERFRONT PARK

## 2. Plan Area



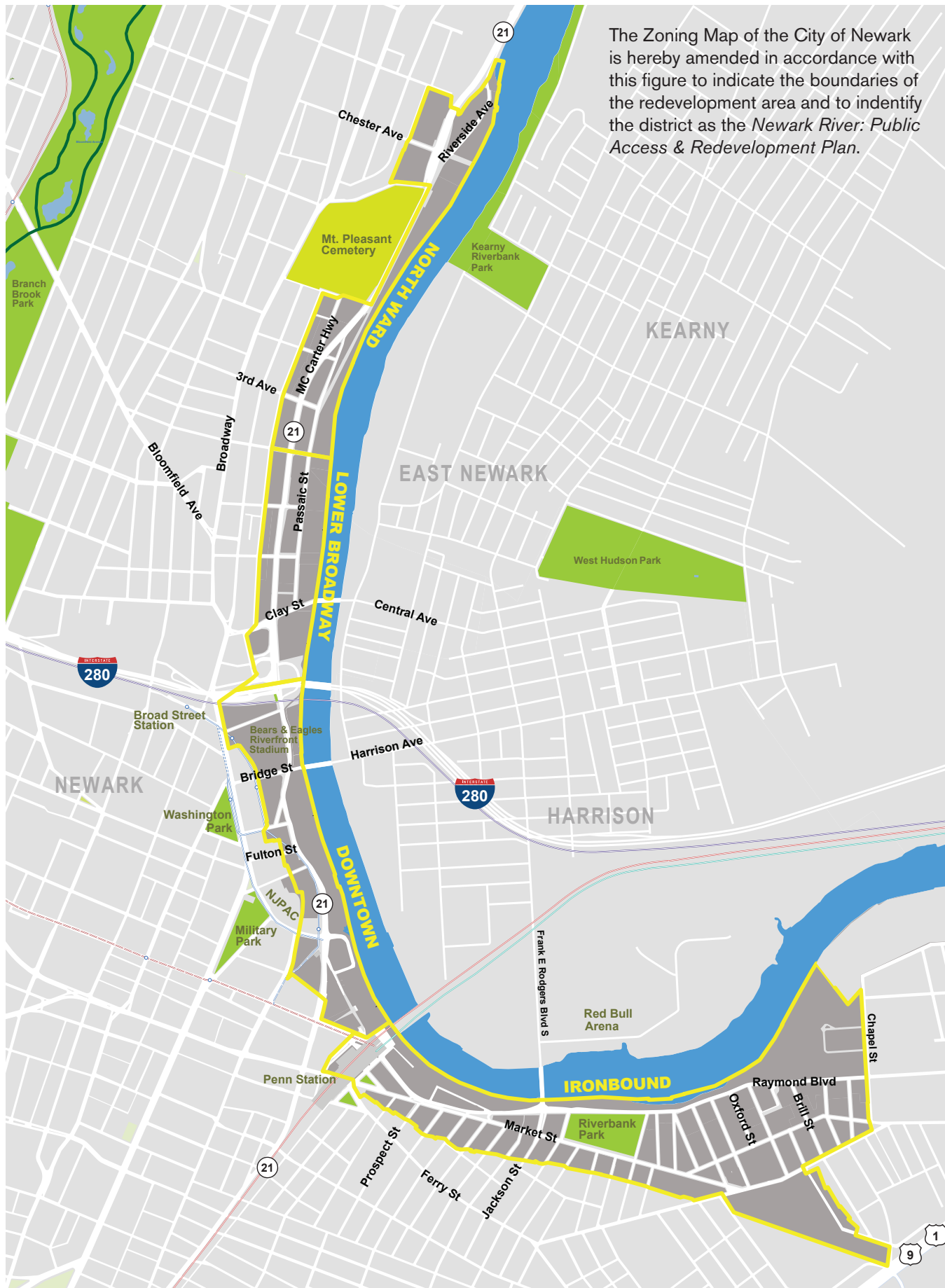
**PLAN AREA**

*Newark's Riverfront: Public Access & Redevelopment Plan* addresses the riverfront district bounded on the north at approximately Delavan Avenue, on the west by McCarter Highway, on the south by Raymond Boulevard, on the east by Chapel Street, and on the east by the Passaic River.

For the purposes of this plan, the riverfront district shall be subdivided into four sub-districts as shown on the map to the right:

- + North Ward (Delavan to Fourth Avenue)
- + Lower Broadway (Fourth Avenue to Route 280)
- + Downtown (Route 280 to Penn Station)
- + Ironbound (Penn Station to Chapel Street)

# NEWARK RIVERFRONT PUBLIC ACCESS & REDEVELOPMENT PLAN BOUNDARY MAP



2-A. North Ward Riverfront

The North Ward Riverfront, from Riverside Avenue down to Fourth Avenue, is separated from upland neighborhoods by Route 21 and Mount Pleasant Cemetery. This condition has allowed it to continue to operate as a lively industrial area, currently serving companies engaged in construction, signage manufacture, biodiesel, asphalt production, and more. The provisions of the plan protect the North Ward riverfront's status as a dedicated industrial zone, with an eye towards new job-intensive industrial development and increased future use of marine transportation.

Waterfront properties, while constrained in width, have access to an existing rail spur that connects to points north as far as Bloomfield and immediate access to McCarter Highway from Riverside Avenue.

The North Ward's upland neighborhoods have some of the City's highest points and this elevation allows views across the river to Kearny and points beyond. Although the neighborhood is flanked by two large open spaces, Branch Brook Park and Mt. Pleasant Cemetery, residents lack access to the riverfront and have advocated for more accessible neighborhood open spaces.

The North Ward riverfront should continue to support industrial job growth while neighborhood organizations and the City continue to seek pilot river access projects and open space opportunities for residents and workers. The zoning of the area east of McCarter Highway will continue to support and attract manufacturing businesses that can provide jobs and make use of constrained riverfront sites.

The blocks to the west of McCarter Boulevard will be zoned for medium-density residential development that can take advantage of the views and be compatible with the existing neighborhood fabric of two and three story homes, townhouses, and apartment buildings. This will also allow developments like the Genesis JBJ Soul Homes, 51 units of affordable housing on Ogden Street, through strategic partnerships and philanthropic support.



**NEWARK ASPHALT COMPANY**



**PASSAIC STREET**



**HOUSE IN FOREST HILL**

## 2-B. Lower Broadway Riverfront

The Lower Broadway Riverfront, from Fourth Avenue to Route 280, is a mix of light industry, convenience shopping, housing, a motel, and more. Directly accessible from Route 280, McCarter Highway, the Clay Street Bridge, and Broad Street Station, the area is well-connected to the region. The provisions of this plan encourage this mix to continue, while enhancing its value through the creation of public riverfront access and incentives for private developments to include public open space.

A dense residential neighborhood sits to the west of Mt. Pleasant Avenue with two and three family freestanding houses and two-story townhouses. Along Clay Street and McCarter Highway, car-oriented uses and designs predominate, creating an unfriendly environment for pedestrians. Crossings at Clay, Clark, and Gouverneur Streets must be improved if the neighborhood is to function on both sides of the highway. Nearby businesses include US Box Corporation, supplier of paper and plastic shipping products; Perlen Steel, manufacturer and distributor of structural steel; and a new Comfort Suites Motel. The riverfront is almost entirely in private ownership, with no opportunities to access the water except by crossing Clay Street bridge.

Zoning for the Lower Broadway Riverfront will support mixed-use development that combines light industrial, housing, neighborhood and regional retail, and other uses that will benefit from its convenient transportation infrastructure. While northern areas will be zoned for medium-density development, the areas closest to Broad Street Station and the Route 280 & McCarter interchange will be zoned to encourage high-density development near these transit nodes. Urban design guidelines will ensure that new development supports an urban walkable neighborhood, including the provision of public access along the riverfront. The plan also provides height bonuses along the riverfront in exchange for the provision of public open space near the Little Orphan Annie Bridge.



**NX AKA LITTLE ORPHAN ANNIE BRIDGE**



**ROW HOUSES ON EIGHTH AVENUE**

2-C. Downtown Riverfront

The Downtown Riverfront, from Route 280 to Penn Station, includes significant vacant land under public and private ownership. The provisions of this plan promote the Downtown Riverfront as a civic destination, amenitizing dense development upland and adjacent to Newark Penn Station.

Downtown Newark hosts a large daytime population of 147,000 office workers, over 60,000 students and faculty based at the six adjacent colleges and universities, and visitors to cultural and entertainment venues including the Newark Library, Symphony Hall, the New Jersey Performing Arts Center, and Prudential Center. Eventually, the Downtown Riverfront has the potential to capture additional residents, businesses, and visitors with substantial spending potential.

Significant portions of the Downtown Riverfront are vacant and in public ownership, creating tremendous flexibility and potential for public initiative. Some existing uses on the waterfront pose development challenges: the Claremont Tower, leased by the FBI, has security concerns; a roadway jughandle built by the New Jersey Department of Transportation between Rector and Lombardy Streets puts significant waterfront land in the service of limited automotive convenience; and the Rector Street Screening facility places important infrastructure in the middle of valuable riverfront property.

As Downtown Newark develops, the Downtown Riverfront can become a civic destination, amenitizing new development upland with recreation and entertainment uses on the riverfront. The narrow, vacant, publicly-owned parcels, although not suited for commercial or residential development, can be combined to create a signature downtown riverfront park. Dense residential, commercial, and retail development is envisioned on the west side of McCarter Highway to take advantage of the views and available transportation assets. Design controls, open space, and public access requirements will ensure that new development contributes to a quality public realm and a new front yard for Newark.



**WASHINGTON PARK SKYSCRAPERS FROM THE WATER**



**FOUR CORNERS**



**STATE LAND DEDICATED FOR FUTURE RIVERFRONT WALKWAY**

## 2-D. Ironbound Riverfront

The Ironbound Riverfront, from Penn Station to Chapel Street, is bookended by the New Jersey Transit / Horizon Blue Cross Blue Shield building on the west and Terrell Houses on the east. In between these two built areas sit a recently completed segment of riverfront park, a nearly-complete second segment, and several additional parcels of publicly owned vacant land. The provisions of this plan support the ongoing recreational development of the Ironbound Riverfront as a neighborhood and citywide amenity.

The Ironbound is an energetic, multi-ethnic neighborhood with dense residential blocks, a strong retail corridor along Ferry and Market Streets, and a mix of warehouses, factories, and small businesses providing employment opportunities. At the same time, neighborhood residents report a lack of affordable housing, environmental issues as a result of past and current industrial activities, and significant school overcrowding.

With construction complete or underway on over 15 acres of riverfront parks between Van Buren and Chapel Streets, the City and Essex County have created a starting point for significant private investment to follow. New upland development can be consistent with neighborhood scale and character, and take advantage of park frontage and adjacency to Penn Station.

Three challenges must be overcome for the Ironbound to grow successfully to the river. First, significant vacant and underutilized property sits between Raymond Plaza East and Van Buren Street, especially along Raymond Boulevard, with the majority used for surface parking. Pedestrian-friendly developments on these streets will be critical to extend the liveliness of successful streets like Ferry to the river. Second, recent riverfront development, like the 21-story office building on Penn Plaza East, contrasts sharply with the four- and five-story buildings to the south of Raymond Boulevard. Future development can provide more visual and physical connections between the riverfront and the existing neighborhood. Third, fast-moving traffic on Raymond Boulevard separates the neighborhood from the riverfront, requiring redesign to balance vehicular, pedestrian, and bicycle travel. The first two challenges are addressed by the regulations of this plan, and the third will be addressed by a "road diet" project underway by the Newark Department of Engineering.



**BULKHEAD CONSTRUCTION**



**IRONBOUND HOUSES**



**RESTAURANT WITH THEMATIC ARCHITECTURE**

### 3. Goals & Statutory Basis

This plan updates Newark’s municipal development regulations along five miles of the city’s Passaic Riverfront. It replaces fifty-year-old zoning regulations primarily planned for industrial uses and lacking specific riverfront provisions with a legal framework that allows new uses and mixes of uses, consolidates design standards to create valuable urban places, and provides for public access as required by federal and state law.

The need for a regulatory framework for waterfront redevelopment was identified in the 2004 Newark Master Plan Land Use Element. While identifying the waterfront as a special zone, it left the crafting and adoption of specific zoning changes for the future. Newark’s River: Public Access & Redevelopment Plan provides appropriate land use regulations to support the redevelopment of the five-mile long, 275-acre riverfront district.

The goals of the plan are to:

- 1 Provide appropriate land use regulations to redevelop Newark’s riverfront.
- 2 Amend zoning to support riverfront redevelopment including housing, offices, retail, industry, and open space.
- 3 Connect existing neighborhoods to the riverfront through harmonious and walkable development.
- 4 Provide design guidelines to protect view corridors and create appropriate setbacks from the river’s edge.
- 5 To ensure inclusion of public access to, along, and onto the river in all redevelopment projects in order to implement the Public Trust Doctrine.

The plan is a combined rehabilitation and redevelopment plan.

The Newark Municipal Council declared the entire City of Newark as an “Area in Need of Rehabilitation” pursuant to the New Jersey Local Housing and Redevelopment Law (Newark Municipal Council Resolution #7RDO (AS) 061505.) N.J.S.A. 40A: 12A-1 et seq). This determination was based on a finding that 50% or more of the housing units in the City are 50 years old or older and that the water and sanitary sewer utilities are at least 50 years old and in need of maintenance and repair.

In addition, specific City tax blocks and lots were authorized for investigation as a potential “Area in Need of Redevelopment” by the Newark Municipal Council on April 16, 2008; for included parcels, see Appendix B for map and lot listing of Proposed Passaic River Waterfront Investigation Area for Possible Area in Need of Redevelopment.

This plan has been developed to meet the requirements of Section 7 and Section 14 of the Local Redevelopment and Housing Law. The above mentioned lots in this plan will be treated as “An Area in Need of Redevelopment” and shall be governed by all the provisions as described in the New Jersey Local Redevelopment and Housing Law N.J.S.A. 40A: 12A-1 et seq. Zoning and design standards for all lots included within the boundaries of this plan shall be the same whether they are designated as an “An Area in Need of Redevelopment” or “An Area in Need of Rehabilitation.” The zoning and design standards in this plan shall supersede the City’s current Land Use Ordinance, procedures, site plan review regulations and Zoning Ordinance as codified under Titles 37, 38, and 40, respectively, of the City’s Revised General Ordinances as amended. This Redevelopment Plan shall also supersede the East and Central Ward Redevelopment Plans for any municipally owned properties that fall within the boundaries of this plan area, and it shall supersede any other existing redevelopment plans for the plan area.





NEWARK WALKS TO THE WATER, JUNE 2, 2012.



ESSEX COUNTY RIVERFRONT PARK, OPENED JUNE 2012.



## 4. Building Uses

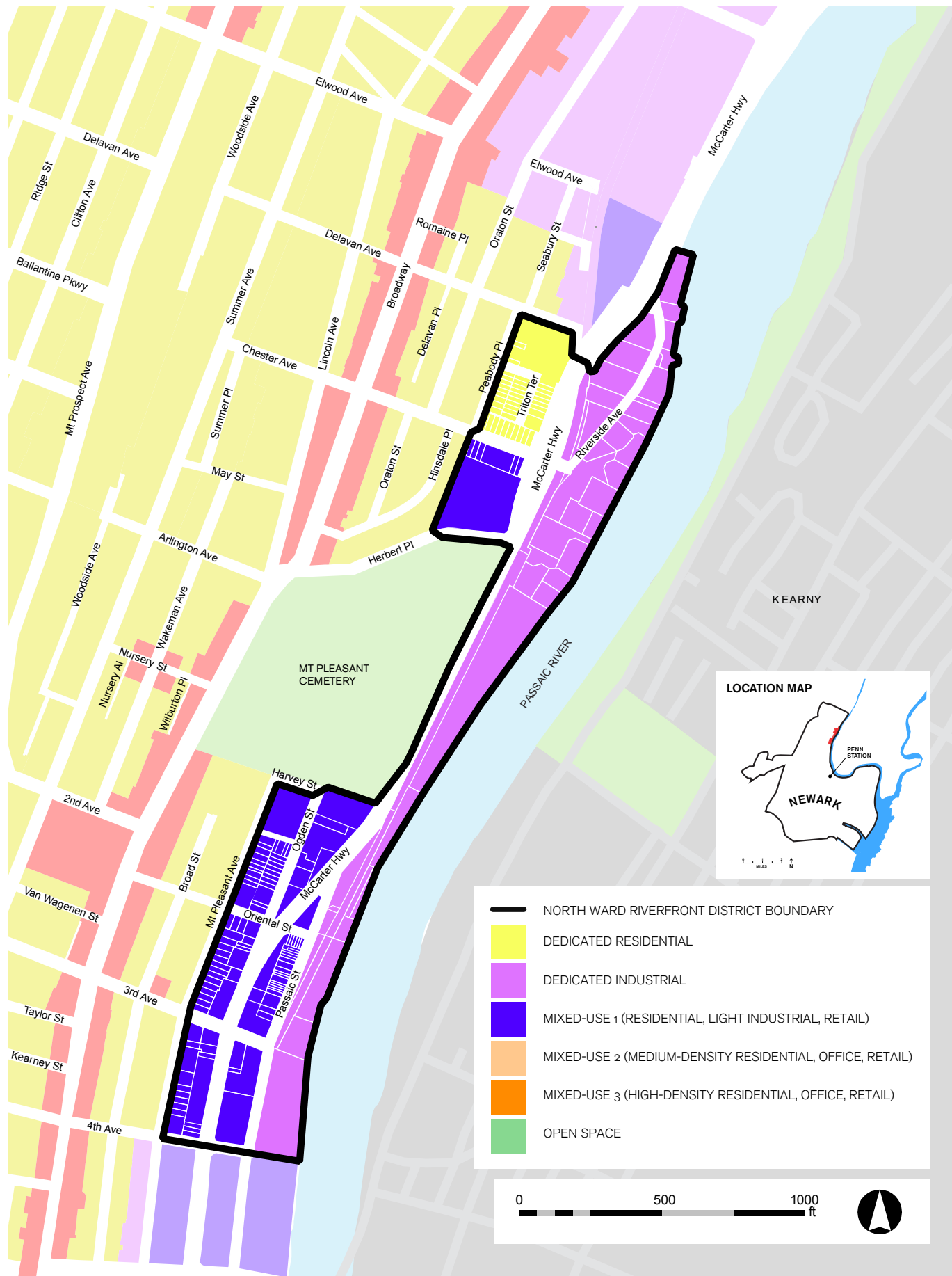
### 4-A. Use Maps

The Newark Riverfront Public Access & Redevelopment Plan uses five Land Use Zones:

- + Dedicated Residential
- + Dedicated Industrial
- + Mixed Use 1 (Residential, Light Industrial, Retail)
- + Mixed Use 2 (Medium-Density Residential, Office, Retail)
- + Mixed Use 3 (High-Density Residential, Office, Retail)
- + Open Space

The geographical extent of each zone is depicted in the following maps. The associated definitions and regulations are found in the text following the maps.

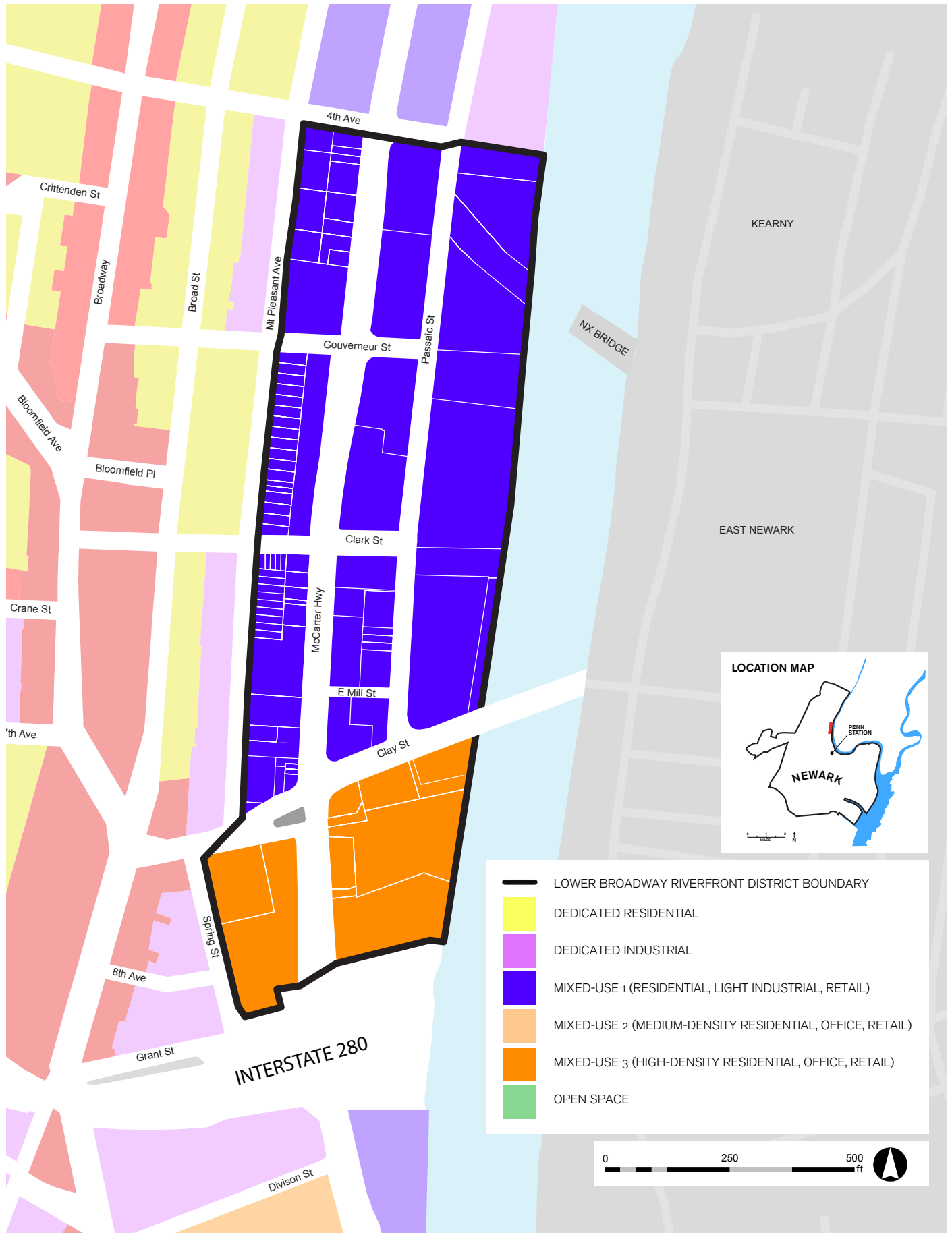
# NORTH WARD ZONING MAP



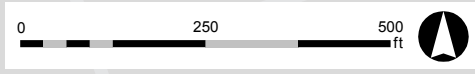
- NORTH WARD RIVERFRONT DISTRICT BOUNDARY
- DEDICATED RESIDENTIAL
- DEDICATED INDUSTRIAL
- MIXED-USE 1 (RESIDENTIAL, LIGHT INDUSTRIAL, RETAIL)
- MIXED-USE 2 (MEDIUM-DENSITY RESIDENTIAL, OFFICE, RETAIL)
- MIXED-USE 3 (HIGH-DENSITY RESIDENTIAL, OFFICE, RETAIL)
- OPEN SPACE



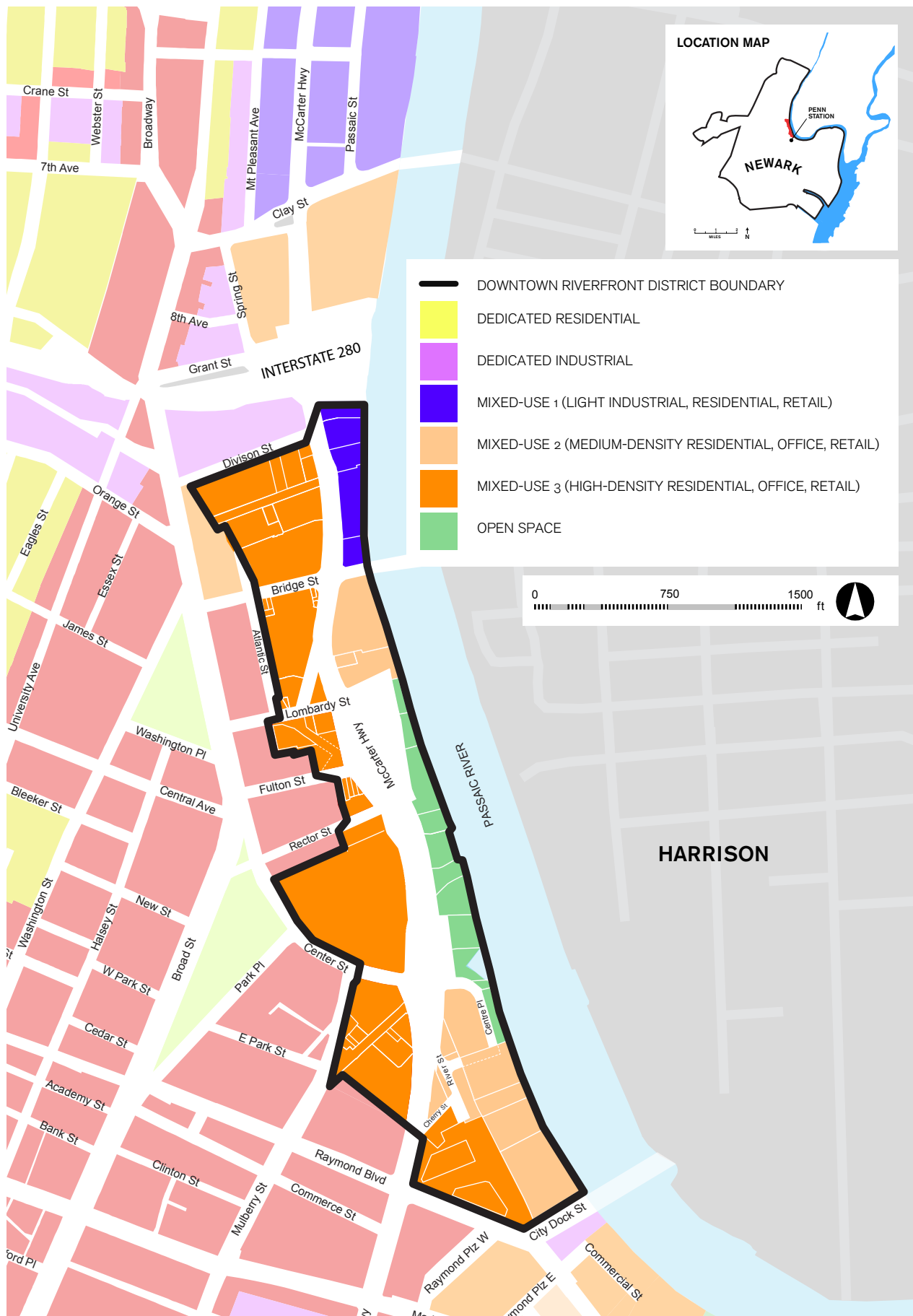
# LOWER BROADWAY ZONING MAP



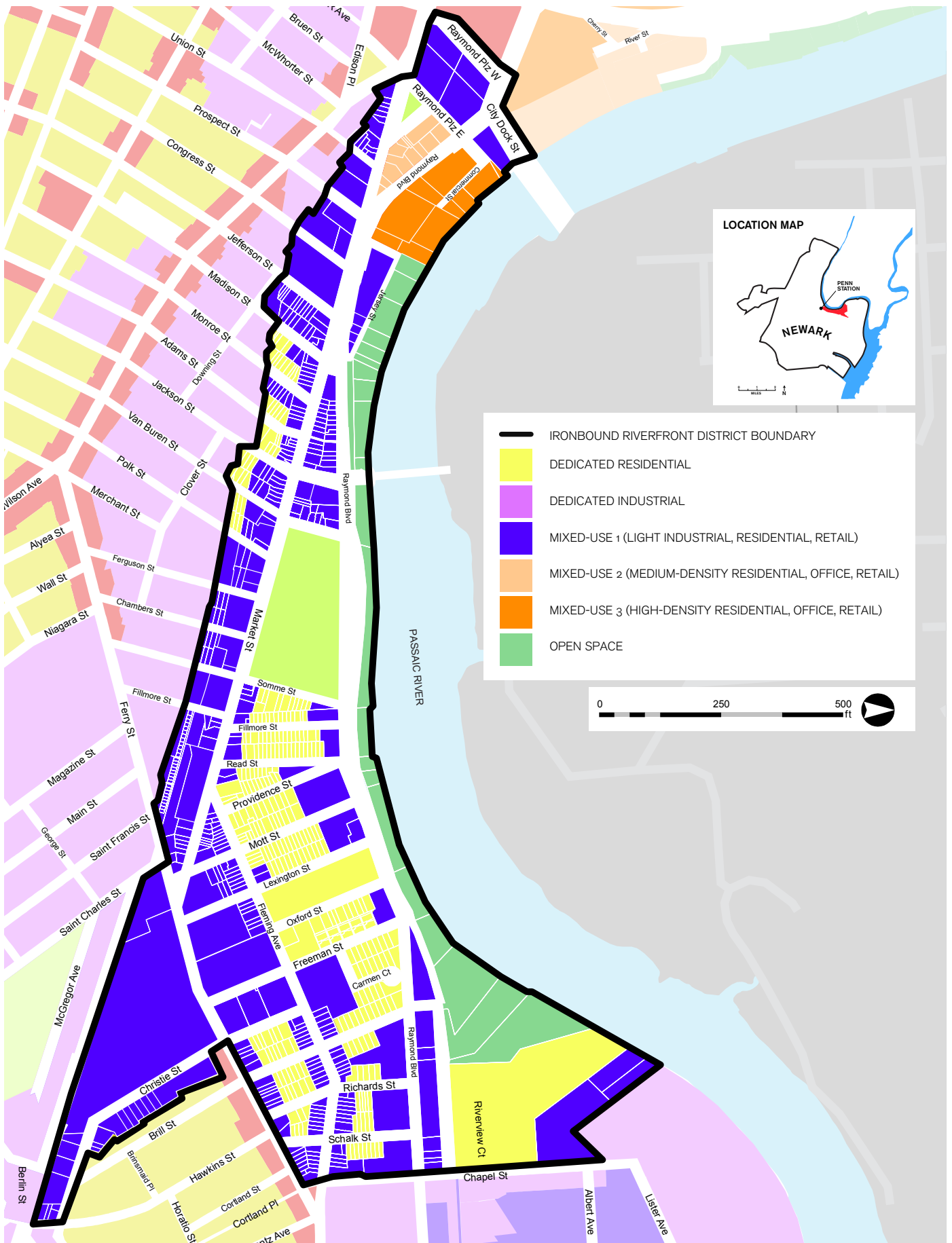
- LOWER BROADWAY RIVERFRONT DISTRICT BOUNDARY
- DEDICATED RESIDENTIAL
- DEDICATED INDUSTRIAL
- MIXED-USE 1 (RESIDENTIAL, LIGHT INDUSTRIAL, RETAIL)
- MIXED-USE 2 (MEDIUM-DENSITY RESIDENTIAL, OFFICE, RETAIL)
- MIXED-USE 3 (HIGH-DENSITY RESIDENTIAL, OFFICE, RETAIL)
- OPEN SPACE



# DOWNTOWN ZONING MAP



# IRONBOUND ZONING MAP



**4-B. Use Tables**

Permitted uses for development shall only be those listed below for Dedicated Residential, Dedicated Industrial, and three Mixed Use Districts within the Special Waterfront District. Properties and buildings with a mix of uses are permitted. Building and properties may not be used for listed prohibited uses.

P = Permitted

-- = Not Permitted

C = Conditional Use Only

Any use not listed below is prohibited.

Use definitions shall conform those of the City's current Zoning Ordinance as codified under Title 40 of the City's Revised General Ordinances as amended.

PRINCIPAL USE	Dedicated Residential Zone	Dedicated Industrial Zone	Mixed Use Zones		
			1. Residential, Light Industrial, Retail	2. Medium-Density Residential, Office, Retail	3. High-Density Residential, Office, Retail
RESIDENTIAL USES					
One to Four Family Dwellings	P	--	P	P	P
Townhouses, Rowhouses	P	--	P	P	P
Low/Mid-Rise Multi-family dwelling	P	--	P	P	P
High-Rise Multi-family dwelling	--		--	P	P
Apartment Dwellings above first floor Commercial Unit(s)	--	--	P	P	P
COMMERCIAL & INDUSTRIAL USES					
Airport	--	--	--	--	--
Arcades, Pool Halls, Billiard Parlors		C	C	C	C
Archives, Records, Document Processing	--	P	P	--	--
Artist Live/Work Space	--	--	P	P	P
Asphalt Production	--	P	--	--	--
Automobile Service, Fuel, Car Wash	--	P	C	C	C
Automobile, Body Repair	--	P	C	C	C
Automobile, Sales	--	P	C	C	C
Automobile Alarm, Automobile Stereo Installation	--	P	P	--	--
Banks, Drive-thru	--	--	P	P	P
Banks, not Drive-thru	--	--	P	P	P
Bars, taverns, lounges	--	--	P	P	P
Billboards	--	C	C	C	C
Biodiesel Production	--	P	--	--	--
Boarding House or Rooming House	--	C	C	C	C
Boat docks, marinas, and ramps	P	P	P	P	P
Business and Vocational Schools	--	--	P	P	P
Cabarets and Nightclubs	--	--	P	P	P
Check Cashing Establishments	--	--	--	--	--

PRINCIPAL USE	Dedicated Residential Zone	Dedicated Industrial Zone	Mixed Use Zones		
			1. Residential, Light Industrial, Retail	2. Medium-Density Residential, Office, Retail	3. High-Density Residential, Office, Retail
Colleges and Universities	--	--	P	P	P
Concrete Production	--	P	--	--	--
Congregate Living Facility	--	C	--	--	--
Community Centers	P	--	P	P	P
Community Gardens	P	--	P	P	P
Commercial Antennas	--	C	C	C	C
Computer Server Housing Facility	--	--	--	--	--
Convenience Retail	--	P	P	P	P
Day Care Facilities	P	--	P	P	P
Day Spa/Massage Facility	--	--	C	C	C
Delicatessens	--	--	P	P	P
Department store	--	--	--	P	P
Discotheques, Public Dance Halls	--	C	C	C	C
Drive Thru Restaurant	--	C	C	C	C
Drug Store (less than 5,000 square feet)	--	--	P	P	P
Drug store (free standing)	--	--	P	P	P
Drug store (in line)	--	--	P	P	P
Facilities for Treating or Sheltering People with Communicable Diseases, Not in Hospitals	--	--	--	--	--
Finance, Insurance, Real Estate	--	--	--	P	P
Funeral Homes	--	--	P	P	P
Galleries/Museums	--	--	P	P	P
Governmental (Non-municipal) Uses	--	P	P	P	P
Gun, Ammunition/Weapons Dealers	--	--	--	--	--
Health Club and Gym	--	--	P	P	P
Heavy Retail and Service	--	P	--	--	--
Heliport	--	--	--	--	--
Hotels	--	--	P	P	P
Ice Cream Parlor (indoor counter service and through-window service))	--	--	P	P	P
Indoor Recreation	--	P	P	P	P
Industrial Service Facility	--	P	--	--	--
Kennel, Animal Boarding/Sheltering	--	C	C	--	--
Large Format Retail	--	--	--	P	P
Laundromat/Laundrette	--	--	P	P	P
Laundry Facility-Commercial/Wholesale	--	P	P	--	--



PRINCIPAL USE	Dedicated Residential Zone	Dedicated Industrial Zone	Mixed Use Zones		
			1. Residential, Light Industrial, Retail	2. Medium-Density Residential, Office, Retail	3. High-Density Residential, Office, Retail
Lumberyard	--	P	P	--	--
Manufacturing, Heavy	--	P	--	--	--
Manufacturing, Light	--	P	P	--	--
Manufacturing, Medium	--	P	--	--	--
Massage Parlors	--	--	--	--	--
Materials Salvage Yards/Junkyards/Dumps	--	--	--	--	--
Meat and Fish Markets	--	C	C	C	C
Mixed/Multiple Permitted Uses on a Lot	--	P	P	P	P
Motor Vehicle service and repair	--	P	P	--	--
Municipal Uses	P	P	P	P	P
Non-nuisance light industrial uses such as trade workshops, service and repair facilities, and arts and crafts studios.	--	P	P	--	--
Offices	--	P	P	P	P
Operation Facilities for Bus/Taxicab/Ambulance	--	P	--	--	--
Outdoor Storage	--	P	--	--	--
Pawn shops	--	--	P	P	P
Personal Service Establishment	--	--	P	P	P
Pest Control Operations	--	C	--	--	--
Philanthropic Institutions providing social services	--	--	P	P	P
Places of Worship	P	--	P	P	P
Primary and Secondary Schools	P	--	P	P	P
Private Clubs, Fraternal Organizations, and offices	--	--	P	P	P
Public Parks, playgrounds, gardens, and open space	P	P	P	P	P
Research and Development	--	P	P	P	P
Restaurant, family	--	--	P	P	P
Restaurant, take-out	--	P	P	P	P
Retail Bakeries	--	--	P	P	P
Self Storage Facility	--	P	P	P	P
Senior Centers	--	--	P	P	P
Sexually Oriented Establishments	--	C	--	--	--
Sign Making, Heavy Printing		P	P	--	--
Specialty Retail	--	--	P	P	P

PRINCIPAL USE	Dedicated Residential Zone	Dedicated Industrial Zone	Mixed Use Zones		
			1. Residential, Light Industrial, Retail	2. Medium-Density Residential, Office, Retail	3. High-Density Residential, Office, Retail
Supermarket	--	--	P	P	P
Taxi/Limousine Parking Staging Facilities	--	P	--	--	--
Theaters – Movie, Cinema, Perf. Arts		--	P	P	P
Through-Window Retail, or Restaurant (other than ice cream parlor)	--	--	--	--	--
Trade Contractor	--	P	P	--	--
Truck Terminal	--	P	--	--	--
Utility (Transformer)	--	P	--	--	--
Variety store	--	--	P	P	P
Veterinarian, Animal Grooming	--	C	C	C	C
Vehicle towing facility	--	P	--	--	--
Warehouse and Distribution	--	P	P	--	--
Waste Transfer Station	--	P	--	--	--
Wholesale Bakeries	--	P	P	--	--

ACCESSORY USES

Home Occupation (accessory to single and two-family only)	P	--	P	P	P
Home Professional (accessory to single and two-family only)	--	--	P	P	P
Detached or Attached Private Garages	P	P	P	P	P
Outdoor dining (accessory to permitted restaurant only)	P	--	P	P	P
Sheds and other accessory storage structures	P	P	P	P	P
Swimming Pools, private	P	--	P	P	P
Tennis Courts, private	P	--	P	P	P

Within areas designated as Open Space, only park and park-related uses are permitted.

#### **4-C. Regulations for Conditional Uses**

The following are conditional use regulations relating to arcades; boarding houses; commercial antennas; billboards; drive-in restaurants/fast food restaurants; automobile sales; automobile body repair; automobile service; car wash; day spa/massage facility; pest control establishment; veterinarian; kennel; animal boarding; animal shelter; gasoline filling or facilities for the sheltering and/or treatment of outpatients with communicable diseases not located in an established hospital; narcotic, alcohol and drug abuse treatment facilities not located in an established hospital; public dance halls; public garages; rooming houses; tents for business purposes; and used car sales lots. They shall be governed as provided as in Section 40:4-8 of the City's Zoning Ordinance. Since the foregoing uses may be inimical to the public safety and general welfare if located without due consideration of conditions and surroundings, no permit therefore shall be issued unless an application is first made to the Central Planning Board, which is directed to hear the same in the same manner and under the same procedures as set forth in Section 54 of the Municipal Land Use Law (C.40:55D-67). No application for a conditional use shall be granted by the Central Planning Board if in its judgment such use will be detrimental to the health, safety and general welfare of the community.

##### **a. Arcades, Pool Halls, Billiard Parlors**

1. No permit shall be issued for the operation of an arcade, pool hall, or billiard parlor except upon approval by the Central Planning Board of an application for conditional use.
2. No arcade, pool hall, or billiard parlor shall be permitted within one thousand (1,000) feet of
  - A hospital
  - A nursing home
  - A church
  - A school
  - A day care or child care center
3. No arcade, pool hall, or billiard parlor shall be permitted to provide or sell alcohol, tobacco, or controlled substances.

##### **b. Automobile Service, Car Wash, Body Repair, Sales**

1. In no district shall a public garage or commercial garage, automobile sales, automobile body repair, automobile service, or car wash be erected, enlarged or established within two hundred (200) feet of the below enumerated uses or within a block upon which one of the enumerated uses is situated:
  - A public school;
  - A duly organized school giving regular instruction at least five (5) days a week for eight (8) or more months a year;
  - A hospital;
  - A church;
  - A theater or opera house or other building used for theatrical or operatic purposes or for public entertainment;
  - A public library; or
  - A public art museum.
2. Adequate vehicle storage and queuing areas shall be provided on site. For car wash, a queuing area capable of holding at least eight cars shall be required leading to the entrance to the wash areas. For automobile sales, body repair, or service, an area is required on site for all vehicle maneuvering and repositioning of inventory. In addition, customer parking at a rate of one customer space per four cars in inventory to sell is required. For Automobile body repair, spray booths are not permitted at any facility located within 1,000 feet of a property used for residential use.
3. Driveways are limited to one driveway per street frontage per 75 linear feet of street frontage and the maximum width of each driveway is 20 feet.
4. Service, including sales and washing, for commercial vehicles is only permitted in industrial districts.
5. No cars shall stand or be parked in the public right of way.

##### **c. Automobile Fuel**

1. In no district shall a fuel station be erected, enlarged or established within two hundred (200) feet of the

below enumerated uses or within a block upon which one of the enumerated uses is situated:

- A public school;
- A duly organized school giving regular instruction at least five (5) days a week for eight (8) or more months a year;
- A hospital;
- A church;
- A theater or opera house or other building used for theatrical or operatic purposes or for public entertainment;
- A public library; or
- A public art museum.

2. No gasoline filling station shall be built on a corner lot having a width of less than sixty (60) feet and an area of less than five thousand (5,000) square feet; or on an interior lot having a width of less than one hundred (100) feet and an area of less than seven thousand five hundred (7,500) square feet.

3. Pump islands shall not be less than fifteen (15) feet from any street line.

4. All pits, racks or lifts shall be indoors and shall not be less than twenty-five (25) feet from any street line.

5. Driveways shall cross the sidewalk at right angles and shall not be more than eighteen (18) feet wide at any point thereof. Driveways must be at least ten (10) feet from any side lot line or from the intersection of street lines. There shall be no more than one (1) driveway on any one (1) street frontage unless the street frontage is in excess of seventy (70) feet, in which case there may be a maximum of two (2) driveways on such street frontage provided such driveways are ten (10) feet apart.

6. A raised concrete curb at least eight (8) inches in height and six (6) inches wide at the top shall be constructed and maintained in a good and safe condition along all street property lines, except at driveways.

7. The entire area of the station traversed by motor vehicles shall be hard surfaced.

**d. Billboards**

1. No such billboard facility can be erected such that any part of the structure is in or is positioned to be within the direct line of sight from any school, park, historic district, historic structure, residentially zoned district, Fourth Business Zoning District, or any portion of the City of Newark within the area bordered by Interstate 280 at the north, Dr. Martin Luther King, Jr. Blvd. at the west, East and West Kinney Streets at the south, the Northeast Corridor Railroad right-of-way and the Passaic River at the east.

2. No such billboard facility can be erected within one thousand (1,000) feet (measured in a straight line) of the border with any facility or district listed in paragraph 2. above.

3. No such billboard facility shall exceed a height of forty (40) feet from grade at its highest point for a freestanding unit or unit mounted on a building wall. Any billboard mounted on a building rooftop may not project more than twenty (20) feet above the height of the building's roof.

4. No trees or other landscaping features can be removed or substantially reduced in size in any way to accommodate the visibility of the billboard.

5. No billboard shall be located closer than one thousand (1,000) feet (measured in a straight line) from another such billboard.

6. No such billboard facility shall be allowed to obscure or cover any building's windows, doorways, architectural trim, nor shall it be located within five (5) feet of such a building feature.

7. The maximum permitted advertising area showing in one general direction (within forty-five (45) degrees) shall not exceed six hundred fifty (650) square feet for a single billboard or combination of billboards.

8. Visual impact on the surrounding areas shall be minimized through the use of landscaping, berming, and grading at the base of the unit. Dense all-season or evergreen landscaping shall be installed at the base of any freestanding billboard structure.

9. The billboard operator or owner shall comply with the Roadside Sign Control and Outdoor Advertising

Act as contained in N.J.S.A. 27:5-5 et seq. as well as all other regulations, statutes, or laws relating to billboards.

10. Any existing billboard for which structural changes are made must comply with all standards and conditions in this statute or the billboard must be removed. The only exception to the preceding sentence applies to billboards within jurisdiction of the Federal Highway Beautification Act (23 USC 131) in which case removal may be required by State and/or Federal transportation authorities.

11. All billboards in the City of Newark must be properly maintained for safety and aesthetic value. Any billboard facility that has signs of disrepair including but not limited to graffiti, rust, peeling paint, rotten wood, broken supports or boards, or other signs of disrepair for a period of more than thirty (30) days is not being properly maintained and is defined to be abandoned. Any billboard that is not in use for more than one hundred twenty (120) days is also defined to be abandoned. Any abandoned billboard facility loses its preexisting nonconforming status and must be removed by its owner or operator. The only exception to the preceding sentence applies to billboards within jurisdiction of the Federal Highway Beautification Act (23 USC 131) in which case removal may be required by State and/or Federal transportation authorities.

12. A conditional use permit for a billboard cannot be granted for a period of more than three (3) years. Such a permit may be renewed only upon finding by the Central Planning Board that the billboard continues to comply with these standards, continues to comply with any other standards agreed upon by the Central Planning Board and the billboard applicant, and is being properly maintained. If the Central Planning Board finds that the billboard does not comply with these standards or is undermaintained, the owner or operator must remove it. The only exception to the preceding sentence applies to billboards under the jurisdiction of the Federal Highway Beautification Act (23 USC 131) in which case removal may be required by State and/or Federal transportation authorities.

13. All billboard operators are required to comply with all other ordinances and regulations that pertain to billboard licenser placement and operations.

14. Any application for conditional use review for a billboard must include the same information as would be required for a site plan review to be deemed complete.

#### **e. Boarding House or Rooming House**

1. Boarding houses and rooming houses are permitted as conditional uses within Special Riverfront Mixed-Use Districts.

2. No permit shall be issued for the operation of a boarding house or rooming houses except upon approval by the Central Planning Board of an application for conditional use.

3. No permit for the operation of a boarding house or rooming houses shall be issued where the boarding house is to be located within one thousand (1,000) feet of another boarding house; a rooming house; a narcotic drug and alcohol treatment center, which is not located in an established hospital; a liquor store; or a bar, tavern, or nightclub; or a residence.

#### **f. Commercial Antennas**

The conditions for Commercial Antennas shall be those found in City of Newark General Ordinance, Title 40 Zoning Regulations, Chapter 4. Additional And Special Regulations; Conditional Uses.

#### **g. Congregate Living Facility**

Facilities of this type shall include but not be limited to shelters for the homeless, halfway houses, college dormitories not located on campus, fraternity and/or sorority houses, orphanages, nunneries and/or monasteries when not located on the same lot as the church. Such facilities are permitted as a conditional use within only the Special Riverfront Dedicated Industrial district.

Excluded from this category are residential facilities covered elsewhere in this Plan such as dwellings, boarding and rooming houses, hotels, nursing homes, inpatient treatment facilities for persons with communicable diseases not located in an established hospital and narcotic/alcohol/drug abuse treatment centers.

No permit shall be issued for the establishment of such a facility except upon approval by the Central Planning Board of an application for a conditional use.

The following specifications and standards shall be met prior to the Central Planning Board granting conditional use approval:

(i) No such facility shall be established within two thousand (2,000) feet of another such facility; a liquor store; or a bar, tavern, or nightclub

(ii) No such facility shall be established within one thousand (1,000) feet of a school, a church, a day care, a nursery, or a residential structure.

#### **h. Day Spa/Massage Facility**

1. Each masseuse shall be certified/licensed by State of New Jersey. Copy of certificate shall be submitted with conditional use application.

2. Facility shall include at least one of the following: cosmetology salon, yoga studio, or medical practice.

3. No advertising can include information about gender or appearance of the staff.

#### **i. Discotheques, Public Dance Halls**

1. No discotheque or public dance hall shall be permitted within one thousand (1,000) feet of:

- A hospital
- A nursing home

2. No discotheque or public dance hall shall be permitted to operate unless it has sound insulation for the structure ensuring that a noise level of not more than 65 decibels is audible outside the structure.

3. With the exception of the Special Riverfront Mixed Use (High Density Residential, Office, Retail) zone, on-site parking area is required providing 5 parking spaces per 1,000 square feet of gross floor area for the establishment. The parking area shall be distant enough from properties with residential uses so that noise from the parking lot is not audible from any residence. A sound engineer shall provide evidence to the Central Planning Board's satisfaction that this condition would be met.

4. All outdoor areas of congregation for patrons including areas where patrons would wait to enter the establishment, areas where patrons would smoke, or areas where patrons would travel to access the facility shall be designed to protect properties with residential uses so that noise from these areas is not audible from any residence. A sound engineer shall provide evidence to the Central Planning Board's satisfaction that this condition would be met.

#### **j. Drive-Through Restaurant**

1. Drive-through restaurants are permitted as a conditional use within the Special Riverfront Dedicated Industrial and Mixed Use Districts.

2. No permit shall be issued for the operation of a drive-through restaurant except upon approval by the Central Planning Board of an application for conditional use.

3. The following specifications and standards are set forth to guide the Central Planning Board in reaching a decision to grant or deny an application:

(i) No drive-through restaurant shall be erected, enlarged or established within one thousand (1,000) feet of:

- A public school
- A duly organized school giving regular instruction at least five (5) days a week for eight (8) or more months a year
- A hospital
- A nursing home
- A church
- A public library

(ii) Off-street parking and traffic circulation. One (1) parking space for each one hundred (100) square feet of gross floor area of the building plus one (1) space for every two (2) employees on duty shall be provided. Access to and egress from the site shall be arranged for the free and safe flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic. All plans shall be referred to the City Traffic Engineer for approval as to ingress, egress and traffic circulation within the site.

(iii) Screening and landscaping. Suitable, attractive year round landscaping shall be provided. Evergreen shrubs shall be provided along property lines where the site abuts residential uses.

(iv) Litter control. A sufficient number of fully enclosed stationary containers for disposal shall be provided both within and outside the restaurant. The site shall be kept clean and free from litter.

(v) Additional conditions. No public telephone shall be permitted on the site outside of a drive-in restaurant.

4. The Central Planning Board may modify any standards set forth herein where particular circumstances so warrant.

**k. Kennel, Animal Boarding/Sheltering, Veterinarian, Animal Grooming**

1. Noise proofing is required to ensure that a maximum noise level of 65 db at property boundary or boundary with another land use on the property is not exceeded.

2. Odor control systems are required, and the applicant has the obligation to provide evidence to the Central Planning Board's satisfaction that there would be no odors beyond property boundary or boundary with another land use on property.

3. Minimum parking required for a veterinarian facility shall be 1.5 spaces per exam room.

**l. Meat or Fish Market**

1. Applicant must provide evidence of the provision of an odor control system to ensure that no smells or odors would be noticeable outside of the establishment.

**m. Pest Control Establishment**

1. Applicant must provide evidence of licensure from NJDEP.

2. The facility shall contain storage methods to prove to the Central Planning Board's satisfaction that the facility will not be contaminated by spillage or leakage of chemicals being used.

**n. Sexually Oriented Establishments**

The conditions for Sexually Oriented Establishments shall be those found in City of Newark General Ordinance, Title 40 Zoning Regulations, Chapter 4. Additional And Special Regulations; Conditional Uses.

## 5. Building Bulk

### 5-A. Height

Special Waterfront Zone	Min Stories	Max Stories
Dedicated Residential	2	5 with 10-foot facade stepback from street-facing front yard for uppermost two stories
Dedicated Industrial	1	no limit
Mixed Use (Residential, Light Industrial, Retail)	2	5 with 10-foot facade stepback from street-facing front yard for uppermost two stories
Mixed Use (Medium-Density Residential, Office, Retail)	2	10
Mixed Use (High-Density Residential, Office, Retail)	2	30

### 5-B. Front Yard

Front yard requirements for development on Lots within the Special Waterfront Zoning Districts shall conform to the following front yard standards, with the exception of Dedicated Industrial District, unless otherwise specified. Front yard setback standards shall be measured to the structural front walls of applicable buildings and shall not be based on the locations of open or enclosed porches, balconies, or bay windows. Small sections of a new facade may also be recessed deeper than the required setback to allow for architectural interest in the new building.

1. The front yard setback of a new structure shall match the shorter setback of the two closest principal buildings on each side on the same block as the site, up to a maximum setback of six (6) feet.
2. Bay windows (with no wall section wider than six (6) feet), balconies, stoops, and porches are permitted to encroach into the front yard setback area.
3. When the block has no existing development to serve as the reference for the required setback, the front yard setback shall be six (6) feet.
4. For through lots, the street frontage where the clos-

est neighboring principal buildings have the lesser setback shall be considered the front yard.

5. For corner lots, the following special setback requirements apply to the street frontages of the two (2) intersecting streets.

- (i) One of the setbacks of a new structure shall match the lesser front setback of the closest principal building on that block and on that street frontage.
- (ii) The other frontage's setback shall be six (6) feet or less.

### 5-C. Side Yard

For all developments on all lots with the Special Waterfront Zoning Districts, the following side yards standards apply:

For existing Lots ranging in size from two thousand five hundred to three thousand four hundred ninety-nine (2,500–3,499) square feet, a minimum side yard setback of three (3) feet is required, with the following exceptions:

- (i) The side yard setback is allowed to be zero instead of three (3) feet if the closest building on the adjacent lot has three (3) feet of setback from the common lot line.
- (ii) The side yard setback is also allowed to be zero instead of the above minimum if the closest building on the adjacent lot has a zero setback from the common lot line and the new structure's wall can be built flush with the adjacent building's wall.
- (iii) No new construction shall encroach within three (3) feet of another building's windows or other fenestrations nor block emergency access to those fenestrations. In cases where the side yard setback is to be zero, the setback area from that adjacent building's fenestrations shall only extend from the location of the fenestration to the rear of the new structure.
- (iv) No side yard shall be of a distance between zero and three (3) feet.

Minimum side for all lots resulting from a Subdivision written or recorded after 2006 and for Existing Lots



of three thousand five hundred (3,500) square feet or more, a minimum side yard setback of three and one-half (3.5) feet is required with the following exceptions:

- (i) The side yard setback is allowed to be zero instead of three and one-half (3.5) feet if the closest building on the adjacent lot has three (3) feet of setback from the common lot line.
- (ii) The side yard setback is also allowed to be zero instead of the above minimum if the closest building on the adjacent lot has a zero setback from the common side lot line and the new structure's wall can be built flush with the adjacent building's wall.
- (iii) No new construction shall encroach within three (3) feet of another building's windows or other fenestrations nor block emergency access to those fenestrations. In cases where the side yard setback is to be zero, the setback area from that adjacent building's fenestrations shall only extend from the location of the fenestration to the rear of the new structure.
- (iv) No side yard shall be of a distance between zero and three and one-half (3.5) feet.

#### **5-D. Rear Yard**

Development on lots within the Special Waterfront Dedicated Residential District, the minimum allowable rear yard shall be twenty (20) feet.

In any other Special Waterfront District, the minimum allowable rear yard for any residential use or any use abutting an existing residential shall be twenty (20) feet.

#### **5-E. Waterfront Yard**

Waterfront yard shall be provided along the entire length of the shoreline, bulkhead or stabilized natural shore, whichever is furthest landward, with a depth as set forth in the following table. The minimum depth shall be measured from the landward edge of the bulkhead, landward edge of stabilized natural shore or, in the case of natural shorelines, the mean high water line.

The waterfront yard setback for all Special Waterfront Districts shall have a minimum or maximum setback

of fifty (50) feet, with the exception of areas zoned Dedicated Industrial.

Where a platform projects from the shoreline, stabilized natural shore, or bulkhead, such waterfront yard shall, in lieu of following the shore at that portion, continue along the water edge of such platform until it again intersects the shoreline, stabilized natural shore, or bulkhead, at which point it shall resume following the shoreline, stabilized natural shore, or bulkhead. The level of a waterfront yard shall not be higher than the elevation of the top of the adjoining existing bulkhead, existing stabilized natural shore or mean high water line, as applicable, except that natural grade level need not be disturbed in order to comply with this requirement. The level of the portion of a waterfront yard on a platform shall not be higher than the abutting level of the non-platformed portion of the waterfront yard, of which it is the continuation, except that the level of a platform existing on October 25, 1993 need not be altered in order to comply with this requirement. No building or other structure shall be erected above the lowest level of a waterfront yard. Permitted obstructions in waterfront yards in all districts shall include improvements within waterfront public access areas.

## 6. Open Space Bulk Bonus Overlay Zones

### 6-A. Provisions

This provision is applicable to development projects located in overlay zones shown in accompanying maps.

A. All development projects within designated Overlay Zones are eligible to receive additional bonus bulk, not to exceed 14 stories in the Lower Broadway Riverfront Overlay Zone and not to exceed 30 stories in the Downtown Riverfront Overlay Zone, if the developer agrees to contribute to open space located within the plan area.

B. The open space development requirement may only be satisfied by developer donation of real property for open space development; with such property to be deeded to the City in perpetuity. In advance of such donation, real property is to be cleared, planted with grass, and, to any extent necessary, remediated to meet the New Jersey Department of Environmental Protection's Technical Requirements for Site Remediation to allow park use.

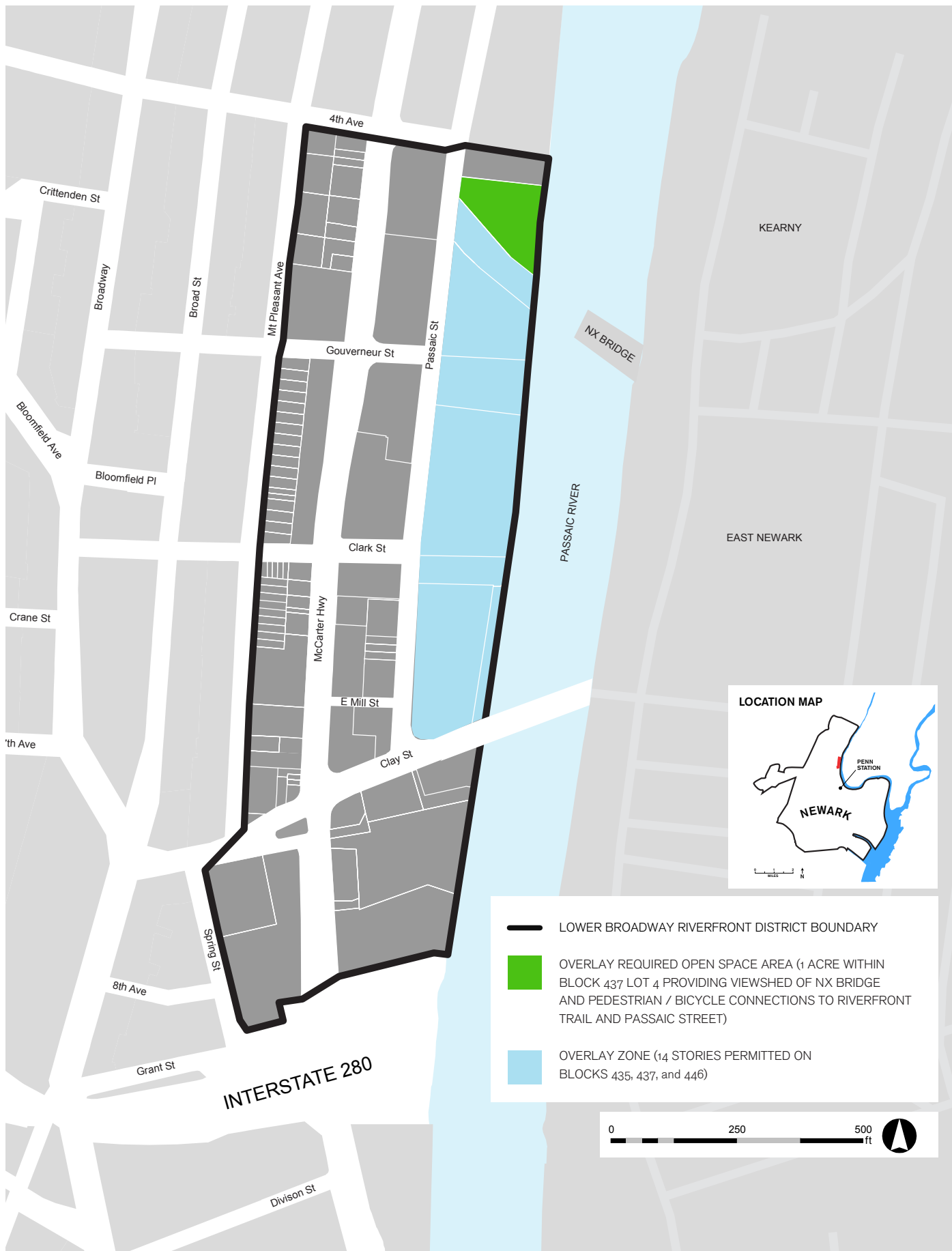
C. Developments utilizing this bonus provision must comply with all applicable use and bulk requirements for the applicable zoning district in which it is located, or be granted the appropriate deviations pursuant to the requirements of this Plan.




D. Satisfaction of 100% of the open space contribution, documented by recorded deed of dedication, is required for final project approval by the Central Planning Board.

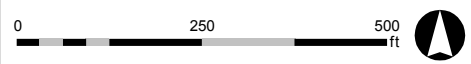
OVERLAY ZONE	REQUIRED OPEN SPACE	BULK BONUS
Lower Broadway Riverfront Overlay Zone	A minimum of 1 acre within Block 437 Lot 4, providing viewshed of NX Bridge and providing pedestrian/bicycle connections to riverfront trail and Passaic Street.	14 stories permitted on Blocks 435, 437, and 446
Downtown Riverfront Overlay Zone	40 feet by 351 feet along southern boundary of Block 136 Lot 63.01 and Block 134 Lot 10.	30 stories permitted on Block 134, Lot 10, Block 133, Lot 1, and Block 130, Lot 12

6-B. Maps

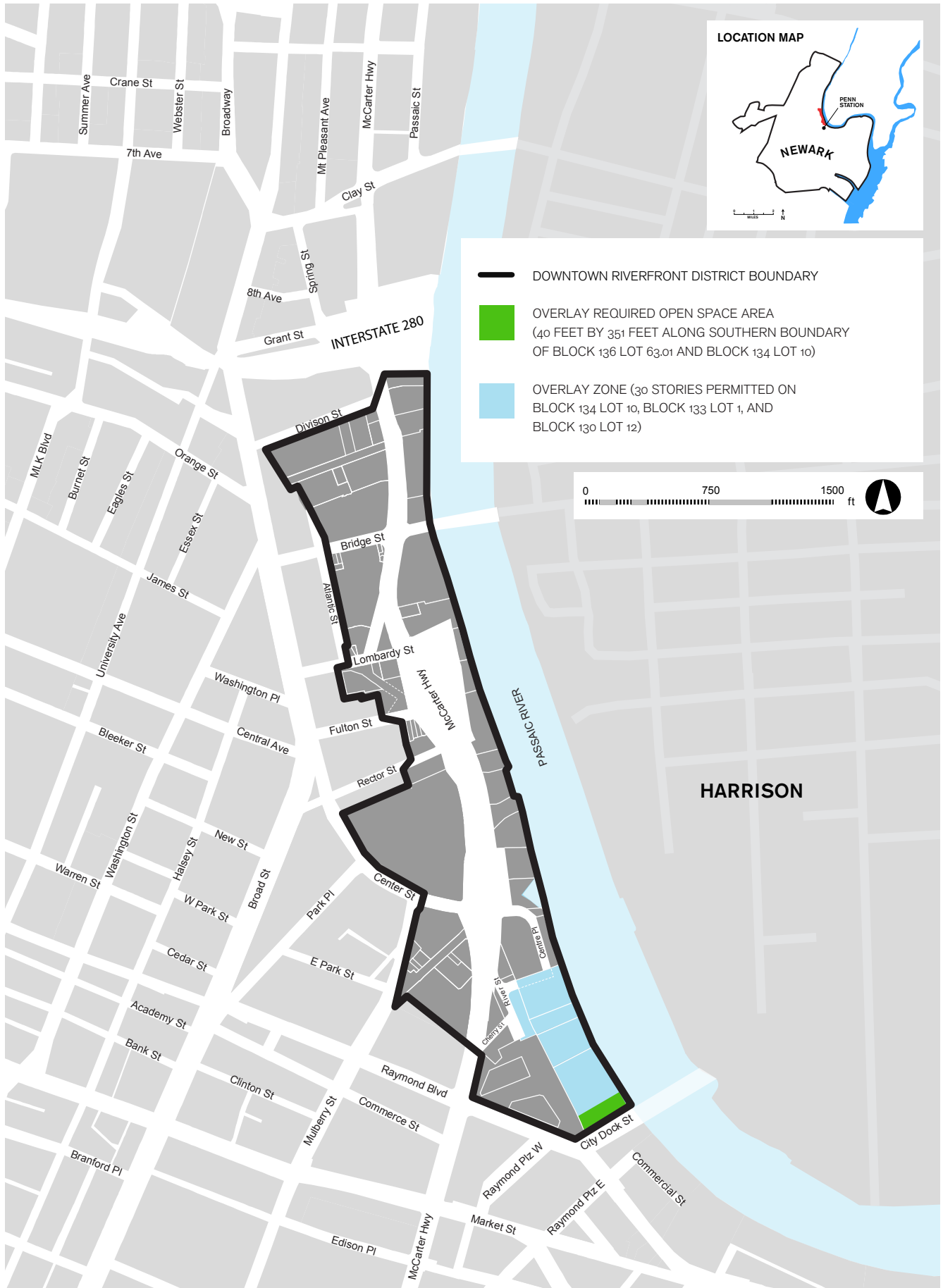
LOWER BROADWAY OVERLAY MAP



-  LOWER BROADWAY RIVERFRONT DISTRICT BOUNDARY
-  OVERLAY REQUIRED OPEN SPACE AREA (1 ACRE WITHIN BLOCK 437 LOT 4 PROVIDING VIEWSHED OF NX BRIDGE AND PEDESTRIAN / BICYCLE CONNECTIONS TO RIVERFRONT TRAIL AND PASSAIC STREET)
-  OVERLAY ZONE (14 STORIES PERMITTED ON BLOCKS 435, 437, and 446)



# DOWNTOWN OVERLAY MAP





## 7. Required Public Right-of Way

### **7-A. Provisions**

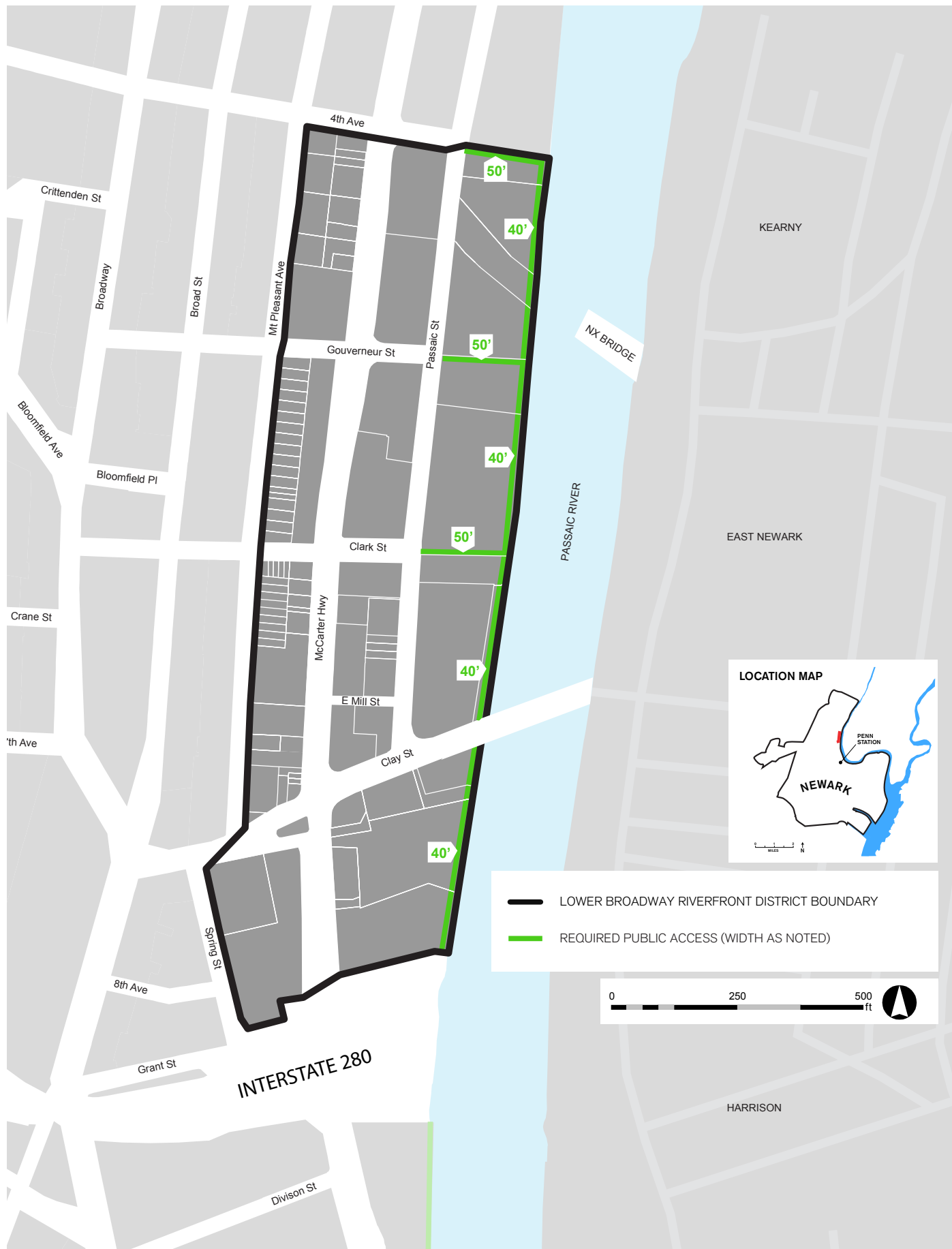
The following waterfront access requirements implement national, state, and city policy objectives including the federal 1972 Coastal Zone Management Act (CZMA), the Public Trust Doctrine, Waterfront Development Law (NJSA 12:5-3), and the Tidelands Act (NJSA 12:3).

To provide parallel and perpendicular access to Newark's Passaic Riverfront, the development and conservation of appropriate public riverfront access is required for riverfront properties within the Newark Riverfront Public Access & Redevelopment Plan.

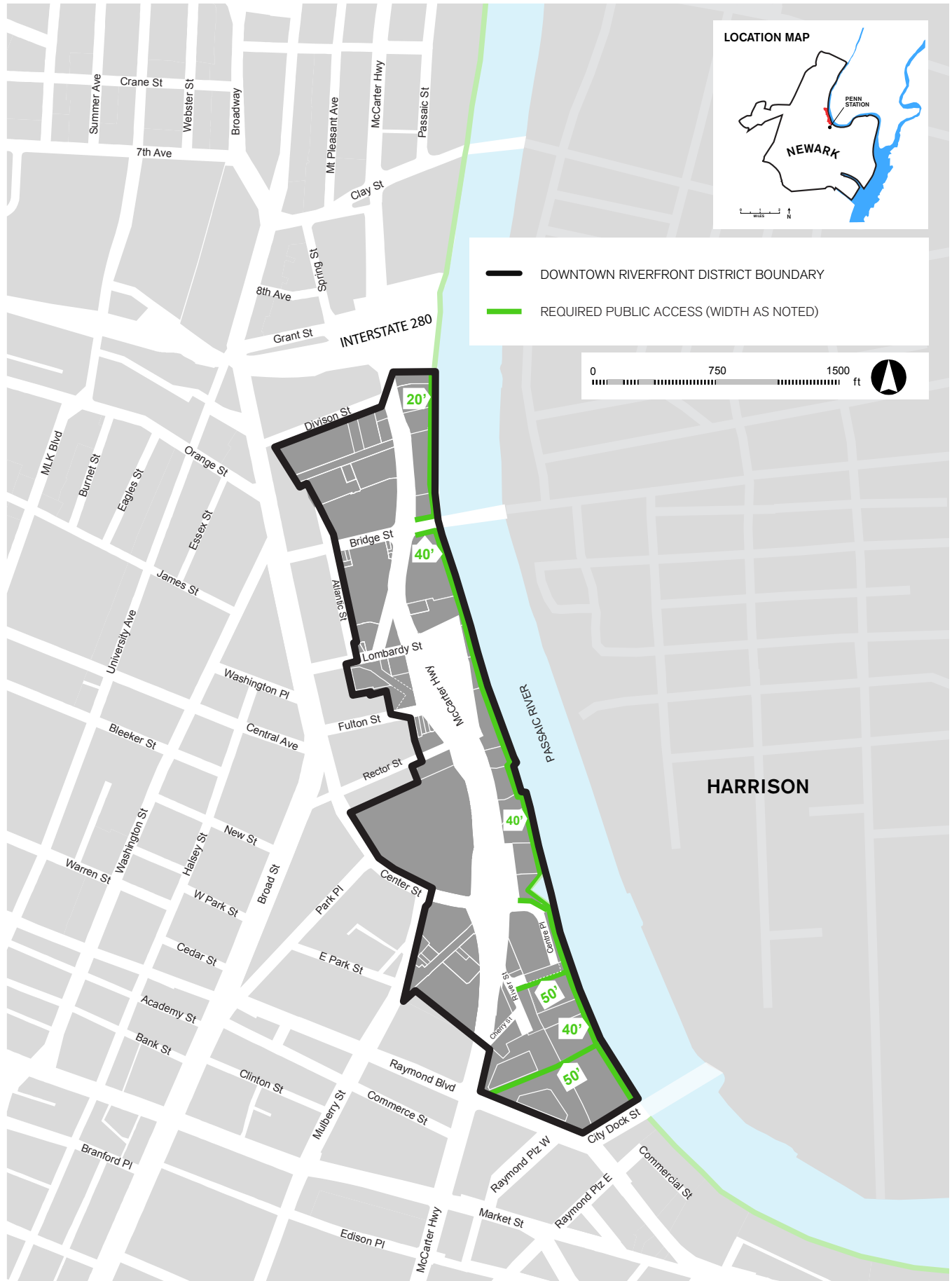
All applications to the Newark Central Planning Board for project affected by this plan shall comply with the public access requirements depicted in the following maps and described in the following Design Standards. Draft conservation easements shall be included in the application to the Central Planning Board. A form easement may be found in Appendix D. A final recorded conservation easement must be presented for final Central Planning Board approval. Upon project completion, the performance bond shall only be released upon completion of required public access and submission of as-built drawings. As for sidewalks in the public right-of-way, it shall remain the responsibility of the property owner to maintain adjacent riverfront walkway.

7-B. Maps

LOWER BROADWAY RIVERFRONT DISTRICT REQUIRED PUBLIC RIGHT-OF-WAY MAP

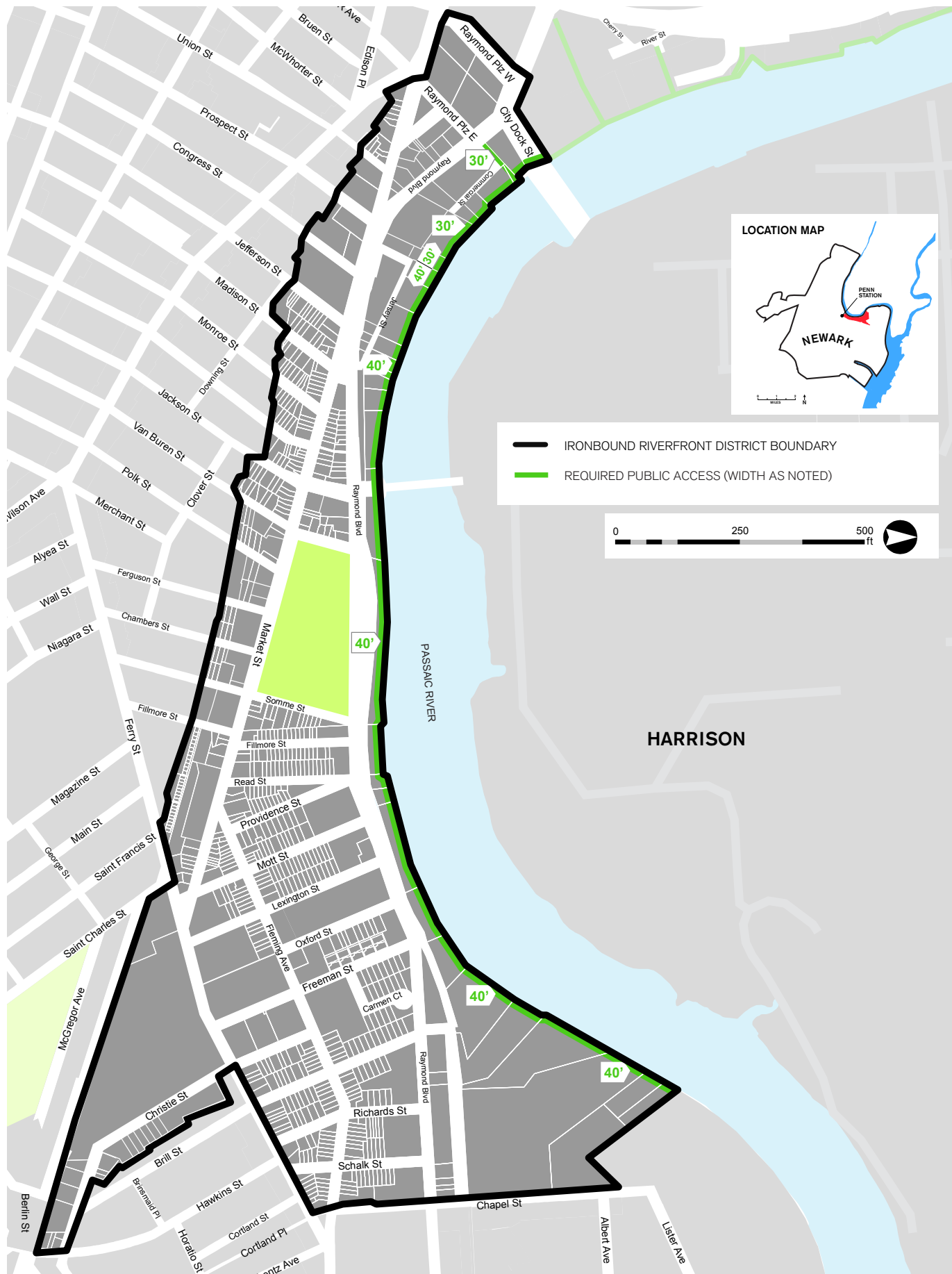


### DOWNTOWN REQUIRED PUBLIC RIGHT-OF-WAY MAP





# IRONBOUND REQUIRED PUBLIC RIGHT-OF-WAY MAP



## **7-C. Newark Riverfront Walkway Design Standards**

These standards accompany the *Newark Riverfront Design Standards for Open Spaces, Walkways, and Bikeways*, first published by the City of Newark in September 2010, and amended from time-to-time thereafter.

### **1.0 Dimensions**

1.1 The width of the Riverfront Walkway easement shall be as indicated on the accompanying maps.

1.11 The minimum width of pavement free of obstructions shall be 16'-0" (no maximum).

1.2 The width of the easement for perpendicular connectors from public rights of way to the Riverfront Walkway shall be as indicated on the accompany maps.

1.3 When a separate bicycle path is provided, the minimum width shall be 10' to allow for two-way traffic.

### **2.0 Grading**

2.01 For the purpose of discussion, the grading of the walkway is regulated by cross-sectional controls perpendicular to the water's edge and longitudinal controls parallel to the water's edge.

#### **2.1 Cross-Sectional Grading Regulations**

2.11 The minimum slope of the 16' wide pavement shall be one and one-half (1-1/2) percent to allow for positive drainage.

2.12 The maximum slope of 16' wide pavement shall be three (3) percent to reduce the hazard of slipping.

2.13 Steps are not permitted within the cross-sectional 16' paved area of the easement to reduce the hazard of tripping and to allow handicapped access.

2.14 Steps are permissible in the remaining portion of the easement if ADA access is also provided as an integral part of the design, to allow for design expression which accommodates ADA access.

2.15 Steps shall have a maximum riser height of 6" and a minimum tread width of 14".

#### **2.2 Longitudinal Grading Controls**

Grade changes are permissible along the length of the Walkway as noted below:

2.21 Ramps shall be provided for ADA access according to Universal Construction Code.

2.22 Steps are permitted only if ADA access is provided. Steps shall have a maximum riser height of 6" and a minimum tread width of 14".

#### **2.3 Code Requirements**

2.31 All construction shall confirm to local building codes.

### **3.0 Paving**

3.1 All paving excluding the bicycle path should consist primarily of modular paving units.

3.11 Recommended materials are modular units of pressed concrete, bituminous concrete, brick, stone, or wood or plastic lumber decking, subject to 3.3 below.

3.12 Masonry units shall be a minimum of 2" thick and a maximum of 4 square feet in area.

3.13 Concrete may be considered for edging of modular units and/or accents.

3.14 Linear wood units shall be a minimum of 3" thick (nominal dimension).

3.15 The direction of wood paving shall not be parallel to the direction of traffic.

3.16 Wood which is not naturally decay-resistant shall be pressure-treated with appropriate preservatives according to American Wood Preservation Association standards.

3.17 If a separate path is provided, the bicycle path should be paved with bituminous concrete.

3.2 The surface of all paving materials shall be a non-skid texture safe for outdoor application.

3.3 Where appropriate, the walkway shall be designed to support the maximum load anticipated for vehicular traffic, such as maintenance vehicles or fire equipment.

#### 4.0 Planting

4.1 Plant species shall be selected for tolerance of the specific conditions in which they are to be planted. Plants should be hardy in Zone 6 or colder.

4.2 Plants shall be grown and installed according to standards set forth by the American Association of Nurserymen.

4.3 The trunk caliper of shade trees shall be 3 - 3-1/2" minimum at the time of planting.

4.4 Limbs on trees adjacent to the Walkway, bicycle path or streets shall be pruned from the trunk to a minimum height of 7'-0".

4.5 Unless otherwise prohibited by design constraints, shade trees shall be placed at 30' maximum intervals along entire length of Walkway.

4.6 Plant material should be planted at grade so that the top of the root ball is level with the adjacent ground level or paved surface. The planting of shade trees in above-ground containers is discouraged.

4.7 Due to the proximity of the river and its fluctuating tides and flood levels, the design of tree planting areas should take into account salt water infiltration and saturation levels of the soil.

4.8 To lessen potential future problems of rampant species-specific disease and insect infestation attendant upon monocultural tree plantings, an effort should be made to plant a variety of species along the length of the Walkway.

#### 5.0 Lighting

5.1 Lighting levels along the paved portion of the Walkway shall be an average of no less than 1/2 foot candle at ground level.

5.2 Average to minimum uniformity ratio shall be no greater than 4 to 1 within the paved area.

5.3 Supplementary lights such as bollards, uplights,

and decorative strings of lights are permissible.

5.4 Light standards for each development shall be placed within the easement at a consistent position relative to the edge of the Walkway.

5.5 The light center of the fixture shall be mounted at a height of 12'-0" to 14' above the adjacent surface of the Walkway.

5.6 The light center may be higher at plazas and important points along the Walkway, where supplemental fixtures may be installed.

5.7 The light poles shall be spaced at a maximum of 60' on center.

#### 6.0 Handrail

6.1 All handrails shall conform to Newark building codes.

6.2 The top of the handrail shall be 42" from the adjacent paved surface of the Walkway.

6.3 The use of alternative Walkway edge definitions such as bollards and chains should be limited to areas of revetment with slopes of 3:1 or flatter, or at working bulkheads where use by boats precluded a permanent fixed railing.

#### 7.0 Seating

7.1 Seating areas should be provided at a minimum ratio of 15 linear feet of seating per 100 linear feet of Walkway.

7.2 At least 50% of all seating shall have backs. A maximum of 50% of required seating may be alternative seating, such as steps specifically design for seating or seat walls.

7.3 Some groupings of benches should be placed at right angles to each other to allow for group conversations.

7.4 Recommended dimensions for benches and chairs:

7.41 Minimum seat depth: 14"

7.42 Minimum back height: 12"

7.43 Angle of seat back: 8 to 12 degrees from vertical

7.44 Angle of seat from front to back: minimum of 0 degrees and maximum 10 degrees from horizontal

7.5 Recommended dimensions for seat walls:

7.51 Maximum height" 36"

7.52 Minimum height: 15"

7.53 Minimum width: 14" (28" allows for use on each side of a freestanding wall)

7.6 Movable chairs are strongly encouraged at plaza areas.

## 8.0 Signage

8.1 All perpendicular walkways shall be posted with a Newark Riverfront signage

## 9.0 Miscellaneous

9.1 Trash receptacles should be provided at the rate of one per 250 linear feet of Walkway.

9.2 The Applicant shall provide a coordinated site furnishing plan with illustrations as necessary to depict the design, and referencing the standards of this plan and the *Newark Riverfront Design Standards for Open Spaces, Walkways, and Bikeways*.

## 10.0 Color

The recommended choice of colors for Walkway elements is as follows:

10.1 Light poles and fixtures: glossy black or silver.

Note: Low value, high chroma hues are generally prone to fading in sunlight. Light-valued hues of low chroma do not show bleaching as readily, but do show rust and discoloration more readily.

10.2 Wood surfaces should be unpainted and allowed to weather, or should be stained so as to reduce maintenance requirements.

## 11.0 Quality

The quality of the design, materials, and construction of the Newark Riverfront Walkway should be of the highest possible order, in recognition of the site's new civic function, its prominent maritime location, its diverse historic legacy, and its extremes of climate.

## 12.0 Basis for Modifying Standards

The Newark Central Planning Board will consider project-specific modifications of the Design Standards in the following circumstances:

1. If the applicant proposes a design in a unique circumstance, such as an historic location.
2. If the applicant can demonstrate extraordinary hardship in the implementation of the standards.

In both of the above circumstances, the applicant shall submit plans which demonstrate that the proposed modifications are part of a unified design concept and satisfy the spirit of the standards in public commitment and design. The burden of the demonstration of the need for change shall be the responsibility of the applicant.



## 8. Parking, Site Planning, & Building Design

### 8-A. Parking Standards

Land Use	Minimum amount of Parking
<b>Residential</b>	
One-Family, Two-Family, or Three-Family Dwellings or a Residential Component with Less Than Three (3) Dwelling Units in a Mixed-Use Building	One (1) space per dwelling unit
Multiple Family Dwelling with Ten (10) or More Units or the Residential Component of Mixed-Use Structure That Has Ten (10) or More Dwelling Units.	One (1) space per dwelling unit
Multiple Dwelling Senior Citizen	One (1) space for every three (3) dwelling units
<b>Hotel</b>	one (1) space for every four (4) guest rooms
<b>Auditorium, Theater, Stadium, Sports Arena</b>	one (1) space for every ten (10) seats to be used by spectators
<b>House of Worship</b>	One (1) space for every four (4) seats to be used by attendees
<b>Industrial Plant</b>	One (1) space for every four (4) employees
<b>Warehouse</b>	One (1) space for each one thousand (1,000) square feet of building floor space
<b>Medical or Dental Office</b>	
Residential building converted for use as a medical or dental office	five (5) spaces for each professional practitioner in the building
New Construction	five (5) space per practicing physician
<b>Public dance hall or discotheque</b>	one (1) space for every thirty (30) square feet of total floor area
<b>Commercial or Retail Establishment</b>	One (1) space for each one thousand (1,000) feet of net commercial or retail sales area over 10,000 square feet

However, for all land use mentioned in the parking standards the following exceptions apply to the amount of parking requirements:

(a) For dwelling sites located within one thousand two hundred (1,200) feet (measured in a straight line) of a station for light rail train, PATH train, Bus-Rapid-Transit (a unique system operated by NJ Transit or its successor/assignee that is different from standard local or express bus service), or commuter rail service, parking shall not be required.

(b) For infill sites that only have frontage on a commercial row, parking shall not be required.

c) For sites that only have frontage on a collector or arterial street if they have less than fifty (50) feet of width or less than five thousand (5,000) square feet, parking shall not be required.

d) No parking required for existing building conversions or additions less than 10 units or 25,000 square feet.

### 8-B. Parking Placement

(a) All parking spaces shall be inside the structure or behind the structure. If applicant demonstrates that this is not possible, parking may be located on one (1) side of the structure.

- (b) On-site parking is prohibited in front of a structure or forward of a street facing facade of that structure.
- (c) Only tandem parking arrangements of up to two (2) spaces deep are allowable in one-, two-, or three-family dwellings.
- (d) In multifamily structures with four (4) or more dwelling units, tandem parking arrangements can only be used if both spaces are assigned to the same dwelling unit.
- (e) Sharing of parking space is encouraged among user groups whose demands are not overlapping. For example, sharing between office and residential development, where very little overlap between daytime and nighttime usage allows a high amount of sharing.
- (f) All parking garages or structures with over 450 vehicles shall at minimum have more than one exit/entry. Second entry/exit to garage should be on a different street than the other exit/entry if feasible.
- (g) For all parking garages structure, ground floor shall be dedicated to retail.

### **8-C. Parking Lot Landscape Design**

Landscaping for parking lots shall be as follows for all zoning districts:

1. Except in the Retail/Office/Residential District and the Dedicated Industrial District, parking lots of more than six (6) vehicles but less than twenty (20) vehicles shall provide plantings of a hardy (salt-, shade-, and drought-resistant) evergreen hedge-forming shrub variety not less than three feet high at planting. Such planting shall be located adjacent to the parking areas or along all property lines adjacent to such parking areas. Such plantings shall be maintained at a maximum height of four (4) feet. Such plantings may be substituted by a combination of plantings and walls or other opaque, durable decorative permitted fencing that sufficiently screens automobile headlights, provided that opaque fencing or walls are not placed along a lot line bordering a public right of way. Chain link fencing with or without vinyl slats shall not be permitted as a substitute for such plantings.
2. For parking lots with greater than twenty (20)

spaces, the following landscaping requirements in addition to those set forth in the City's Land Subdivision regulation for design standards shall apply:

- (a) At least six percent (6%) of the total parking area shall be landscaped with appropriate trees, shrubs, ground cover, or other plant materials within the lot to assure the establishment of a safe convenient and attractive facility. At least one (1) tree of not less than three (3) inches caliper of a variety other than those named below, shall be provided within such parking lot for each twelve (12) parking spaces.

The following tree varieties are prohibited: Bradford Pear/ *Pyrus calleryana* 'Bradford'; Empress Tree/ *Paulownia tomentosa*; Tree of Heaven/ *Ailanthus altissima*; White Poplar and Lombardy Poplar/ *Populus alba* and *Populus nigra*; Russian Olive; Siberian Elm; Amur Maple; Silver Maple; Norway Maple.

- (b) Except in the Dedicated Industrial District, raised planting islands, where appropriate, shall be provided as necessary to guide vehicle movement, and to separate opposing rows of parking spaces and to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. Such raised plantings islands and the landscaping within them shall be designed and arranged so as to provide vertical definition to major traffic circulation aisles, entrances and exists, to channel interior traffic flow, to prevent indiscriminate diagonal movement of vehicles and to provide cooling shade and visual relief. Such plantings shall be maintained at a height of four (4) feet. Curbs of such islands shall be designed so as to facilitate surface drainage. In lieu of planting islands, four (4) foot tree wells may be planted with shade trees with a minimum caliper of three (3) inches and minimum height of eight feet in such positions necessary to effectively guide vehicle movement. These treewells shall be have a curb surrounding them.

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

4. All landscaping shall continue to be maintained in a healthy growing condition throughout the duration

of the use, building or structure which is intended to serve. Any planting not so maintained shall be replaced with new plants promptly

#### **8-D. Parking Garage Design**

For all above-grade parking structures, all cars in parking garages need to be screened from sidewalk and street views. Such screening can be achieved with spandrel and opaque glass, masonry, and landscaping.

#### **8-E. Site Landscaping**

Landscaping for all building lots and yards shall be as follows:

1. Landscaping Coverage. All of the lot area not covered by buildings, parking areas, driveways, sidewalks and other impervious surfaces shall be landscaped with vegetative land cover. Landscaping shall include appropriate plant materials as well as open areas covered with grass and/or ground cover.

2. On-site trees. For each twenty-five (25) feet of lot width in a required front yard adjacent to a public street, there shall be at least one (1) tree planted with a minimum of three (3) inches in caliper at the time of installation.

However, the following tree varieties may not be planted and are prohibited:

- + Bradford Pear/ *Pyrus calleryana* 'Bradford'
- + Empress Tree/ *Paulownia tomentosa*
- + Tree of Heaven/ *Ailanthus altissima*
- + White Poplar and Lombardy Poplar/ *Populus alba* and *Populus nigra*
- + Russian Olive
- + Siberian Elm
- + Amur Maple
- + Silver Maple
- + Norway Maple.

Where more than one tree is required, such trees may be planted in appropriate clusters or groups. Trees shall be mulched with at least two inches of bark mulch or other material commonly used for the purpose. If the front yard is greater than ten (10) feet in depth, any required trees shall be planted in the front yard, otherwise required trees may be planted within the side and/or rear yards. No trees shall be required

where no yard has a depth greater than ten (10) feet.

3. Special Guidelines for Large Format Retail and Shopping Centers. The following guidelines shall apply for large format retail and shopping center developments in addition to the above requirements.

(1) Trees shall be planted thirty-five (35) feet apart along public streets within the property lines and in the public right of way against the curb between the site's lot line and the curb unless specifically prohibited by the City of Newark Engineering Department. Trees shall also be planted along the length of internal pedestrian walkways.

(2) Above and in addition to the parking landscape requirements. There shall be a minimum pervious surface area of approximately twenty five (25) square feet per tree.

(3) A minimum eight (8) foot wide landscaped area shall be provided along the edge of a site where parking areas are adjacent to a public street.

4. On-tract trees shall be planted thirty-five (35) feet apart along public streets in the public right of way against the curb between the site's lot line and the curb unless specifically prohibited by the City of Newark Engineering Department.

#### **8-F. Yard Impervious Area**

For development on lots of five thousand (5,000) or less square feet and/or fifty (50) feet or less of width within zoned areas of the Special Waterfront District, the following standards apply:

1. Maximum of fifty-five (55%) percent of front yard lot area.
2. At side yards, a paved walkway is only permitted along one (1) side of a dwelling.

However, the following exception applies only for Dedicated Residential zoned areas: only one (1) driveway area shall be permitted in the front yard.



**8-G. Lighting**

## a. Illumination Standards

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

2. All wires and cables used for the provision of lighting from freestanding structures shall be underground.

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

## 4. Illumination Standards

(a). Illumination levels at the property line of a project shall not be more than 0.5 foot candles at any point when the project is located next to any residential use or residentially zones property. The illumination levels at the property line of a project adjacent to any other use shall not be more than 1.0 foot candles unless in conflict with a standard set forth in Section C below, in which case that standard shall apply.

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

## (c) Illumination Levels.

(1) Off-street/surface parking areas or lots as well as private roadway areas shall comply with the following requirements: Illumination levels outside the radius of any light pole (with radius equaling the height of the pole, not to exceed thirty (30) feet, but no less than

twenty (20) feet) shall range between a minimum of one (1) foot candles and a maximum of three (3) foot candles.

(2) Access drives for non-residential uses and multi-family housing shall be illuminated with at least one (1) foot candles.

(3) Entrances and exits of non-residential structures and multi-family housing shall have a minimum illumination level of three (3) foot candles and a maximum level of five (5) foot candles.

(4) Single-, two-, three- and four-family residential uses shall have a maximum illumination level of three (3) foot candles at the driveway or walkway, but no more than one-half (0.5) foot candles at any property line elsewhere on the site.

(5) Pedestrian walkways or bikeways shall have an illumination level ranging between a minimum of one-half (0.5) foot candles and a maximum of two and a half (2.5) foot candles.

(6) Exterior stairwells and landings for residential and non-residential uses shall have a minimum illumination level of three (3) foot candles.

(7) Large open areas and the grounds of multi-family housing complexes shall have a minimum illumination level of one-half (0.5) foot candles and a maximum level of two (2) foot candles.

(8) Canopied areas, such as those found at drive-through facilities at banks, service stations, car washes, shall have a maximum illumination level of fifteen (15) foot candles with a maximum to minimum illumination level ratio of 2:1.

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

(10) Illumination levels for outdoor recreational facilities, such as, but not limited to, football fields, soccer fields,

baseball fields, or tennis courts, shall be determined on a case by case basis by the staff of the approving agency, but shall comply with the illumination limits at property lines established above.

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

(12) For the parking areas of enclosed parking garages, a minimum lighting level of two (2.0) foot candles shall be maintained.

(d) Architectural Lighting

(1) Fixtures used to accent architectural features, materials, colors, style of buildings or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded so as to minimize light spill into the sky. Such fixtures shall not generate excessive light levels, cause glare, or direct light beyond the façade onto neighboring property, streets or the night sky.

b. Height Standards.

1. Freestanding Lights

(a) In Dedicated Residential Districts, the maximum height of freestanding lights shall not exceed the height of the principal building or twenty (20) feet, whichever is less.

(b) In Dedicated Industrial and Mixed-Use Districts, the maximum height of freestanding lights shall not exceed the height of the principal building or twenty five (25) feet, whichever is less.

(c) In Dedicated Industrial Districts, the maximum height of freestanding lights shall not exceed the height of the principal building or thirty (30) feet, whichever is less.

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

**8-H. Sidewalk & Street Furniture**

The following requirements ensure consistency in the public realm amenities and provide for ease of access to and into the development. A minimum clear sidewalk width of 12 feet shall be maintained at all times. In areas where the existing sidewalk is wider the developer must match that width.

All streetscape design shall conform to the City's ordinance, in addition to those set forth below:

Furnishing	Location	Required
Street Trees	McCarter Hwy, 3rd St, Passaic St, Riverside Ave, Hebert Pl, Peabody Pl, and Chester St.	Street trees planted every 25 feet on center along the sidewalk

The City of Newark Department of Engineering approved street trees shall be planted in 4 x 8 sidewalk tree wells in front of each development project. Trees shall be planted 30 feet or less on center subject to approval of Engineering Department. In the event that sidewalks, curbs, utilities, or other infrastructure are damaged or altered in any way during a development project, the developer shall be responsible for complete repair or replacement of all affected infrastructure.

**8-I. Fences & Walls**

a. The requirements for fences and walls constructed between building lots shall be as follows.

1. Dedicated Residential Districts

(a) Fences or walls may be constructed along all property lines as follows:

(1) Height Restrictions.

i. Front yard fences or walls or a combination of the two, may be constructed between the building line and the street line up to three (3) feet in height. The front yard shall mean the section(s) of the parcel between the actual setback line(s) of a structure on that lot and any street(s) bordering that lot.

ii. Side yard and rear yard fences or walls may be constructed up to six (6) feet in height.

iii. Fences enclosing parks, recreational areas and school sites shall have a maximum height of ten (10) feet.

(2) Design standards.

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

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

iii. Chain link fencing shall not be permitted, except along the rear lot lines and those portions of the side lot lines within the rear yard of the property. PVC Vinyl or wood stockade fences are also permitted only in rear yard areas. No solid fencing or chain link fencing is permitted along a public right of way line.

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

vii. Vinyl privacy slats are prohibited from use in chain link fences.

2. Dedicated Industrial and Mixed-Use Districts

The requirements for fences and walls constructed between building lots in Dedicated Industrial and Mixed-Use Districts shall be as follows.

(a) The height of any fence shall not exceed four (4) feet except in the following cases:

(1) For residential structures in any Mixed-Use District, the above requirements for Dedicated Residential Districts shall apply, except that where a residential use is adjacent to a non-residential use, the side and rear yards may have a fence up to six (6) feet, and for an industrial use, up to ten (10) feet may be permitted.

(2) Fences not exceeding ten (10) feet may be erected in the Dedicated Industrial District, at the discretion of the approving agency, in the interest of safety and aesthetics.

(3) Fences enclosing parks, recreational areas and school sites shall have a maximum height of ten (10) feet.

(b) Fencing or walls shall be used to screen trash containers, refuse disposal dumpsters, loading berths, outdoor manufacturing activities and outdoor storage visible from any public right-of-way as follows:

(1) Trash containers shall be screened from view by opaque walls or fencing, exclusive of that area needed for accessibility. All walls, fences and gates shall be a minimum of six (6) feet in height. Where such walls and/or fences are visible from any public way, there shall, where possible, be plantings visually consistent with other required landscaping. Chain link fencing and gates with or without vinyl slats shall not be permitted for screening purposes.

(2) Refuse Disposal Dumpsters shall be screened from view by an opaque fence or wall to a height not more than eight (8) feet, exclusive of that areas needed for accessibility. Where required to reduce visibility from a public right-of-way, the dumpster enclosure shall be gated. Chain link fencing and gates with or without vinyl slats shall not be permitted for screening purposes.

(3) Loading berths shall be screened to the extent possible and practical while still allowing access to the use it is serving, unless such screening is determined to be unnecessary by the approving agency. Such screening shall consist of an opaque fence or wall to a height of not less than six (6) feet or a continuous evergreen or dense deciduous shrub hedge, or a combination of the two. Chain link fencing and gates with or without vinyl slats shall not be permitted for screening purposes.

(4) Outdoor Manufacturing Activities and Outdoor Storage where permitted under regulations, shall be completely screened with a consistent solid fence or wall at least six (6) feet in height or of such height necessary to screen such storage from view from the public street or adjacent properties. Alternatively, a continuous evergreen or dense deciduous shrub hedge, or a combination of the two may be used. Chain link fencing and gates with or without vinyl slats shall not be permitted for screening purposes.

(c) Design Standards.

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

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

(3) Except for Dedicated Industrial Districts where chain link fencing shall be permitted, in all other districts such fencing may only be used in rear yards only including along the rear lot line and along those portions of the side lot lines within the rear yard of the property.

(4) Screen plantings may be used to provide opacity and to function as a buffer in lieu of fencing or walls. Screen plantings shall be of a hardy (salt-, shade-, and drought-resistant), evergreen hedge-forming shrub variety. They shall be planted in-ground in an area large enough to ensure the healthy growth and longevity of the plant selected. The planting area, where necessary, shall be protected from vehicles by curbing. Plants shall be continuously maintained and any plant material which expires shall be replaced promptly.

(5) Screen planting in combination with walls and fencing may be used in lieu of fences only.

**8-J. Buffers**

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

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

2. All buffer areas shall be planted with a combina-

tion of evergreens, deciduous trees and shrubs of such species and sizes which will produce within two growing seasons a living screen at least six (6) feet in height and of such density so as to obscure throughout the full course of the year the glare of automobile headlights or other bright sources of illumination emanating from the premises. The screen plantings shall be placed so that at maturity they will not protrude across any street or property line and so that a clear sight triangle shall be maintained at off-street intersections and at all points where private accessways intersect a public street. Where provided, a planted buffer shall not be less than four (4) feet in width.

3. Where such width is not practical in the side or rear yard, decorative fencing subject to the requirements within this Redevelopment Plan, may be provided in lieu of a planted buffer. Chain link fencing may not be used for buffer purposes.

4. The parking, loading, and areas utilized for outdoor storage shall be screened from view by buildings, decorative walls, or landscaped areas. All facades fronting on a public street or other public space shall have continuous foundation planting, except where precluded by access to parking spaces located under the building or by building entrances.

**8-K. Maintenance**

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

**8-L. Building Materials**

Exterior Insulation Finish System (EIFS, also known as synthetic stucco) is prohibited on any portion of the front façade or parts of the building.

For new construction, Aluminium/vinyl siding is prohibited on all portions and parts of building façades.

Buildings developed in this district are required to have no more than four (4) principal building materials on the façade, not including glazing.

Buildings that meet LEED Standards are encouraged, and if LEED certification is not feasible, buildings shall incorporate some combination of energy efficient materials, green roofs, solar powered water heating, or solar panels.

### **8-M. Fenestration**

Buildings developed within the district shall devote the following minimum amount of area on exterior walls to transparent glazing:

1. For the primary front facade a minimum of thirty (30%) percent of the wall area shall be devoted to transparent windows or doorway areas.
2. For street facing side or rear walls of structures on corner lots or through lots, a minimum of twenty (20%) percent of the wall area shall be devoted to transparent windows or doorway areas.
3. For non-street facing walls, the greater of a minimum of ten (10%) percent of wall area or the maximum amount allowed by construction code shall be devoted to transparent windows or doorway areas.
4. All transparent glazing areas on door panels count toward this requirement, but door panels themselves do not count towards this requirement.
5. For the first floor facade measured from grade to the ceiling height of that first floor of buildings on commercial rows and for commercial spaces, the minimum required area of wall devoted to transparent windows or doorway areas is sixty (60%) percent. Additionally, any security gates, grills or roll-down barricades shall have a minimum transparency of seventy-five (75%) percent.
6. Any security gate installed within the City, extending over or across a store front window or door, shall be of a grate or lattice type, with one hundred (100 %) percent open mesh. All gates and accompanying hardware shall be maintained in a state of good repair.

### **8-N. Signage**

All buildings shall conform to the City's ordinance for signage.

### **8-O. Additional Area Regulations & Allowances**

Additional requirements and allowances for buildings, including but not limited to courts and yards, balconies, fire escapes, exterior fire stairs, porches, accessory buildings, chimneys, dormers, rooftop mechanical equipment, and cornices, shall conform to the City of Newark Zoning Ordinance 40:4-2 Additional Area Regulations and 40:4-3 Additional Height Regulations.

**8-P. Active Streetfront Design Requirements**

To promote street-level security, visual interest, and pedestrian traffic, building frontages indicated on the following maps are required to have active streetfront design as defined below. Additionally, these design standards apply to all ground-floor building frontages along required public riverfront right-of-way, parallel and perpendicular to the river's edge.

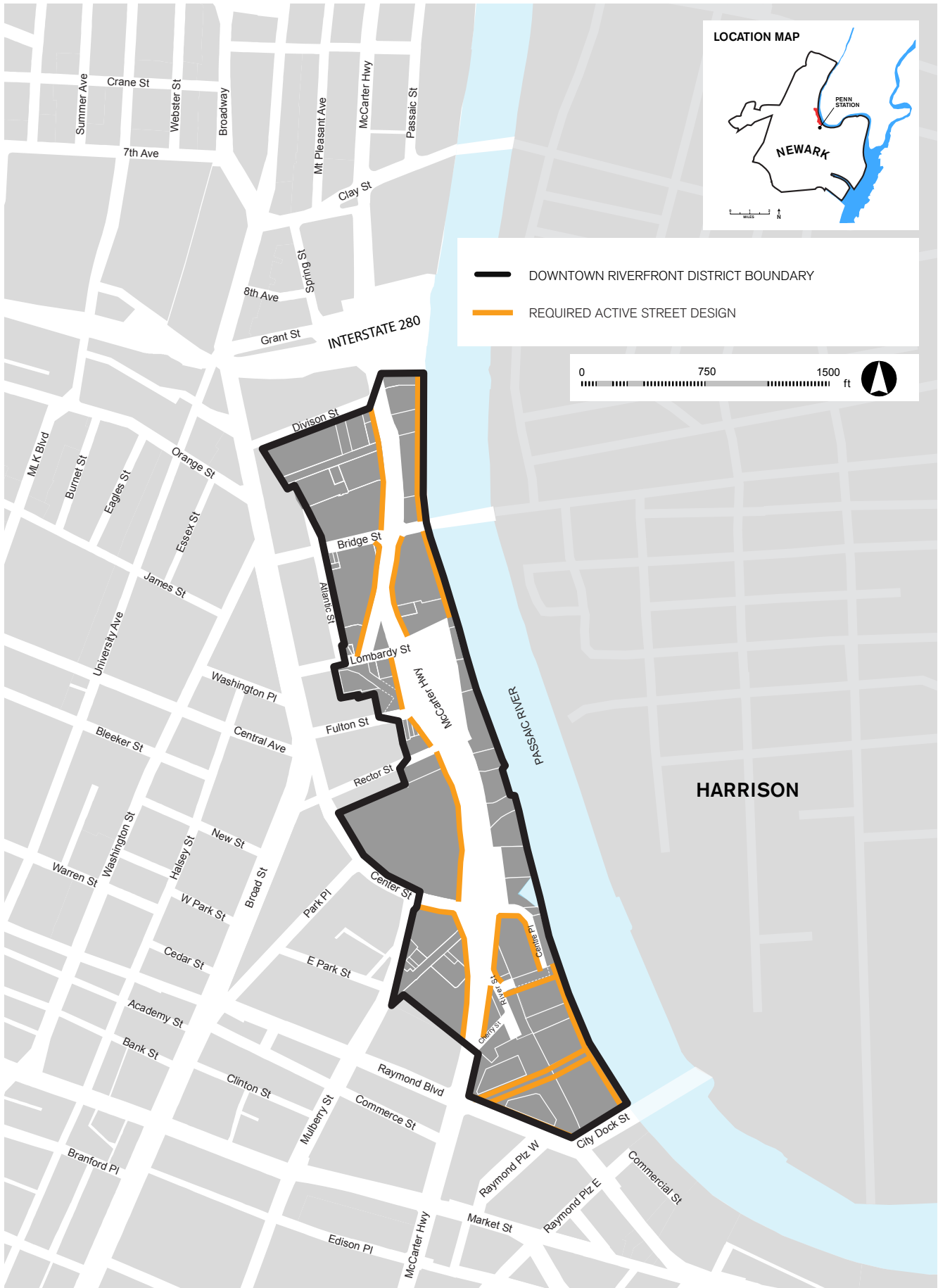
Allowable Ground Floor Uses	Prohibited Ground Floor Uses	Relation Between Building Facade and Street	Minimum Ground Floor Transparency	Minimum Ground Floor Floor-to-Floor Height
Retail, cultural venue, residential unit, active space such as recreation room, common room or lobby, entertainment venue, fitness room, production area, workshop, or mail room.	Loading docks, parking garages, storage, electrical transformers, and mechanical equipment	Street-facing building façade shall be located at property line with zero setback for a minimum of 70% of linear frontage. There should be no side yards to create continuous street wall.	60%	14 feet

8-P. Maps

LOWER BROADWAY ACTIVE STREETFRONT DESIGN MAP

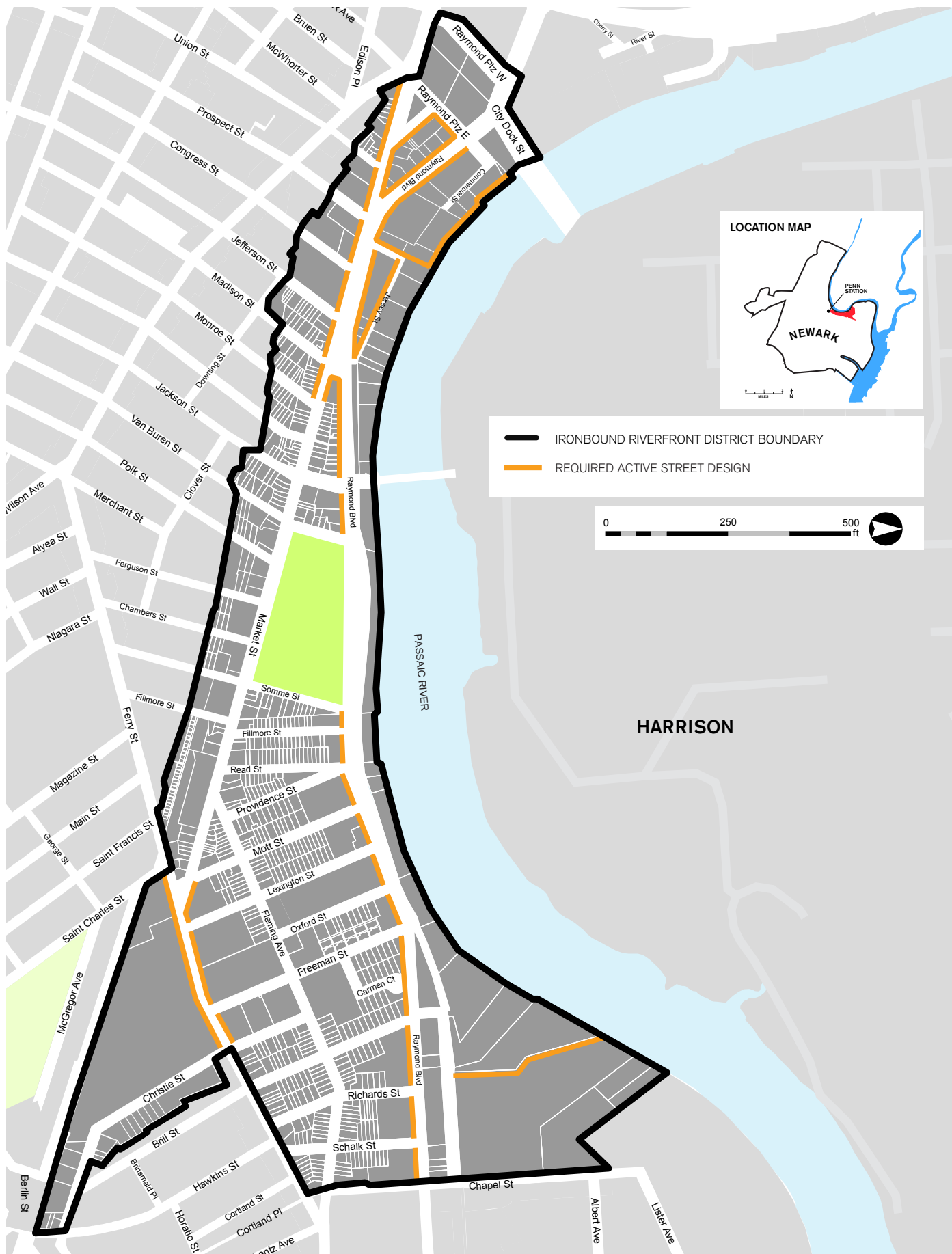


# DOWNTOWN ACTIVE STREETFRONT DESIGN MAP





# IRONBOUND ACTIVE STREETFRONT DESIGN MAP



## **9. Project Review Process, Variances, & Plan Amendments**

### **9-A. Site Plan Review Requirement**

The requirements for site plan review in Section 38:10-5 and 38:10-6 of the Newark City Code shall apply to this plan.

### **9-B. Variances**

The Central Planning Board and the Zoning Board of Adjustment are authorized to grant variances from the building and use requirements contained in this plan in accordance with the jurisdictional authority stipulated in the Municipal Land Use law at NJS 40:55D-60 and 40:55D-70.

### **9-C. Applicability of Other Regulations**

All regulations for projects covered by this plan including special district regulations, including Chapter 9 of the Zoning Ordinance; Historic Sites and Districts (Title 40:9-1 et al) not addressed by this plan; or other local and state regulations shall apply.

### **9-D. Amendments to the Plan**

This Redevelopment Plan may be amended from time to time, upon compliance with the requirements of all applicable laws, by the Municipal Council of the City of Newark, upon its own initiative, or upon the Newark Central Planning Board.



## Appendix A. Relationships to Other Plans

### A-A. Determination of Need Conclusions

The Newark Riverfront Public Access & Redevelopment Plan is consistent with, and advances the goals of, the Shifting Forward 2025, Master Plan Re-Exam Report (February 2009) and The Living Downtown Plan (May 23, 2008).

### A-B. Relationship to 2004 Master Plan Land Use Element

The City of Newark's 2004 Master Plan Land Use Element designated an area substantially similar to the Plan Area as "Special Waterfront District" and called for new zoning regulations to be adopted to create public access and take advantage of riverfront properties.

### A-C. Relationship to 2008 Master Plan Re-Examination Report

The *Shifting Forward 2025, Master Plan Re-Examination* proposes that the City plans for growth, with the potential to add 50,000 people by 2025. While the City must plan for the vitality and opportunity that these new constituents can bring, it must also plan for the challenges of a growing population. Current and future residents have critical needs that the City must address these include, extreme underemployment and unemployment, lack of neighborhood stability created by high crime rates, lack of affordable housing, limited access to open space, limited revenue streams to provide neighborhood services, and the need to broaden commercial, educational, cultural, and social choices for residents, workers, and visitors. The City, in re-examing its Master plan, has stated goals to address these deficiencies and identified strategies to achieve those goals. The following is the list of the goals and strategies with a brief description of how the Newark Riverfront Rehabilitation Plan relates to them:

Goal 1: Jobs for residents

#### *Strategy 2: Recapture Newark's share of regional retail and retail spending*

By creating a regulatory framework that both enables and in some cases requires retail and mixed-use development, the Framework will help ensure retail growth as residential and office development occurs. Moreover, new amenities and open spaces created through the Framework can bring more residents and visitors to the study area and increase their proclivity to patronize downtown stores and restaurants.

#### *Strategy 3: Retain land for job creating enterprise*

The Framework allows for office development close to Penn Station as well as permitting light industrial uses in neighborhoods that have traditionally been mixed-use, along Raymond Boulevard and McCarter Highway. Retention of industrial in North Ward and Lower Broadway

Goal 2: Healthy and Safe Neighborhoods

#### *Strategy 1: Safe, active and connected places*

The regulatory framework creates a park system that connects back into the neighborhoods and along the river while requiring active edges to development for an active and connected series of places providing safety through the "eyes on the street" planning concept.

#### *Strategy 2: Access to quality housing choices, with the goal of creating 20,000 new housing units by 2025*

The current tax advantage of the majority of the riverfront area being in the Urban Transit Hub Tax Credit program area permits the Framework to plan for diverse housing choices from low-rise to high-rise housing.

***Strategy 3: Adequate and accessible parks and recreation***

The Plan sets forth a riverfront trail system with ample dimensions for a variety of recreational opportunities.

Goal 3: Newark as Attractive City

***Strategy 1: Facilitate a "Living Downtown"; create 10,000 new housing units in the CBD by 2025***

The Framework seeks to achieve the goals of creating housing opportunities in the CBD by creating new parks and residential amenities, and establishing riverfront uses that complement the "living downtown" strategy.

***Strategy 3: Make the Passaic River a regional asset***

Access and public park programming are the key components of the Framework that relate to making the river a regional asset.

**A–D. Relationship to The Living Downtown Plan**

*The Living Downtown Plan* supports the redevelopment of the Central Business District by providing regulations and incentives for new high-density development and the adaptive reuse of downtown's historic buildings. The Living Downtown Plan facilitates the goal of making Newark an attractive city and develops a set of urban design principles to achieve those goals.

**A–E. Relationship to the State Development and Redevelopment Plan and Local Plans**

The Plan is consistent with Essex County Plans and the NJ State Plan, focusing development in existing Urban Centers with the PA1 - Metropolitan Planning Area and leverages the highway and rail infrastructure.

**A–F. Acquisition and Relocation**

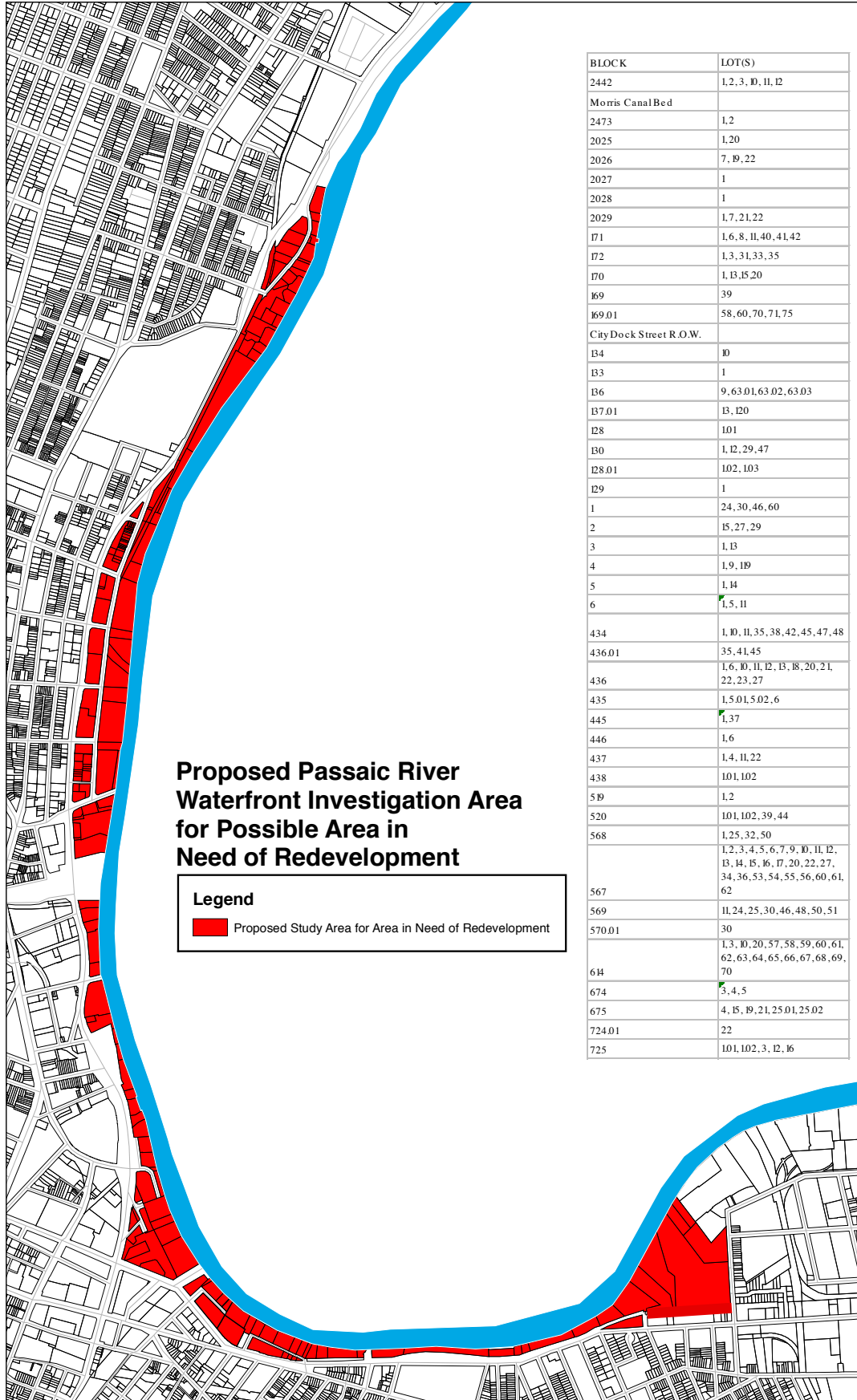
The Plan does not propose acquisition and therefore does not include a plan for acquisition and relocation.

**A–G. Other Redevelopment Plans**

This plan supercedes, in whole or in part, the following City of Newark redevelopment plans:

- + Broad Street Station Redevelopment Plan (6S+FA)
- + Educational Center Redevelopment Project (NJR 50, 7Rbk)
- + Former Bed of Morris Canal Redevelopment Plan (6S+FH)
- + Industrial River Project Urban Renewal Plan (NJR 121, 7Raa)
- + Living Downtown Redevelopment Plan (6S+FG)
- + Newark Plaza Project (NJR 58, 6S+FG)
- + Passaic Street / Clay Street Redevelopment Plan (6S+FA)
- + Raymond Boulevard Office Redevelopment Plan
- + Redevelopment Plan for City Dock Street Block 169, Lot 58 and City Dock Street In Its Entirety (6S+FF)
- + Riverside Avenue / McCarter Highway Redevelopment Plan (6S+FI)

# Appendix B. Proposed Passaic River Waterfront Investigation Area



## Appendix C. Community & Stakeholder Engagement Process

When Mayor Cory A. Booker launched Newark Riverfront Revival (NRR) in 2009, he set a goal of getting “2 cents from 2 percent”: that over the next four years, at least two percent of Newarkers (5600 people) would participate in making the future of their city’s riverfront through tours, workshops, public meetings, and more.

While these activities have gone beyond the primary concerns of this plan for making the rules for riverfront development, the broader goals of NRR have been to strengthen and broaden the constituency of supporters and stewards of Newark’s riverfront and the Passaic River. One year remains to meet the Mayor’s challenge, the friends of Newark’s riverfront are rising, and their determination and vision motivate the goals of this plan.

Newark Riverfront Revival 2 cents from 2 percent March 2009–June 2012  Boat tours: 1600 Walking tours: 540 School presentations: 350 Riverfront 3000 exhibition: 750 Park design meetings: 260 Development framework meetings: 230 Neighborhood meetings: 680 Newark Walks to the Water: 325 Riverfront Celebration 2012: 500  TOTAL = 5235 (93% of goal)
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3/09 MAYOR BOOKER LAUNCHES NEWARK RIVERFRONT REVIVAL



5/09 NEWARK RIVERFRONT 3000 EXHIBITION



9/09 DOWNTOWN RIVERFRONT WALKSHOP



10/09 NORTH OF 280 RIVERFRONT WALKSHOP

Developing the Plan

*Newark's River: Public Access & Redevelopment Plan* was shaped through a series of stakeholder consultations, economic analyses, and design studies.

The development regulations reflect the input of stakeholders of many types, including residents, business owners, planners, employees, institutions, developers, religious leaders, community groups, governmental entities, and elected officials.

HR&A Advisors supported an economic analysis, examining market opportunities and constraints in each riverfront sub-district.

Design studies drew from work done in preparation for construction of Riverfront Park, and tested possibilities suggested by stakeholders.

To facilitate deliberation of alternative development regulations, NRR produced a series of Newark Riverfront Zoning Workbooks. By organizing conversations around potential trade-offs, investors, residents, and property owners shared perspectives and information on the choices inherent in revising zoning rules.



NEWARK RIVERFRONT ZONING WORKBOOKS  
 AVAILABLE FOR DOWNLOAD AT  
[WWW.NEWARKSIVER.WORDPRESS.COM](http://WWW.NEWARKSIVER.WORDPRESS.COM)



Newark Riverfront Outreach & Education  
Selected events

- October 2, 2008 **Newark Riverfront Property Owners meeting** NJ Transit
- March 10, 2009 **Riverfront Park planning meeting** Newark City Hall
- March 26, 2009 **Newark Riverfront Revival press conference** Newark City Hall
- March–August 2009 **Newark Riverfront 3000 exhibition** Newark City Hall
- March 31, 2009 **Riverfront Park planning meeting** Newark City Hall
- May 5, 2009 **Riverfront Park planning meeting** Newark City Hall
- June 1, 2009 **Consultation with La Casa de Don Pedro** 75 Park Avenue
- June 1, 2009 **Consultation with Ironbound Community Corporation** 179 Van Buren
- June 1, 2009 **Consultation with Municipal Council** Newark City Hall
- July–September 2009 **Riverfront Boat Tours**
- July 1, 2009 **Consultation with Master Plan Working Group** The Priory
- July 16, 2009 **Citywide Riverfront Advisory Group** Newark City Hall
- August 24, 2009 **City Stakeholder Working Session** Newark City Hall
- August 29, 2009 **Ironbound Riverfront Walkshop**
- September 26, 2009 **Downtown Riverfront Walkshop**
- October 2009 **Making the Rules for Riverfront Development Workbooks released**
- October 5, 2009 **Riverfront Zoning Workshop at Ironbound Superneighborhood meeting** St. James Church School
- October 13, 2009 **Public Meeting on Newark Riverfront Development Framework** Newark City Hall
- October 15, 2009 **Riverfront Zoning Workshop at University Heights Super Neighborhood**
- October 20, 2009 **Citywide Riverfront Advisory Group Meeting** Newark City Hall
- October 25, 2009 **North of 280 Riverfront Walkshop**
- October 26, 2009 **Riverfront Zoning Workshop with James Street Commons Neighborhood Association**
- October 28, 2009 **Riverfront Zoning Workshop with Ironbound Community Corporation** 179 Van Buren
- November 10, 2009 **Riverfront Zoning Workshop with La Casa de Don Pedro** 39 Broadway
- November 18, 2009 **Riverfront Zoning Workshop at Broad Street Block Association**
- December 15, 2009 **Public Meeting on Draft Development Framework** Newark City Hall
- January 2010 **Release of Draft Development Framework**
- June–October, 2010 **Riverfront Boat Tours**
- December 2010 **Riverfront Park Construction Begins**
- June–October, 2011 **Riverfront Boat Tours**
- February 27, 2012 **Draft Newark’s River: Public Access & Redevelopment Plan public release**
- March 13, 2012 **Information Session on Newark’s River: Public Access & Redevelopment Plan**

EL ALCALDE CORY A. BOOKER Y EL CONSEJO MUNICIPAL DE NEWARK



**LE INVITAN A UNA REUNIÓN PARA CONTRIBUIR EN EL DISEÑO DEL NUEVO PARQUE RIVERFRONT!**

La División de Planificación y el Desarrollo de la Comunidad y The Trust for Public Land invitar a residentes para conocer y debatir las ideas para la creación de la primera Parque Riverfront.

**QUÉ?**  
Sobre la base del compromiso adquirido por la Ciudad de Newark para crear bonitos parques a lo largo de la rivera del río Passaic the Newark, la Ciudad de Newark y The Trust for Public Land han comenzado una asociación para llevar a cabo el diseño de 7 acres entre las calles Jefferson y Oxford a lo largo de la rivera del río Passaic en la Ironbound de Newark. Esta reunión les dará a los ciudadanos de Newark la oportunidad para conocer al equipo de diseño, escuchar sus primeras ideas y compartir información y opiniones.

**CUÁNDO?**  
Martes 10 de Marzo de 2008, 6:30-8:30 pm

**DÓNDE?**  
First Floor Rotunda del Ayuntamiento, 920 Broad Street

**SE SERVIRÁN REFRIGERIOS.**

Para más información, llamar a Damon Rich al (973) 733-5918  
Para transporte desde la Ironbound, llamar a Carol de ICC al (973) 589-3353




**Appendix D.**  
**Form Conservation Easement**

Prepared by: \_\_\_\_\_

NJDEP File No.: \_\_\_\_\_

**GRANT OF CONSERVATION RESTRICTION/EASEMENT**  
(Public Access To The Waterfront)

This Grant of Conservation Restriction is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, whose address is \_\_\_\_\_, \_\_\_\_\_ Borough/Township, County of \_\_\_\_\_, State of New Jersey, hereinafter referred to as "Grantor", in favor of the State of New Jersey, Department of Environmental Protection, hereinafter referred to as the "Grantee".

**WITNESSETH:**

**WHEREAS**, the Grantor is the owner in fee simple of certain real property located in the Township/Borough of \_\_\_\_\_, County of \_\_\_\_\_, New Jersey, designated as Lot(s) \_\_\_\_\_, Block(s) \_\_\_\_\_ on the official Tax Map of the Township/Borough of \_\_\_\_\_, County Clerk or Recorder's Deed Book Number \_\_\_\_\_, Page Number \_\_\_\_\_, (hereinafter "the Property"); and

**WHEREAS**, the Grantee has issued to Grantor Permit # \_\_\_\_\_, (the "Permit"), attached hereto as **Exhibit D** and made a part hereof, which permits certain construction described therein, and requires among other conditions public access to the waterfront, pursuant to the **(choose applicable statute(s))** Waterfront Development Law, N.J.S.A. 12:5-3, the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 *et seq.*, as amended, and the corresponding Rules on Coastal Zone Management, N.J.A.C. 7:7E-1 *et seq.*, as amended, specifically **(choose applicable rule(s))** N.J.A.C. 7:7E-8.11 Public Access to the Waterfront, N.J.A.C. 7:7E-3.48 Hudson River Waterfront Area; and

**WHEREAS**, by virtue of the Property's location directly on the **[name of adjacent tidal waterway]**, the waterfront area of the Property possesses great scenic, aesthetic and recreational qualities for the public enjoyment; and

**WHEREAS**, as a condition to the Permit, Grantor must provide for public access over a portion of the Property including its water's edge, by creating and maintaining in perpetuity a walkway as well as parking spaces reserved for use by the public (collectively "Easement Areas"), as more specifically shown on the site plan prepared by \_\_\_\_\_, and dated \_\_\_\_\_, attached hereto **Exhibit A**, and made a part hereof, along with the legal description of the Easement Areas prepared by \_\_\_\_\_, and dated \_\_\_\_\_, attached hereto as **Exhibit B** and made a part hereof; and

**WHEREAS**, the Grantee is authorized by N.J.S.A. 13:1D-9 to formulate comprehensive policies for the conservation of natural resources, to promote environmental protection, and

GRANT OF CONSERVATION RESTRICTION/EASEMENT

prevent pollution of the environment of the State, and is authorized by N.J.S.A. 13:8B-3 to acquire and enforce conservation restrictions; and

**WHEREAS**, the Grantor, having the authority to do so, intends to enter into this Conservation Restriction in order to grant to the Grantee a conservation restriction / easement on the Property for recreational use by the public.

**NOW THEREFORE**, in consideration for the issuance of the Permit and for the valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the facts recited above and the terms, conditions and restrictions contained herein, the Grantor hereby agrees that the Property shall be subject in perpetuity to the following conveyances, covenants and restrictions in favor of the Grantee:

1. Grantor hereby conveys, transfers, assigns and grants to the Grantee a Conservation Restriction/ Easement with respect to that portion of the Property as shown in **Exhibit A** and as described in **Exhibit B**.
2. The parties agree that the Conservation Restriction / Easement shall be in full force and effect as to the entire Easement Areas as shown in **Exhibit A** and described in **Exhibit B**, including those areas upon which the Public Parking Spaces and the Walkway(s) have not yet been constructed as of the date of this Conservation Restriction / Easement, and will be accessible to the public at all times in perpetuity.
3. Nothing contained in this Conservation Restriction / Easement shall be deemed or construed to give or grant to the Grantee, the public, or anyone else, any rights to use any portion of the Property except the Easement Areas.
4. Grantor, its successors and assigns, shall maintain the Easement Areas pursuant to the Maintenance Plan, prepared by \_\_\_\_\_, and dated \_\_\_\_\_, attached hereto as **Exhibit C** and made a part hereof.
5. The Easement Areas shall be available for public recreational purposes. Recreational uses shall not include any activity that violates federal, state, county or municipal law. No construction shall be permitted within the Easement Areas, other than the Public Parking Spaces and the Walkways.
6. The Easement Areas shall be available for waterfront public access purposes, being those recreational activities including, but not limited to, jogging, bicycling, walking, viewing, fishing and other similar recreational activities consistent with and compatible with public enjoyment of the Easement Areas preserved by the Conservation Restriction / Easement herein granted.
7. In no event shall the Grantor charge a fee for access to or use of any portion of the Easement Areas, including for use of parking spaces preserved by the Conservation Restriction / Easement herein granted.

## GRANT OF CONSERVATION RESTRICTION/EASEMENT

8. In no event shall Grantor erect, place or maintain any gate or any obstruction whatsoever across any portion of the Easement Areas that blocks or impedes physical access to the Easement Areas by the public at any time.
9. The Grantor shall not construct, install or maintain any structure, building or other improvement within the Easement Areas, except those appearing on plans and specifications approved by the Grantee in writing pursuant to the Permit.
10. The boundaries of the Easement Area shall be marked by an unobtrusive, semi-permanent visual marker in a manner of the Grantee's choosing, and to the Grantee's satisfaction, within 30 days of recording this Deed. Examples include the edge of a walkway, curbing, fence post, pipe in the ground, survey markers, or a shrub or tree line.
11. Grantor's liability with respect to the Easement Area is subject to the limitations contained in N.J.S.A. 2A:42A-8 and 2A:42A-8.1 (Landowner Liability Act).
12. Any activity on or use of the Easement Areas by Grantor which is inconsistent with the Public Trust Doctrine, the purposes of this Conservation Restriction / Easement, or not in conformance with the final plans and specifications approved by the Grantee in writing pursuant to the Permit cited herein or any other permit subsequently issued by the Grantee regulating the Property shall be prohibited.
13. In the event of a conflict between this Conservation Restriction / Easement and the final plans and specifications approved by the Grantee in writing pursuant to the Permit, the latter shall govern.
14. This Conservation Restriction / Easement shall be a burden upon and shall run with the Property, and shall bind Grantor, its successors and assigns, in perpetuity.
15. Grantor shall provide the Grantee telephonic and written notice of any transfer or change in ownership of any portion of the Easement Areas, including but not limited to the name and address of the new owner, and including but not limited to any later-formed condominium association, at least one month prior to the day of the signing of those documents accomplishing the actual transfer or change in ownership.
16. In addition to, and not in limitation of, any other rights of the Grantee hereunder or at law or in equity, if the Grantee determines that a breach, default or violation ("Violation") of this Conservation Restriction / Easement has occurred or that a Violation is threatened, the Grantee shall give written notice to Grantor of such Violation, setting forth the specifics thereof, and demand corrective action sufficient to cure the Violation. If the Grantor fails to cure the Violation after receipt of notice thereof from the Grantee, or under circumstances where the Violation cannot reasonably be cured within a time period dictated by the Grantee, fails to begin curing such Violation within the time period dictated by the Grantee, or fails to continue diligently to cure such Violation until finally

GRANT OF CONSERVATION RESTRICTION/EASEMENT

cured, the Grantee may bring an action at law or in equity in a court of competent jurisdiction:

- (a) to enjoin and/or cure such Violation,
  - (b) to enter upon the Easement Areas and to take action to terminate and/or cure such Violation and or to cause the restoration of that portion of the Easement Areas affected by such Violation to the condition that existed prior thereto, or
  - (c) to seek or enforce such other legal and/or equitable relief or remedies as the Grantee deems necessary or desirable to ensure compliance with the terms, conditions, covenants, obligations and purpose of this Conservation Restriction / Easement.
17. If the Grantee, in its discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Easement Areas, the Grantee may pursue its remedies under paragraph 16 above without prior notice to Grantor or without waiting for the period provided for cure to expire. The Grantee's rights under this paragraph shall apply equally in the event of either actual or threatened Violations of the terms of this Conservation Restriction / Easement. Grantor agrees that the Grantee's remedies at law for any Violation of the terms of this Conservation Restriction / Easement are inadequate and that the Grantee shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief to which the Grantee may be entitled, including specific performance. The above language shall in no event be interpreted to derogate or diminish the Grantee's rights and powers under the laws of the State of New Jersey for the protection of public health, safety and welfare.
18. Enforcement of the terms of this Conservation Restriction / Easement shall be at the discretion of the Grantee and any forbearance by the Grantee to exercise its rights under this Conservation Restriction / Easement in the event of any Violation by Grantor shall not be deemed or construed to be a waiver by the Grantee of such term or of any subsequent Violation or of any of the Grantee's rights under this Conservation Restriction / Easement. No delay or omission by the Grantee in the exercise of any right or remedy upon any Violation by Grantor shall impair such right or remedy or be construed as a waiver of such right or remedy.
19. Grantor agrees to reimburse the Grantee for any costs incurred by the Grantee in enforcing the terms of this Conservation Restriction / Easement against Grantor, and including, without limitation, the reasonable costs of suit and attorneys' fees.
20. The Grantee reserves the right to transfer, assign, or otherwise convey the Conservation Restriction / Easement to any other entity or person to facilitate the operation of and/or public use and enjoyment of the Easement Areas.

GRANT OF CONSERVATION RESTRICTION/EASEMENT

21. Any notice, demand, request, consent, approval or communication under this Conservation Restriction /Easement shall be sent by certified mail, return receipt requested or reliable overnight courier, addressed as follows:

To Grantor:

To the Grantee:

State of New Jersey  
Department of Environment Protection  
Division of Land Use Regulation  
And its successors and assigns  
As of the date of this Conservation Restriction / Easement, Grantee's address for purposes of notice is:  
501 East State Street  
P.O. Box 439  
Trenton, NJ 08625-0439  
Attention: Director, Division of Land Use Regulation  
(609) 984-3444

In addition, any notice relating to paragraph 15 shall be addressed as follows:

To the Department:

State of New Jersey  
Department of Environmental Protection  
Coastal & Land Use Compliance & Enforcement  
And its successors and assigns  
As of the date of this Conservation Restriction / Easement, Grantee's address for purposes of notice relating to paragraph 15 is:  
401 East State Street  
P.O. Box 422  
Trenton, NJ 08625-0422  
Attention: Manager, Coastal & Land Use Compliance & Enforcement  
(609) 984-4587

22. A party may change the address or person to whom notices to it are required to be given by notice given in the manner above provided.

GRANT OF CONSERVATION RESTRICTION/EASEMENT

23. Taxes, Insurance.

- a. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Easement Areas. Grantor shall keep the Easement Areas free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor.
- b. The Grantor agrees to pay any real estate taxes or other assessments levied on the Easement Areas. If the Grantor becomes delinquent in payment of said taxes or assessments, such that a lien against the land is created, the Grantee, at its option, shall, after written notice to the Grantor, have the right to purchase and acquire the Grantor's interest in said Easement Areas, or to take such other actions as may be necessary to protect the Grantee's interest in the Easement Areas and to assure the continued enforceability of this Conservation Restriction / Easement.

24. Miscellaneous.

- a. The laws of the State of New Jersey shall govern the interpretation and performance of this Conservation Restriction / Easement.
- b. If any provision of this Conservation Restriction / Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction / Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.
- c. This Conservation Restriction / Easement and the Permit set forth the entire agreement of the parties with respect to the Conservation Restriction / Easement and supersede all prior discussions, negotiations, understandings or agreements relating to the easement, all of which are merged herein. No alteration or variation of this Conservation Restriction /Easement shall be valid or binding unless contained in a writing executed by the parties hereto.
- d. Should there be more than one Grantor, the obligations imposed by this Conservation Restriction / Easement upon each Grantor shall be joint and several.
- e. The covenants, terms, conditions and restrictions of this Conservation Restriction / Easement shall be binding upon, and inure to the benefit of, the parties hereto and all parties having or acquiring any right, title or interest in any portion of the Property, including holders of subdivision deeds, and shall continue as a servitude running in perpetuity with the Property.
- f. The captions in this Conservation Restriction / Easement have been inserted solely for convenience of reference and are not a part of this Conservation



## GRANT OF CONSERVATION RESTRICTION/EASEMENT

Restriction / Easement and shall have no effect upon construction or interpretation.

- g. Execution of this Conservation Restriction / Easement does not constitute a waiver of the rights or ownership interest of the State of New Jersey in public property or under the Public Trust Doctrine.
25. The Grantor reserves unto itself the right to undertake de minimis modifications of the Easement Area that are approved by the Grantee. The Grantee may approve the modification under the following conditions and with the following documentation:
- a. The modification results in an increased level of protection of the regulated resource; or
  - b. The modification results in equivalent areas of resources protected; and
  - c. The modification does not compromise the original protected resource.
26. If the Grantee approves the Grantor's proposed modification, the Grantor shall amend this instrument by preparing and submitting to the Grantee for review and approval:
- a. A revised Plan and Metes and Bounds description for the area to be preserved under the modified Conservation Restriction / Easement (hereinafter the "Modification Documents"); and
  - b. An Amended Conservation Restriction / Easement that reflects the modifications to this original Conservation Restriction / Easement, the justification for the modification, and that also includes the deed book and page of the title deed for the property or properties subject to the modified Conservation Restriction / Easement set forth in the Modification Documents.
27. The Grantor shall record the documents listed in paragraph 26, above, in the same manner and place as this original Conservation Restriction / Easement was recorded.
28. This Grant of Conservation Restriction /Easement may only be removed pursuant to N.J.S.A. 13:8B-1 et seq.

GRANT OF CONSERVATION RESTRICTION/EASEMENT

**TO HAVE AND TO HOLD** unto the State of New Jersey, Department of Environmental Protection, its successors and assigns forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Restriction / Easement shall not only be binding upon the Grantor but also its agents, personal representatives, assigns and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the Property.

**IN WITNESS WHEREOF**, the Grantor has set its hand and seal on the day and year first above written, and directs that this instrument be recorded in the office of the \_\_\_\_\_ County Clerk.

\_\_\_\_\_ (Grantor)

\_\_\_\_\_ (signature names and title)

ATTEST:

\_\_\_\_\_  
, Secretary

(Seal)

GRANT OF CONSERVATION RESTRICTION/EASEMENT

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Be it remembered that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the subscriber, a Notary Public of New Jersey, personally appeared: \_\_\_\_\_, and he thereupon acknowledged that he signed the foregoing instrument (*in such capacity, that the seal affixed to said instrument is the corporate seal of said corporation*), and that said instrument is the voluntary act of deed of said person (*or corporation, made by virtue of authority from its Board of Directors*).

\_\_\_\_\_  
\_\_\_\_\_

A Notary Public of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

- Attachemnts: Easement Area Plan
- Legal Description of Easement Area
- Maintenance Plan
- NJDEP Approved Permit

GRANT OF CONSERVATION RESTRICTION/EASEMENT

**EXHIBIT A  
EASEMENT AREA PLAN**

GRANT OF CONSERVATION RESTRICTION/EASEMENT

**EXHIBIT B**  
**LEGAL DESCRIPTION OF EASEMENT AREA**

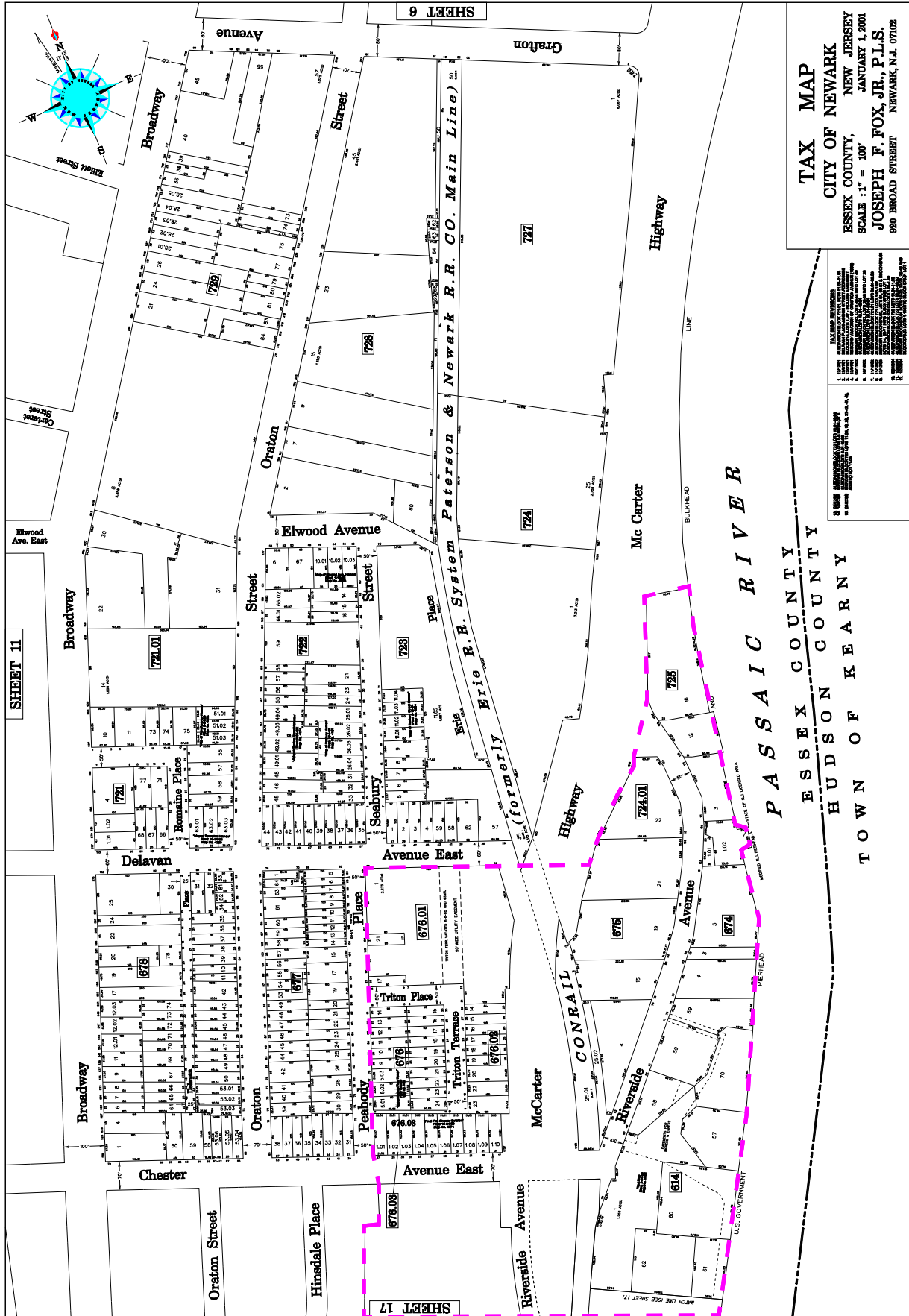
GRANT OF CONSERVATION RESTRICTION/EASEMENT

**EXHIBIT C  
MAINTENANCE PLAN**

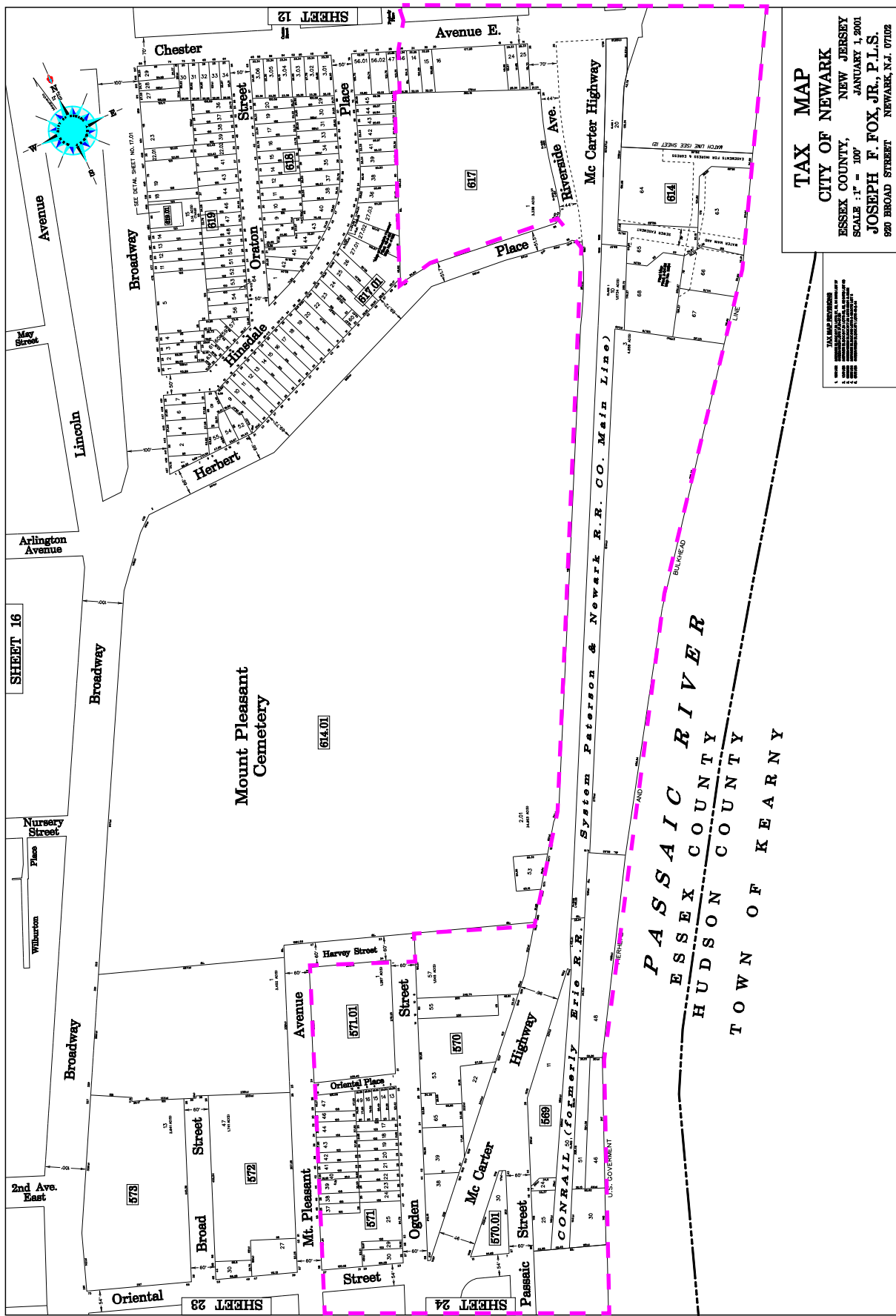
1. Grantor agrees to maintain the Easement Areas at Grantor's expense.
2. Parking spaces reserved for the public cannot be removed without prior written approval by the Department.
3. "Maintenance" includes:
  - (a) removal of snow, ice, leaves, litter, debris, graffiti, and unauthorized signage from the Easement Areas,
  - (b) regular emptying of trash receptacles,
  - (c) maintaining the surface of the Easement Areas and the area underneath in good repair, reconstruction of any portion of the Easement Areas that may be necessary due to deterioration or destruction of the Easement Areas due to any cause including but not limited to wear and tear, fire, storm, subsidence or flood,
  - (d) maintenance and regular cleaning of drainage basins, grates or any other structure that may be designed to receive surface water runoff from the Easement Areas, maintenance of any lighting fixtures, trash receptacles and benches appearing on the final plans approved by the Department in writing pursuant to Permit No. \_\_\_\_\_ or any permit subsequently issued by the Department regulating the Property, and any other action consistent with these obligations which is necessary to effectuate permanent and convenient public access to the Easement Areas.

GRANT OF CONSERVATION RESTRICTION/EASEMENT

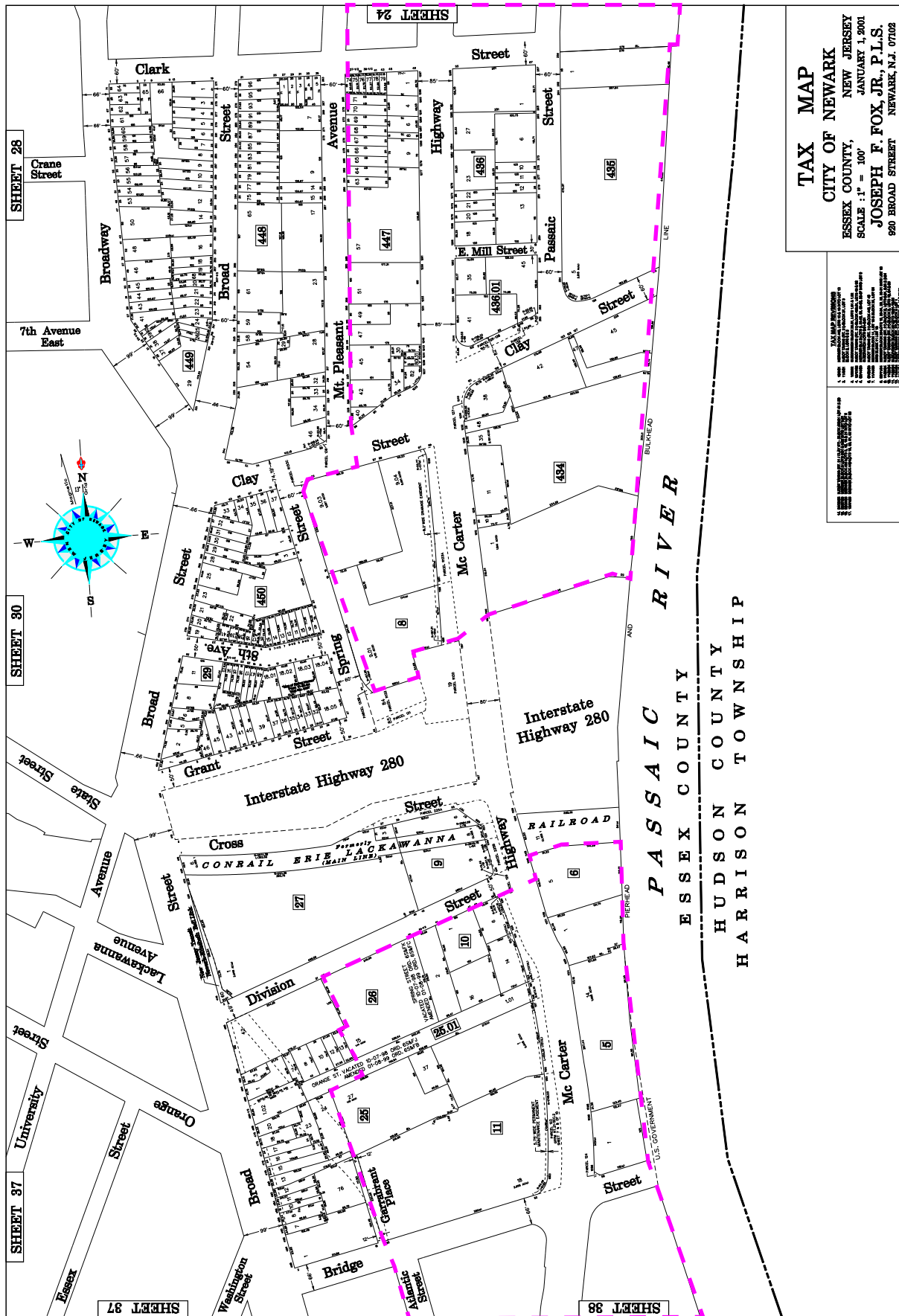
**EXHIBIT D**  
**PERMIT NO. \_\_\_\_\_**









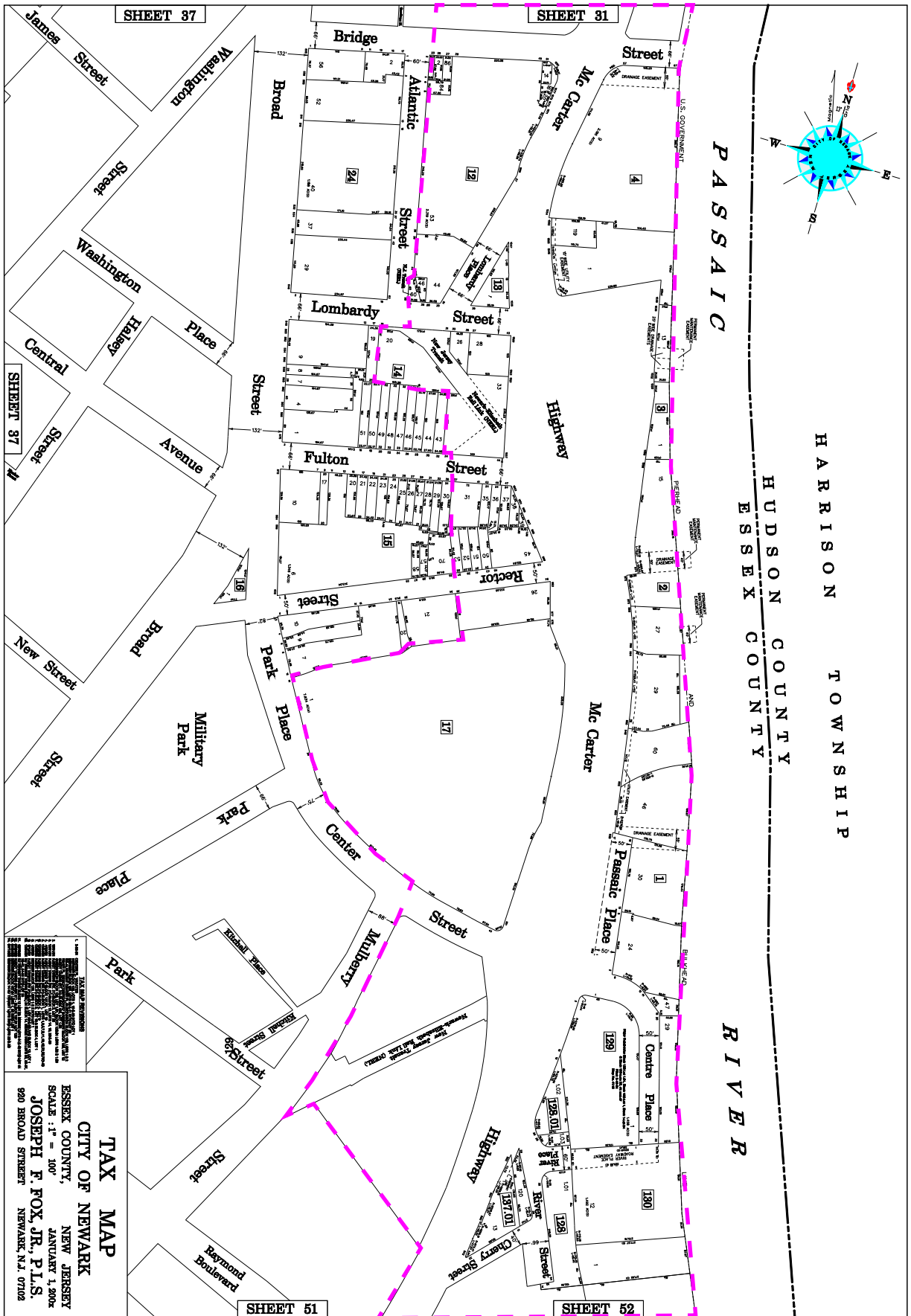


--- PLAN BOUNDARY

**TAX MAP**  
**CITY OF NEWARK**  
 ESSEX COUNTY, NEW JERSEY  
 SCALE: 1" = 100'  
 JANUARY 1, 2001  
**JOSEPH F. FOX, JR., P.L.S.**  
 920 BROAD STREET NEWARK, N.J. 07102

**LEGEND**

- 1. TAX MAP BOUNDARY
- 2. TAX MAP LOT BOUNDARY
- 3. TAX MAP LOT NUMBER
- 4. TAX MAP LOT AREA
- 5. TAX MAP LOT PERMITS
- 6. TAX MAP LOT TAXES
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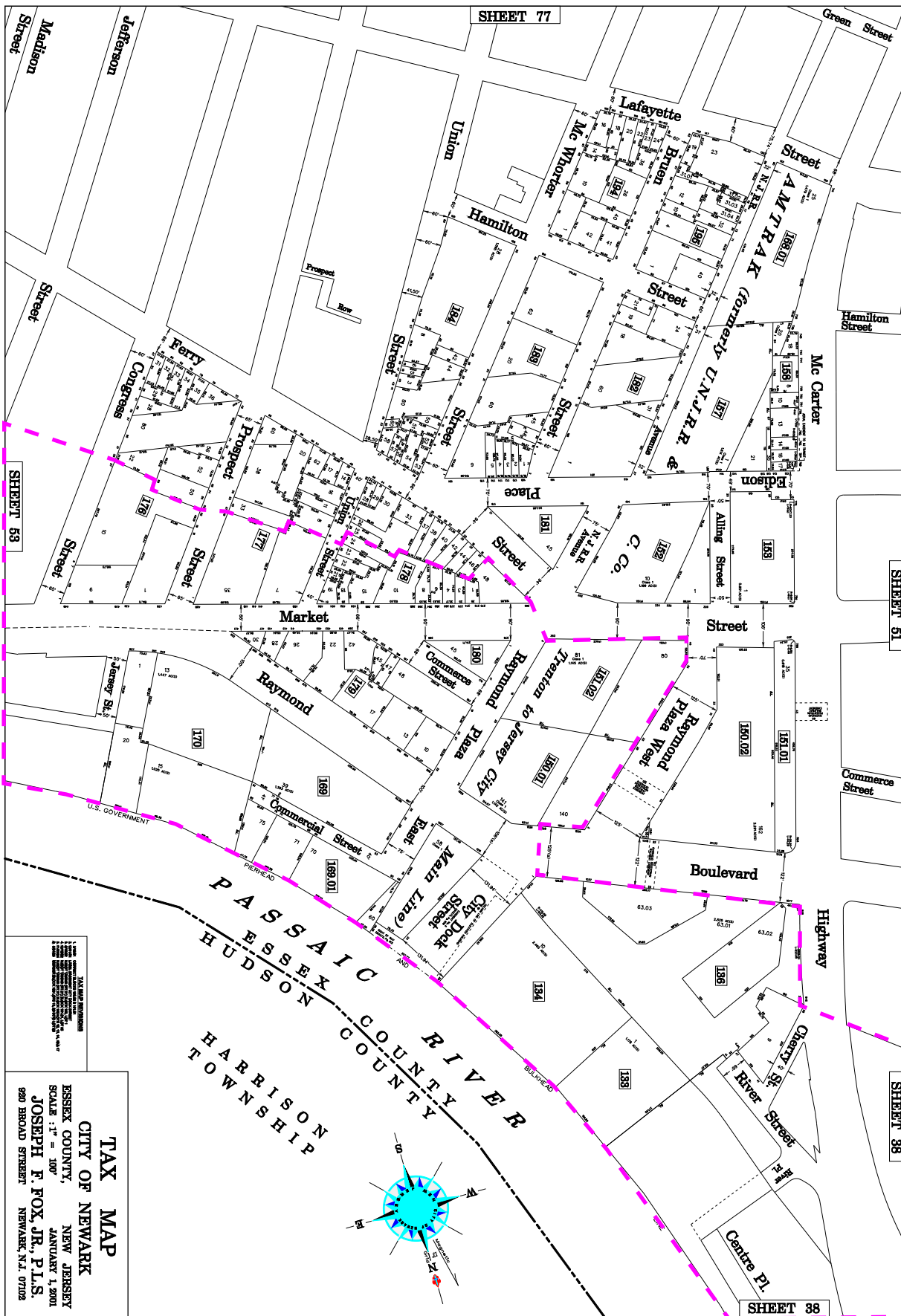


**TAX MAP**  
 CITY OF NEWARK  
 ESSEX COUNTY, NEW JERSEY  
 SCALE: 1" = 100'  
 JOSEPH F. FOX, JR., P.L.S.  
 920 BROAD STREET  
 NEWARK, N.J. 07102

— — — — — PLAN BOUNDARY

38

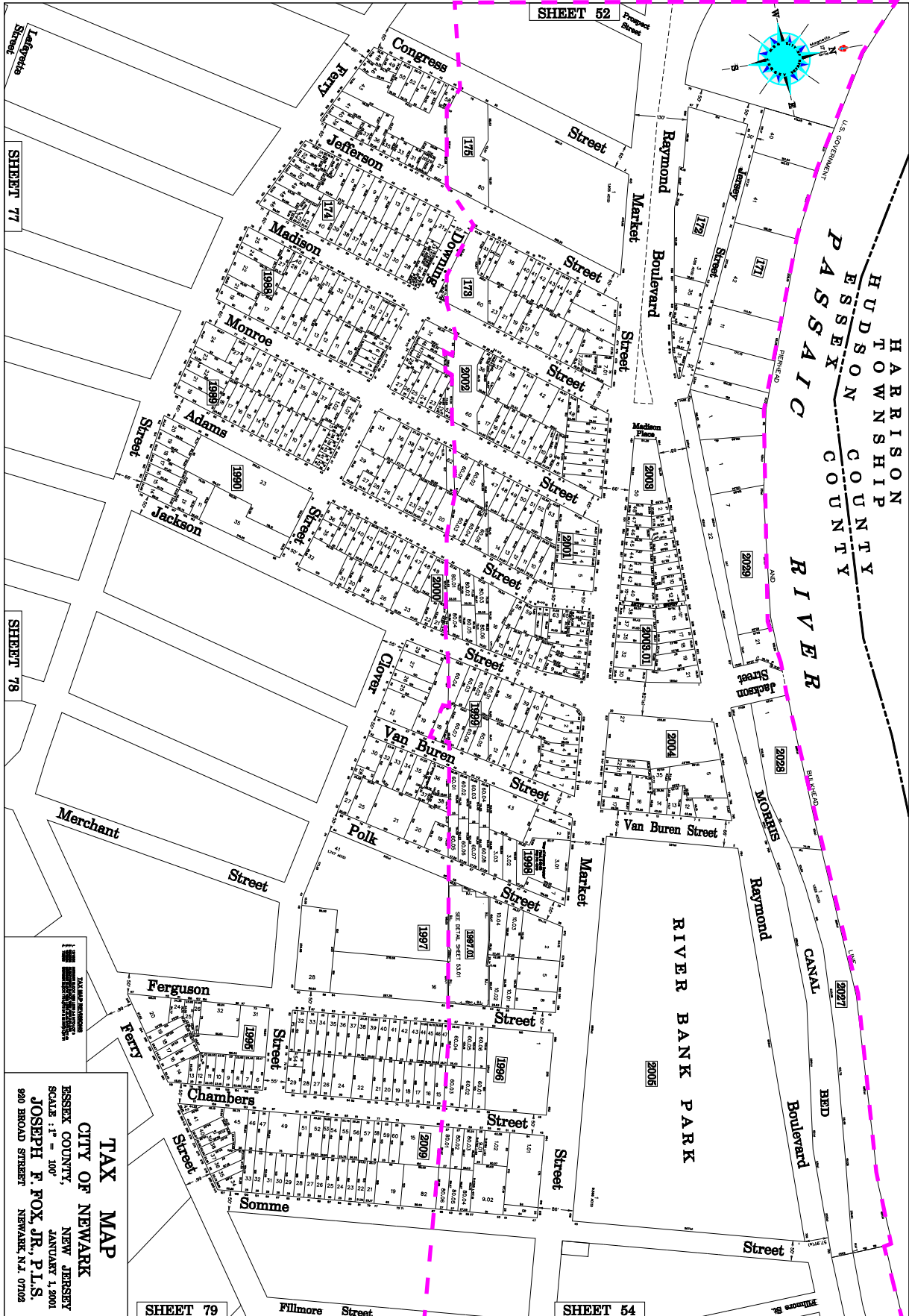
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PLAN BOUNDARY

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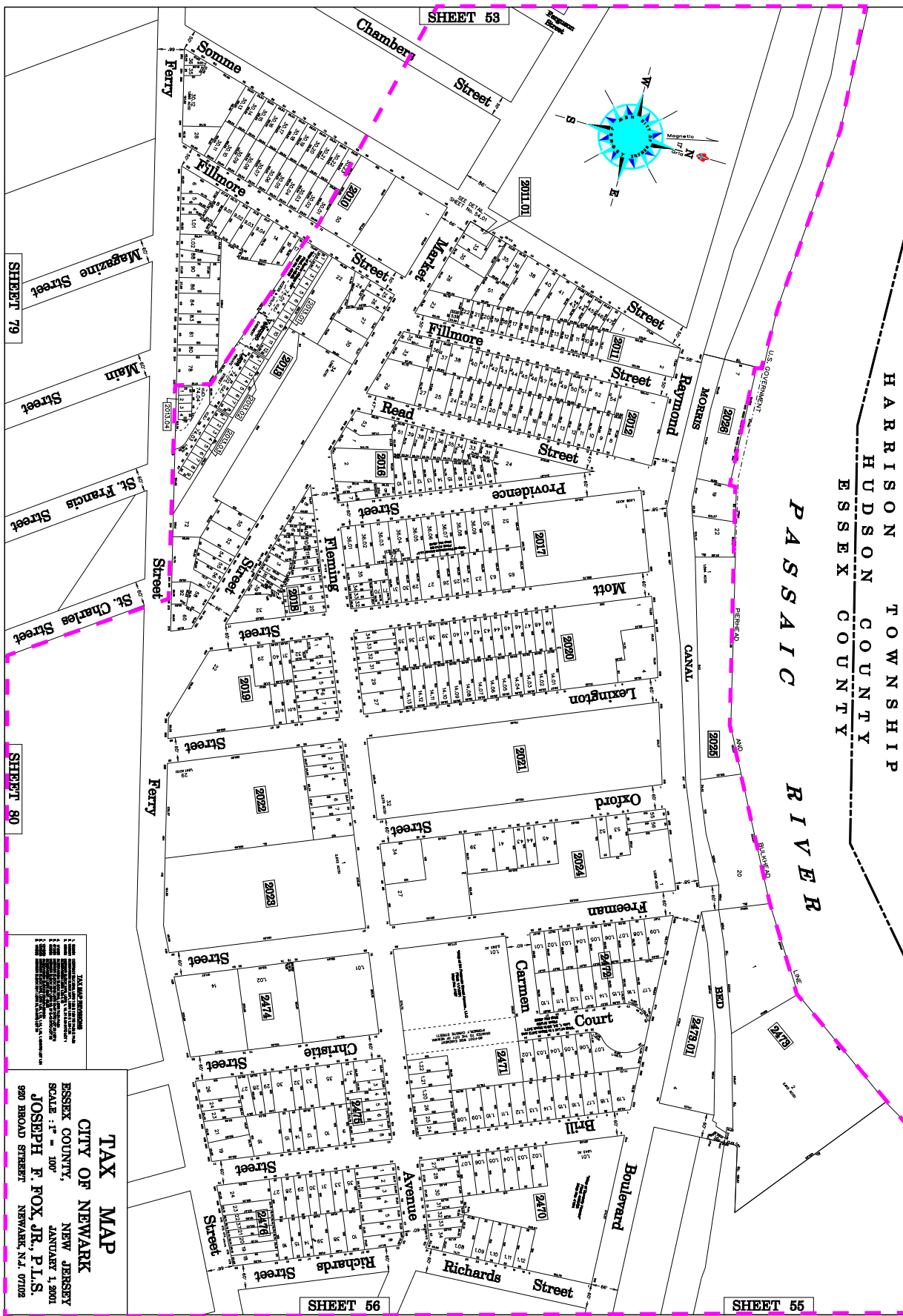


**TAX MAP**  
**CITY OF NEWARK**  
 ESSEX COUNTY, NEW JERSEY  
 SCALE: 1" = 100'  
 JANUARY 1, 2001  
**JOSEPH F. FOX JR., P.L.S.**  
 920 BROAD STREET  
 NEWARK, N.J. 07102

--- PLAN BOUNDARY

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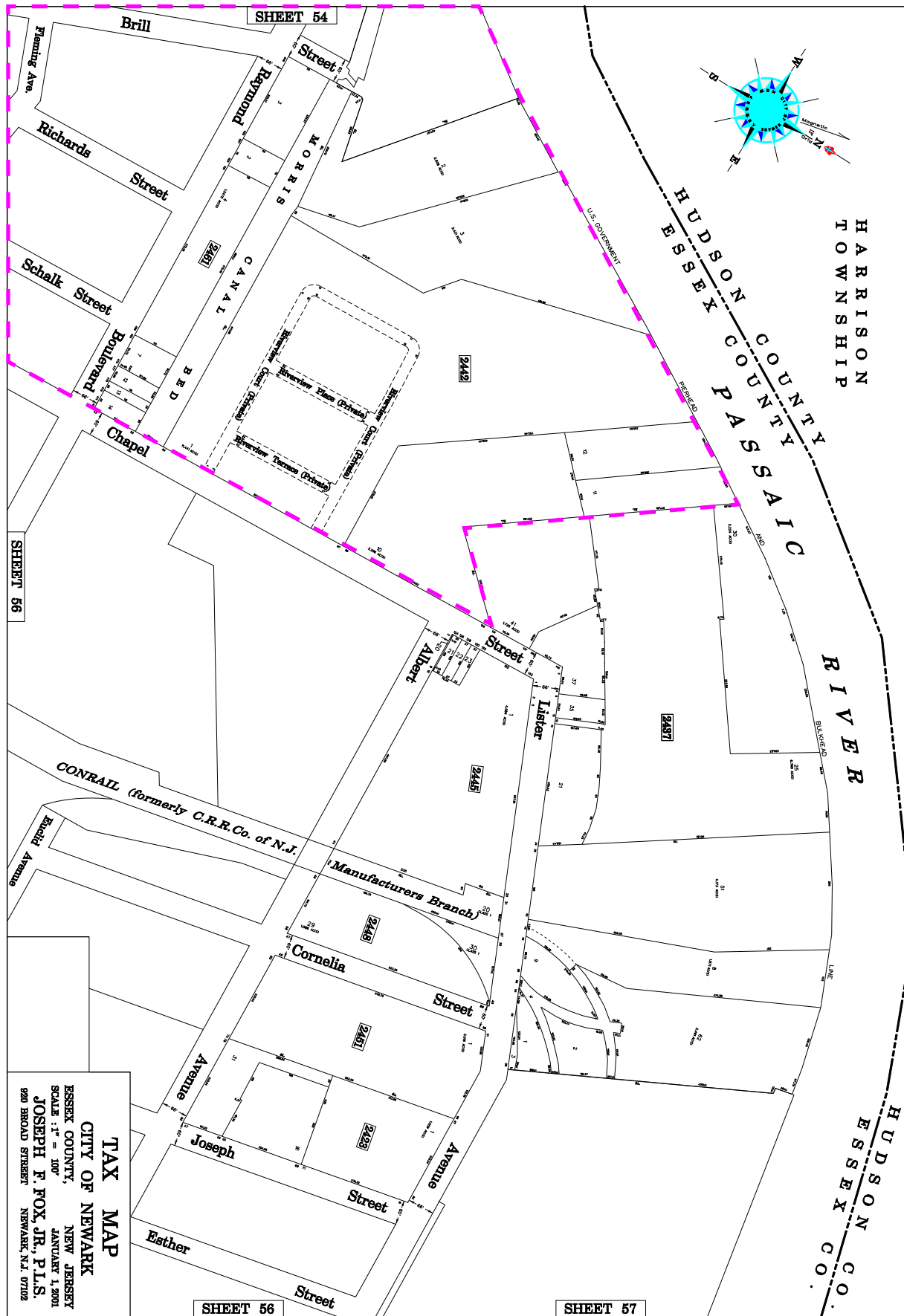
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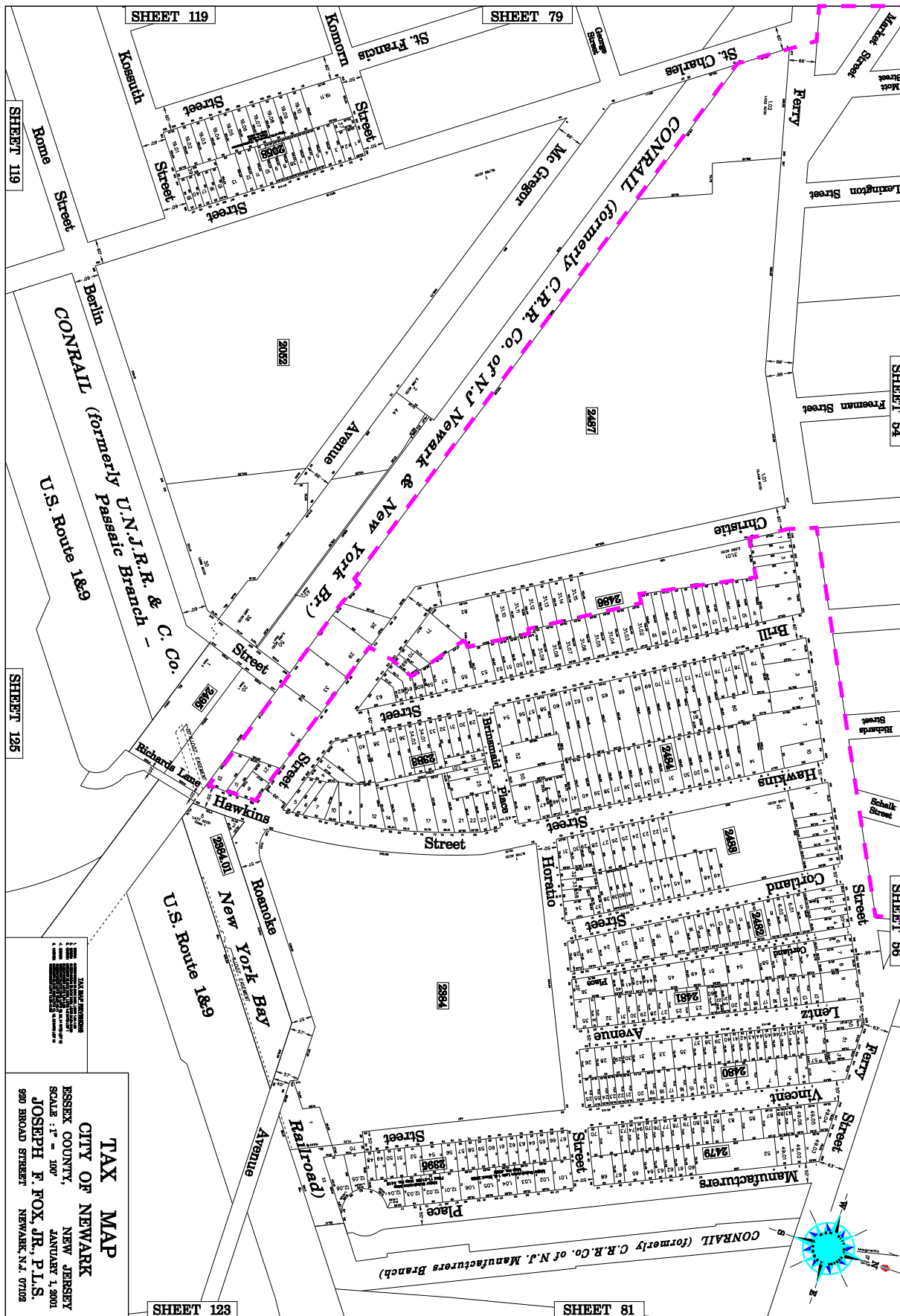
**TAX MAP**  
**CITY OF NEWARK**  
 ESSEX COUNTY, NEW JERSEY  
 SCALE: 1" = 100'  
 JOSEPH F. FOX, JR., P.L.S.  
 920 BROAD STREET, NEWARK, N.J. 07102

--- PLAN BOUNDARY





# Appendix E. City of Newark Tax Maps



**TAX MAP**  
**CITY OF NEWARK**  
 ESSEX COUNTY, NEW JERSEY  
 SCALE: 1" = 100'  
 JOSEPH F. FOX, JR., P.I.S.  
 920 BRADDOCK STREET, NEWARK, N.J. 07102

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