

19-329
B-133

An ordinance amending and supplementing
Chapter 196 (Zoning) of the municipal code of the
City of Hoboken for Commercial Business
Districts

Introduced, passed first reading as read and laid
on the table for further consideration of the
council at its next meeting to be held on May 1,
2019 at 7pm.

City Clerk
4/17/2019

Carried to the May 15, 2019 Council Meeting.

City Clerk
5/1/2019

Passed second and final reading.

City Clerk
5/15/2019

Ordinance #6 1st
4-17-19 Reading

SPONSORED BY MD
SECONDED BY JPD

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 196
(ZONING) OF THE MUNICIPAL CODE OF THE CITY OF HOBOKEN FOR
COMMERCIAL BUSINESS DISTRICTS**

WHEREAS, it is in the City's best interest to update the Zoning Ordinance to reflect modern issues, applications, conditions and language consistent with the purpose and intent of the City's Master Plan, Master Plan Reexamination Report and 2018 Master Plan Land Use Element; and,

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Hoboken, County of Hudson, State of New Jersey, as follows:

AMENDMENT

Throughout the document, deletions to the current ordinance are noted in ~~strikethrough~~, additions to the current ordinance are noted in underline.

SECTION ONE:

Chapter 196, Article II "Definitions", of the Code of the City of Hoboken is amended as follows (only those definitions that appear here are amended, all other definitions in Article II shall remain unchanged);

BAR

~~A place of business duly licensed by the Alcoholic Beverages Control Board for the sale and on premises consumption of alcoholic beverages by the drink as the principal or primary use, whether or not food service is also provided.~~

BAR or TAVERN

CLASS I - A place of business duly licensed by the Alcoholic Beverage Control Board primarily devoted to the sale of alcoholic beverages for consumption on the premises with an assigned occupancy of more than 50 persons and where 30% or more of the customer service floor area is based on standing occupancy; this is separate and distinct from "restaurants" as defined herein. A Class I Bar or Tavern may feature live music, dancing or other entertainment subject to approval under their ABC license.

CLASS II - A place of business duly licensed by the Alcoholic Beverage Control Board devoted to the sale of alcoholic beverages for consumption on the premises but with an assigned occupancy of 50 persons or less. A Class II Bar or Tavern may feature live music or other entertainment subject to approval under their ABC license.

COMMERCIAL USE

SPONSORED BY
RECORDS

~~This use category shall include retail or personal services and establishments; office buildings; automotive and allied sales and services; business services and similar uses. With the exception of commercial uses within a Planned Development, this definition shall not include such commercial uses as are otherwise specifically mentioned for any district. This definition shall also not include any uses as may generate noise, traffic, fumes, glare or maintenance and storage problems different in kind or degree from the commonly experienced impact of the above included uses.~~

COMMERCIAL

A generic or umbrella term used to identify uses and/or buildings that are non-residential in nature. Because the term is broad, for purposes of zoning, "commercial" by itself is not considered a use. Therefore, individual uses and groups of uses are specifically identified herein for purposes of administering this chapter. See Use Table in §196-19.E.

COMMERCIAL BUILDING

A building that contains only non-residential uses such as buildings containing restaurants, bars, recreational facilities, retail businesses and services, professional offices, or a combination thereof but no residential uses.

COMMERCIAL RECREATION

A place designed and equipped for the conduct of sports and leisure-time activities, operated as a business with an associated fee, and open to the public. Examples of Commercial Recreation might include bowling centers, billiard/pool halls, sports simulator facilities, eSport gaming and other similar facilities.

EVENT SPACE

A commercial venue available for rent or that may be otherwise retained for the exclusive purpose of hosting a planned activity scheduled to occur at a specific time, such as a wedding, birthday party or business conference. Alternatively, a venue that may be rented to a private group or individual to conduct an event, where the purpose of the event is unrelated to the approved use of the host venue and is therefore not accessory to the underlying principal use, is required to obtain secondary use approval as an Event Space and shall meet the requirement of both an Event Space any of the underlying principal use. Excluded from this use are locations where there is an approved full-time principal use where an event may be hosted that is accessory to the principal use such as a book signing event at a bookstore or a private dinner party at a restaurant.

MIXED-USE BUILDING

A building that contains both residential and commercial uses in which the residential use is located on a floor or floors above the commercial use or uses. Residential and commercial uses shall have separate entrances, and no residential dwelling unit shall be located below or on the same floor as a commercial use.

NIGHTCLUB

An establishment where music, dancing or other forms of entertainment are conducted and/or a place of business so licensed by the Alcoholic Beverage Control Board where the standing room occupancy exceeds 200 persons.

~~This use category shall include retail or personal services and establishments; office buildings; automotive and allied sales and services; business services and similar uses. With the exception of commercial uses within a Planned Development, this definition shall not include such commercial uses as are otherwise specifically mentioned for any district. This definition shall also not include any uses as may generate noise, traffic, fumes, glare or maintenance and storage problems different in kind or degree from the commonly experienced impact of the above included uses.~~

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OFFICE

A place for the transaction of business where reports are prepared, records kept and services rendered but where no retail sales are offered and where no manufacturing, assembly or fabricating takes place.

OFFICES

A room or group of rooms used for conducting the affairs of a licensed professional, general business, service industry or government such as lawyers, accountants, travel agencies, insurance or real estate sales, engineers, architects, doctors, dentists, marketing, consulting, not-for-profit organizations, and similar occupations. An Office use shall not include fabrication or assembly of tangible products that are not directly related to the principal use or that are intended for sale to the general public.

OPEN SPACE

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such "open space," provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

PARKS and OPEN SPACE

Any parcel or area of land or water acquired by or transferred to the City or set aside, dedicated, designated, or reserved by a legal instrument for public use or enjoyment. This does not include private open areas associated with a building or structure such as a roof terrace, courtyard, or plaza unless such area is designated as a shared public asset by the City of Hoboken for use by the general public.

RECREATION

- (1) ~~RECREATION, COMMERCIAL~~ Recreation facilities operated as a business and open to the general public for a fee and where no alcoholic beverages are served and no live entertainment is conducted.
- (21) ~~RECREATION, PRIVATE; NONCOMMERCIAL~~ Clubs or recreation facilities, operated by a for-profit or non-profit organization and open only to bona fide members of such club or nonprofit organization.
- (32) ~~RECREATION, PUBLIC;~~ Recreation facilities operated as a nonprofit enterprise by the City of Hoboken, any other governmental entity, or any non-profit entity ~~or any nonprofit organization~~ and open to the general public.

See also *Commercial Recreation*.

RESIDENTIAL BUILDING

A principal building in a residential zoning district designed for use as a one- to three-family or multifamily dwelling.

RESIDENTIAL BUILDING

A generic term describing a structure containing one or more dwelling units; no commercial activity, except for a permitted home-based business, shall be conducted in a residential building without prior approval for change of use.

RESTAURANT

~~A building or portion thereof where food and beverages are sold for consumption on the premises as the principal or primary use.~~

RESTAURANT

Any physical establishment, however designated, whose principal purpose is the preparation, sale, and/or service of food and beverages to the public.

CLASS I - A full-service restaurant with an occupancy of more than 75 patrons with a primary function and operation of the preparation and service by employees of meals to customers seated at a counter, bar, or table where the meal is consumed, and where take-out may be accessory to the principal use. A Class I restaurant may, on occasion, feature live music or other entertainment provided there is no interruption of food service to patrons.

CLASS II – A full-service restaurant with an occupancy of 75 or less patrons with a primary function and operation of the preparation and service by employees of meals to customers seated at a counter, bar or table where the meal is consumed, and where take-out may be accessory to the principal use. A Class II restaurant may, on occasion, feature live music or other entertainment provided there is no interruption of food service to patrons. Examples of a Class II restaurant might include a neighborhood bistro, pizzeria, or pub.

CLASS III - A restaurant with limited on-site seating with a primary function of the preparation and sale of non-alcoholic beverages and food that, may or may not have been cooked on site but, is prepared for consumption as part of an operation that may be principally for take-out or delivery service. Examples of a Class III restaurant might include a deli, bakery café, coffee or tea shop, fast-food restaurant or ice cream parlor.

CLASS IV - A restaurant with limited or no seating and no customer facilities, that serves only non-alcoholic beverages and snacks principally to-go, and where no cooking or food preparation is to be done on site. Beverages may be made, and snacks may be warmed, using table-top appliance but where no household or commercial cooking equipment is installed. Examples might include a juice bar or to-go coffee shop.

RETAIL BUSINESS OR SERVICE

~~This use category shall include retail or personal service establishments, such as appliance sales and services; banks; bakeries, food stores and supermarkets; barbershops and beauty parlors; pharmacy, book, card and stationery stores; candy and tobacco shops; dry goods and variety stores; department and clothing stores; florists and garden supply stores; hardware stores; newspaper and periodical vendors; business and professional offices; package liquor stores; photographic supplies, services; tailors and dressmakers; and similar uses. With the exception of retail business or service uses within a planned development, this definition shall not include such retail and personal service establishments as are otherwise specifically defined in this chapter or specifically mentioned for any district and shall not include such uses as may generate noise, traffic, fumes, glare or maintenance and storage problems different in kind or degree from the commonly experienced impact of above included users. Dry cleaning establishments, drop-off, shall be permitted in any~~

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~~district permitting retail business services. Dry cleaning establishments, on premises, shall be permitted only in Zoning Districts I-1 and I-2.~~

RETAIL BUSINESS

An establishment, not otherwise specifically defined in this Section, engaged in the sale or rental of consumer goods to individual customers.

RETAIL SERVICE

An establishment, not otherwise specifically defined in this Section, providing services, as opposed to products, to the general public for personal or household use.

SECTION TWO:

Chapter 196, Article III “Zoning Districts Established”, §196-7 “Designation of Districts and Historic Sites” of the Code of the City of Hoboken is amended as follows:

§ 196-7 Designation of districts and historic sites.

A. Zoning districts established in fulfillment of the purposes of this chapter are designated as follows:

- R-1 Residence District (Conservation)
- ~~R-1(E) Higher Education Subdistrict~~
- ~~R-1(CS) Court Street Subdistrict~~
- R-1(H)(CPT) Castle Point Historic Subdistrict
- R-2 Residence District (Stabilization)
- R-3 Residence District (Redevelopment)
- I-1 Industrial District (Light Manufacturing)
- I-1(W) Waterfront Subdistrict
- I-2 Industrial District (Mixed-Use)
- ~~CBD Central Business District~~
- ~~CBD(H) Historic Subdistrict~~
- ~~CBD(H)(CS) Court Street Subdistrict~~
- C-1 Commercial – Hoboken Terminal District
- C-2 Commercial – Central Business District
- C-3 Commercial – Neighborhood Business District
- W(RDV) Waterfront Redevelopment Subdistrict (Special Review)
- W(H) Historic Subdistrict (Waterfront)
- W(N) Castle Point Subdistrict
- U University District

- B. Historic sites established in fulfillment of the purposes of this chapter shall be designated by the Historic Preservation Commission, Mayor and City Council and are so set forth in Chapter 42 of this Code.

SECTION THREE:

Chapter 196, Article V, Schedule I: Residential Districts, §196-14 of the Code of the City of Hoboken is amended as follows:

§ 196-14. R-1 District; ~~R-1(E) Subdistrict; R-1(CS) Overlay District; R-1(H)(CPT).~~

- A. Purpose.

- (1) R-1 District. The purpose of this district is to conserve the architecture, scale and grain of residential blocks and street patterns; to reinforce the residential character of the district; acknowledge the traditional relationship between Stevens Institute, adjacent residential neighborhoods and neighborhood retail businesses and services; to regulate those buildings and activities not comparable with district objectives.
- ~~(2) R-1(E) Subdistrict. The purpose of the educational subdistrict is to acknowledge the interaction between Stevens Institute and the remainder of the R-1 District while at the same time modifying the specific conditions of this zoning district within the subdistrict boundaries shown on the Zoning Map in recognition of the unique requirements of an institution of higher learning, which may be inconsistent with standards prevailing elsewhere in the district. The design of buildings and uses in the R-1(E) Subdistrict, particularly in portions of the buildings and uses in the R-1(E) Subdistrict, particularly in portions of the subdistrict adjacent to the R-1 District, shall be integrated with the prevailing character of adjacent districts, streets, buildings and uses. The higher education subdistrict appears on the Zoning Map superimposed on the R-1 District, and its regulations supplement those of the district on which it is superimposed.~~
- ~~(3) R-1(CS) Subdistrict. The purpose of the Court Street subdistrict is to preserve the architecture and scale of accessory structures fronting on Court Street, to encourage residential use, to control height and density in relation to limited utility service and fire fighting accessibility, to limit automobile through traffic, to encourage pedestrian use and to otherwise reinforce the scale and quality of this district.~~
- (42) R-1(H)(CPT) Subdistrict. The purpose of the Castle Point Historic Subdistrict is to reinforce and safeguard the heritage of this area which has been one of the most prestigious neighborhoods in Hoboken. This subdistrict which is also designated the "Castle Point Historic District" is distinguished by being the only neighborhood in the City typified by large, freestanding one- and two-family homes. Through architectural and bulk controls, the height and density will be limited to maintain the historic character.

- B. Principal permitted uses shall be as follows.

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- ~~(2) R-1(E) Subdistrict. The purpose of the educational subdistrict is to acknowledge the interaction between Stevens Institute and the remainder of the R-1 District while at the same time modifying the specific conditions of this zoning district within the subdistrict boundaries shown on the Zoning Map in recognition of the unique requirements of an institution of higher learning, which may be inconsistent with standards prevailing elsewhere in the district. The design of buildings and uses in the R-1(E) Subdistrict, particularly in portions of the buildings and uses in the R-1(E) Subdistrict, particularly in portions of the subdistrict adjacent to the R-1 District, shall be integrated with the prevailing character of adjacent districts, streets, buildings and uses. The higher education subdistrict appears on the Zoning Map superimposed on the R-1 District, and its regulations supplement those of the district on which it is superimposed.~~
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- B. Principal permitted uses shall be as follows.

- (1) R-1 District:
 - (a) Residential buildings.
 - (b) Retail businesses and services in accordance with § 196-33 of this chapter.

~~(2) R-1(E) Subdistrict:~~

- ~~(a) Colleges, universities or other institutions of higher learning, including buildings owned or leased for administration and faculty offices, classrooms, laboratories, chapels, auditoriums, and lecture halls with less than 100 seats, libraries, student and faculty centers, dining halls, campus stores, athletic facilities and dormitories, fraternities, sororities and their houses but excluding uses listed in § 196-14D(2).~~
- ~~(b) Residential buildings for faculty and staff.~~

~~(3) R-1(CS) Subdistrict as in R-1 District.~~

(42) R-1(H)(CPT) Subdistrict: Detached single-family and two-family residential buildings.

C. Accessory uses shall be as follows:

(1) R-1 District:

- (a) Accessory garages.
- (b) Home occupations.
- (c) Signs. See § 196-31.
- (d) Other uses customarily incident to principal permitted uses and on the same lot.
- (e) Wireless telecommunications antennas subject to §§ 196-26 and 196-35.

~~(2) R-1(E) Subdistrict accessory uses customarily incident to principal uses within the subdistrict and wireless telecommunications antennas subject to §§ 196-26 and 196-35.~~

~~(3) R-1(CS) Subdistrict accessory uses customarily incident to principal uses within the subdistrict and wireless telecommunications antennas subject to §§ 196-26 and 196-35.~~

(42) R-1(H)(CPT) Subdistrict:

- (a) Home occupations.
- (b) Other uses customarily incidental to principal permitted uses and on the same lot.

D. Conditional uses shall be as follows:

(1) R-1 District:

- (a) Bars.
- (b) Clubs and community centers.

- (c) Educational uses not otherwise mentioned.
- (d) Essential utilities or public services.
- (e) Funeral homes.
- (f) Instructional uses.
- (g) Clinics and nursing homes.
- (h) Nursery schools.
- (i) Office buildings.
- (j) Places of worship, associated residences and schools.
- (k) Public buildings and uses, such as schools, libraries, parks and playgrounds.
- (l) Professional or business offices, other than home occupations, when located above street level.
- (m) Public parking facilities.
- (n) Restaurants.
- (o) (Reserved)
- (p) Accessory uses customarily incident to a principal permitted use but not on the same lot.

~~(2) R-1(E) Subdistrict:~~

- ~~(a) Auditorium and lecture halls with 100 or more seats.~~
- ~~(b) Hospitals or health clinics.~~
- ~~(c) Physical plant, facilities maintenance and other similar buildings.~~
- ~~(d) Scientific or research laboratories and offices of corporations, institutions and other agencies engaged in the following: research, development, design, management consulting services or experimentation.~~
- ~~(e) Parking facilities whether owned exclusively by Stevens Institute or owned and operated jointly with the City or other governmental entities; such facilities may be accessory, public or a combination of both. Facilities for more than 50 vehicles will be subject to §§ 196-26 and 196-38R.~~

~~(3) R-1 (CS) Subdistrict:~~

- ~~(a) Accessory apartments.~~
- ~~(b) Other uses as in the R-1 District.~~

(42) R-1(H)(CPT) Subdistrict: None.

- E. Area, yard and building requirements for principal and accessory buildings shall be as follows:

- (c) Educational uses not otherwise mentioned.
- (d) Essential utilities or public services.
- (e) Funeral homes.
- (f) Instructional uses.
- (g) Clinics and nursing homes.
- (h) Nursery schools.
- (i) Office buildings.
- (j) Places of worship, associated residences and schools.
- (k) Public buildings and uses, such as schools, libraries, parks and playgrounds.
- (l) Professional or business offices, other than home occupations, when located above street level.
- (m) Public parking facilities.
- (n) Restaurants.
- (o) (Reserved)
- (p) Accessory uses customarily incident to a principal permitted use but not on the same lot.

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- ~~(a) Auditorium and lecture halls with 100 or more seats.~~
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- ~~(c) Physical plant, facilities maintenance and other similar buildings.~~
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- ~~(e) Parking facilities whether owned exclusively by Stevens Institute or owned and operated jointly with the City or other governmental entities; such facilities may be accessory, public or a combination of both. Facilities for more than 50 vehicles will be subject to §§ 196-26 and 196-38R.~~

~~(3) R-1 (CS) Subdistrict:~~

- ~~(a) Accessory apartments.~~
- ~~(b) Other uses as in the R-1 District.~~

~~(4) R-1(H)(CPT) Subdistrict: None.~~

E. Area, yard and building requirements for principal and accessory buildings shall be as follows:

- (1) Lot area, minimum:
 - (a) R-1 District: 2,000 square feet.
 - ~~(b) R-1(E) Subdistrict: 2,000 square feet.~~
 - ~~(c) R-1(CS) Subdistrict: 2,000 square feet.~~
 - (d) R-1(H)(CPT) Subdistrict:
 - [1] One-family: 2,000 square feet.
 - [2] Two-family: 3,000 square feet.

- (2) Lot width, minimum:
 - (a) R-1 District: 20 feet.
 - ~~(b) R-1(E) Subdistrict: 20 feet.~~
 - ~~(c) R-1(CS) Subdistrict: 20 feet.~~
 - (d) R-1(H)(CPT) Subdistrict:
 - [1] One-family: 20 feet.
 - [2] Two-family: 30 feet.

- (3) Lot depth, minimum:
 - (a) R-1 District: 100 feet.
 - ~~(b) R-1(E) Subdistrict: 100 feet.~~
 - ~~(c) R-1(CS) Subdistrict: 100 feet.~~
 - (d) R-1(H)(CPT) Subdistrict: 100 feet.

- (4) Lot coverage maximum:
 - (a) R-1 District: 60%.
 - ~~(b) R-1(E) Subdistrict: 50%.~~
 - ~~(c) R-1(CS) Subdistrict:~~
 - ~~[1] For principal building, 60%.~~
 - ~~[2] For accessory building, 20% or 400 square feet, but in no event shall the distance between principal and accessory buildings be less than 20 feet.~~
 - (d) R-1(H)(CPT) Subdistrict: 60%.

- (5) (Reserved)

- (6) Building height.
 - (a) R-1 District: ~~Principal buildings.~~
 - [1] A maximum height of 40 feet or three stories, whichever is less, is allowed

above design flood elevation as established pursuant to Chapter 104, Flood Damage Prevention, of the Municipal Code. The number of stories shall not be applied to determine building height, but a minimum floor-to-floor height of 10 feet shall be required of all stories above design flood elevation on new construction, including additions to existing structures. Existing structures are grandfathered unless the requirements of Chapter 104 are triggered.

- [2] Where adjacent grade exceeds the design flood elevation, building height shall be permitted up to 40 feet above the elevation of finished grade surrounding the structure, or three stories, whichever is less.
- [3] On a lot where no more than 50 feet of frontage exists between two existing adjacent buildings that both exceed the maximum height permitted for the district (as measured in feet), the new structure may match but shall not exceed the height of the lower of the two buildings. Final height in such a case shall include any front parapet.
- [4] In all areas of special flood hazard, as established in Chapter 104, Flood Damage Prevention, enclosed areas below design flood elevation of a new or substantially improved building shall be usable only for vehicle parking (where otherwise permitted by this chapter), building access, and storage. Where otherwise permitted pursuant to this chapter, a commercial use may also occupy the ground floor, provided that the floor meets the floodproofing standards set forth in Chapter 104.

~~(b) R-1(E) Subdistrict: a maximum of four stories or 40 feet for buildings within 200 feet of any residential district. Otherwise, a maximum of 10 stories or 100 feet.~~

~~(c) R-1 (CS) Subdistrict: 2,000 square feet.~~

~~[1] For principal building, as in the R-1 District.~~

~~[2] For accessory building, one residential story over accessory garage, total height not to exceed 30 feet.~~

~~(d) R-1(H)(CPT) Subdistrict:~~

~~[1] No addition shall be constructed on the front, side or top of an existing building so as to change the architectural style of the front facade; additions may be made to the rear portions of existing structures so long as the addition complies with other bulk requirements and does not exceed 40 feet in height above the grade of the rear yard as measured at the two rear building corners existing at the time of the adoption of this Section.~~

~~[2] New construction shall not exceed the prevailing height as established on the subject blockfront as measured from the average grade of the two front corners of all principal building.~~

(7) Yard dimension, minimum:

(a) R-1 District:

[1] Front: Front yard setback shall be either 0 feet or shall match the setback on

above design flood elevation as established pursuant to Chapter 104, Flood Damage Prevention, of the Municipal Code. The number of stories shall not be applied to determine building height, but a minimum floor-to-floor height of 10 feet shall be required of all stories above design flood elevation on new construction, including additions to existing structures. Existing structures are grandfathered unless the requirements of Chapter 104 are triggered.

- [2] Where adjacent grade exceeds the design flood elevation, building height shall be permitted up to 40 feet above the elevation of finished grade surrounding the structure, or three stories, whichever is less.
 - [3] On a lot where no more than 50 feet of frontage exists between two existing adjacent buildings that both exceed the maximum height permitted for the district (as measured in feet), the new structure may match but shall not exceed the height of the lower of the two buildings. Final height in such a case shall include any front parapet.
 - [4] In all areas of special flood hazard, as established in Chapter 104, Flood Damage Prevention, enclosed areas below design flood elevation of a new or substantially improved building shall be usable only for vehicle parking (where otherwise permitted by this chapter), building access, and storage. Where otherwise permitted pursuant to this chapter, a commercial use may also occupy the ground floor, provided that the floor meets the floodproofing standards set forth in Chapter 104.
- ~~(b) R-1(E) Subdistrict: a maximum of four stories or 40 feet for buildings within 200 feet of any residential district. Otherwise, a maximum of 10 stories or 100 feet.~~
- ~~(c) R-1 (CS) Subdistrict: 2,000 square feet.~~
- ~~[1] For principal building, as in the R-1 District.~~
 - ~~[2] For accessory building, one residential story over accessory garage, total height not to exceed 30 feet.~~
- ~~(d) R-1(H)(CPT) Subdistrict:~~
- [1] No addition shall be constructed on the front, side or top of an existing building so as to change the architectural style of the front facade; additions may be made to the rear portions of existing structures so long as the addition complies with other bulk requirements and does not exceed 40 feet in height above the grade of the rear yard as measured at the two rear building corners existing at the time of the adoption of this Section.
 - [2] New construction shall not exceed the prevailing height as established on the subject blockfront as measured from the average grade of the two front corners of all principal building.
- (7) Yard dimension, minimum:
- (a) R-1 District:
 - [1] Front: Front yard setback shall be either 0 feet or shall match the setback on

the adjoining lots on either side except that no front yard setback shall exceed 10 feet. On a lot with less than 50 feet of frontage between two existing adjacent buildings that both have a front yard setback greater than 0 feet but equal to or less than 10 feet, the new structure shall match the lesser setback of the two adjacent buildings. Where the lot frontage of a new building is 50 feet or more, the front yard setback may match the lesser adjacent setback or be 0 feet. In any instance, if there are no adjacent structures or both are set back more than 10 feet, the new structure shall be set back 0 feet.

Any fencing, landscaping, architectural feature or stoop extending beyond the property line is subject to the requirements set forth in Chapter 168, Streets and Sidewalks. Where a front yard setback exists or is created, fencing, landscaping, architectural features and stoops within the setback shall not be counted as lot coverage.

[2] Rear: 30 feet or 30% of lot depth, whichever is less. In no event shall the rear building wall of any extension, enlargement or new construction be permitted at a depth greater than 70 feet from the front lot line; rear yard areas are to be landscaped and accessible to occupants and for maintenance purposes.

[3] Side: zero or five feet.

~~(b) R-1(E) Subdistrict:~~

~~[1] Front: prevailing setback where applicable; otherwise, a minimum of 10 feet.~~

~~[2] Rear: 10 feet.~~

~~[3] Side: zero or five feet.~~

~~(c) R-2(CS) Subdistrict: See lot coverage.~~

~~(d) R-1(H)(CPT) Subdistrict:~~

~~[1] Front: minimum of 10 feet.~~

~~[2] Rear: minimum of 30 feet. But in no event shall the rear wall be farther than 75 feet from the front lot line.~~

~~[3] Side: minimum of five feet on one side; zero or minimum of five feet on other side.~~

(8) Density.

(a) ~~R-1 District and R-1(CS) District.~~ Residential density of development of a site will be determined by site area per dwelling unit and maximum number of dwelling units adjusted where necessary for other on-site principal uses as calculated below:

[1] Site area per dwelling unit (SA/DU), minimum: 660 square feet per dwelling unit.

[2] Dwelling units, maximum: site area divided by 660.

[3] Where principal uses in addition to residential are proposed for the subject building (such as retail or office), the percentage of total permitted floor area

occupied by the nonresidential use shall be applied against the maximum number of dwelling units and the residential units shall be reduced thereby, except as specified below. Any fraction shall be equivalent to a whole dwelling unit. On Washington Street, First Street and Fourteenth Street, nonresidential principal uses located on the ground floor and basement (as permitted elsewhere in this chapter) shall not be deducted from the maximum permitted number of residential units.

(b) R-1(H)(CPT) Subdistrict: only one or two-family homes permitted.

~~(9) Other regulations in the R-1(E) Subdistrict:~~

~~(a) Distance between buildings, minimum: 25 feet, plus one foot for each foot of height that the taller building exceeds 25 feet.~~

~~(b) Building length, maximum: 200 feet. Vertical demarcations shall be required no less than every 50 linear feet of building facade; these may be achieved by a change of color or material, by a stack of bay windows or balconies, or by a vertical "line" created by a variation in the surface of the facade (minimum variation of eight inches). Additional vertical demarcations shall require no less than every 100 linear feet of building facade, which shall be achieved by a variation in the facade not less than four feet in depth.~~

~~(c) Open space ratio, minimum: 50%. On properties with an area of greater than one acre, open space shall be dispersed throughout the property to provide relief to all areas of the entire property and nearby areas.~~

~~(d) Buffer, minimum: a minimum twenty foot wide planted and screened area shall be provided adjacent to any property line of a residential district or use.~~

~~(10) (Reserved)~~

F. Off-street parking shall be as follows:

(1) R-1 District:

(a) None permitted or required for residential use either new or existing. See Article XI.

(b) None permitted on-site for nonresidential use either new or existing. Where such use is located within 800 feet of a public parking facility, the parking requirement shall be satisfied through participation in the Park & Shop Program (or its successor or equivalent program) or other contractual arrangement with the parking operator. See Article XI.

~~(2) R-1(E) Subdistrict:~~

~~(a) For all dormitories or sorority or fraternity houses, at least one off-street parking space for each two beds. For all other residential uses, at least one parking space per dwelling unit.~~

~~(b) For theaters, auditoriums and other similar places of assembly, at least one off-~~

occupied by the nonresidential use shall be applied against the maximum number of dwelling units and the residential units shall be reduced thereby, except as specified below. Any fraction shall be equivalent to a whole dwelling unit. On Washington Street, First Street and Fourteenth Street, nonresidential principal uses located on the ground floor and basement (as permitted elsewhere in this chapter) shall not be deducted from the maximum permitted number of residential units.

(b) R-1(H)(CPT) Subdistrict: only one or two-family homes permitted.

~~(9) Other regulations in the R-1(E) Subdistrict:~~

~~(a) Distance between buildings, minimum: 25 feet, plus one foot for each foot of height that the taller building exceeds 25 feet.~~

~~(b) Building length, maximum: 200 feet. Vertical demarcations shall be required no less than every 50 linear feet of building facade; these may be achieved by a change of color or material, by a stack of bay windows or balconies, or by a vertical "line" created by a variation in the surface of the facade (minimum variation of eight inches). Additional vertical demarcations shall require no less than every 100 linear feet of building facade, which shall be achieved by a variation in the facade not less than four feet in depth.~~

~~(c) Open space ratio, minimum: 50%. On properties with an area of greater than one acre, open space shall be dispersed throughout the property to provide relief to all areas of the entire property and nearby areas.~~

~~(d) Buffer, minimum: a minimum twenty-foot wide planted and screened area shall be provided adjacent to any property line of a residential district or use.~~

~~(10) (Reserved)~~

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(1) R-1 District:

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~~(2) R-1(E) Subdistrict:~~

~~(a) For all dormitories or sorority or fraternity houses, at least one off-street parking space for each two beds. For all other residential uses, at least one parking space per dwelling unit.~~

~~(b) For theaters, auditoriums and other similar places of assembly, at least one off-~~

street parking space for every five seats.

- ~~(c) For all other structures in the subdistrict, exclusive of garages, one off-street parking space for every 1,000 square feet of floor area.~~
- ~~(d) The requirements of this subsection may be complied with by group parking facilities provided within the subdistrict or on space owned or leased for such purpose in other nonresidential districts. Required parking spaces shall be provided for each individual building or use and may not be credited to more than one building or use. Required parking spaces for each building or use shall be provided before issuance of a certificate of occupancy.~~
- ~~(e) In the case of a combination of uses in one building, the off-street parking requirement shall consist of the sum of the sum of the spaces required for each individual use.~~

~~(3) R-1(CS) Subdistrict.~~

- ~~(a) For principal buildings, as in the R-1 District.~~
- ~~(b) For accessory apartments, one off-street parking space in on-site garage below.~~

~~(42) R-1(H)(CPT) Subdistrict: none permitted.~~

~~G. Building facades in the R-1(E) Subdistrict.~~

~~(1) R-1(E) Subdistrict.~~

- ~~(a) Purpose. The purpose of this subsection is to encourage development of buildings located adjacent to residential zones to be sympathetic to and compatible with the adjacent neighborhood.~~
- ~~(b) Application.
 - ~~[1] This subsection shall apply to the facade of any building in the R-1(E) Subdistrict that is located within 100 feet of a residential district.~~
 - ~~[2] Terminology. The word "facade" as used in this section refers to the building wall facing the street. In most instances, this will be the only front wall. In the case of a corner building, the regulations apply to both building walls facing the street.~~~~
- ~~(c) Materials.
 - ~~[1] To be used over at least 75% of the building facade:
 - ~~[a] Standard brick masonry.~~
 - ~~[b] Stone (e.g., brownstone, limestone, sandstone).~~~~
 - ~~[2] To be limited to less than 25% of the building facade:
 - ~~[a] Wood.~~
 - ~~[b] Synthetic stucco systems or exterior insulation and finish systems.~~~~~~

~~[c]—Cement stucco.~~

~~(d) Articulation. Variation in the surface is to be achieved with a combination of some or all of the following features: bay windows, balconies, stoops and vertical and/or horizontal demarcations as outlined below:~~

~~[1] Vertical articulation: vertical demarcations shall be required no less than every 50 linear feet of street facade; these may be achieved by a change of color or material, by a stack of bay windows or balconies, or by a vertical "line" created by a variation in the surface of the facade (minimum variation of eight inches). Additional vertical demarcations shall require no less than every 100 linear feet of street facade, which shall be achieved by a variation in the facade not less than four feet in depth.~~

~~[2] Horizontal articulation: horizontal demarcations shall be required for any building taller than four stories; these may be achieved by such elements as a cornice line, a course of brick or stone which projects or is differently colored or differently laid, or a floor (such as the ground floor) which has a different material from that of the main facade.~~

~~(e) Fenestration:~~

~~[1] All windows shall be inset in the masonry opening a minimum of three inches and shall be operable (i.e., ribbon windows and extensive glazing such as curtain wall construction shall not be permitted).~~

~~[2] The pattern or rhythm of fenestration shall be similar to that of the residential buildings on the balance of the same or opposite blockface to the greatest extent possible.~~

~~[3] Glazing shall represent at least 45% of the total facade area.~~

~~[4] Garage openings and service areas shall not be permitted along any facade as defined in Subsection 196-14 G(2).~~

~~(2) R-1(H)(CPT) Subdistrict. Both new construction and alterations will be subject to the review of the Historic Preservation Commission pursuant to the Secretary of the Interior's Standards for Historic Preservation Projects.~~

~~H.—Sound and lighting standards in the R-1(E) Subdistrict:~~

~~(1) The use of loudspeakers or other public address systems shall be prohibited between 10:00 p.m. and 10:00 a.m.~~

~~(2) Sports lighting for lighted athletic fields may only be used during scheduled games of intercollegiate athletic teams or intramural activities. Any sports lighting shall be set back at least 100 feet from a property line adjacent to a residential district. Lighted athletic fields shall not be illuminated between 10:00 p.m. and 10:00 a.m. Necessary security lighting for such fields may be provided by light fixtures mounted at a height of not more than 20 feet above ground.~~

~~[c] Cement stucco.~~

~~(d) Articulation. Variation in the surface is to be achieved with a combination of some or all of the following features: bay windows, balconies, stoops and vertical and/or horizontal demarcations as outlined below:~~

~~[1] Vertical articulation: vertical demarcations shall be required no less than every 50 linear feet of street facade; these may be achieved by a change of color or material, by a stack of bay windows or balconies, or by a vertical "line" created by a variation in the surface of the facade (minimum variation of eight inches). Additional vertical demarcations shall require no less than every 100 linear feet of street facade, which shall be achieved by a variation in the facade not less than four feet in depth.~~

~~[2] Horizontal articulation: horizontal demarcations shall be required for any building taller than four stories; these may be achieved by such elements as a cornice line, a course of brick or stone which projects or is differently colored or differently laid, or a floor (such as the ground floor) which has a different material from that of the main facade.~~

~~(e) Fenestration.~~

~~[1] All windows shall be inset in the masonry opening a minimum of three inches and shall be operable (i.e., ribbon windows and extensive glazing such as curtain wall construction shall not be permitted).~~

~~[2] The pattern or rhythm of fenestration shall be similar to that of the residential buildings on the balance of the same or opposite blockface to the greatest extent possible.~~

~~[3] Glazing shall represent at least 45% of the total facade area.~~

~~[4] Garage openings and service areas shall not be permitted along any facade as defined in Subsection 196-14 G(2).~~

~~(2) R-1(H)(CPT) Subdistrict. Both new construction and alterations will be subject to the review of the Historic Preservation Commission pursuant to the Secretary of the Interior's Standards for Historic Preservation Projects.~~

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~~(2) Sports lighting for lighted athletic fields may only be used during scheduled games of intercollegiate athletic teams or intramural activities. Any sports lighting shall be set back at least 100 feet from a property line adjacent to a residential district. Lighted athletic fields shall not be illuminated between 10:00 p.m. and 10:00 a.m. Necessary security lighting for such fields may be provided by light fixtures mounted at a height of not more than 20 feet above ground.~~

SECTION FOUR:

Chapter 196, Article VII, Schedule III: Review Districts, §196-19 of the Code of the City of Hoboken is amended as follows:

~~§ 196-19 CBD District; CBD(H) Subdistrict; CBD(H)(CS) Subdistrict; U District.~~

A.—Purpose.

- ~~(1) The purpose of this district is to encourage the location of regional and citywide services and commercial activities; to facilitate the development of buildings for permanent and transient residents appropriate to the proximity of the City's transportation terminal; and to support the objectives of the City's historic district.~~
- ~~(2) The purpose of the Historic Subdistrict is to preserve and enhance the best elements of this subdistrict's traditional character by architectural and other controls; to protect against destruction of or undesirable encroachment upon the area; and to ensure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced. The Historic Subdistrict appears on the Zoning Map superimposed on the CBD Central Business District, and its requirements as set forth below and in Chapter 42 supplement those of the district on which it is superimposed.~~
- ~~(3) The purpose of the Court Street Subdistrict is to preserve the architecture and scale of accessory structures fronting on Court Street, to encourage residential use, to control height and density in relation to limited utility service and firefighting accessibility, to limit automobile through traffic, to encourage pedestrian use and to otherwise reinforce the scale and character of this subdistrict.~~

B.—Principal permitted uses shall be as follows:

- ~~(1) Commercial recreation.~~
- ~~(2) Instructional use.~~
- ~~(3) Office buildings.~~
- ~~(4) Offices, including studios and clinics.~~
- ~~(5) Hotels and motels.~~
- ~~(6) Public buildings and uses, including governmental buildings, administrative offices, parks and plazas.~~
- ~~(7) Residential buildings.~~
- ~~(8) Restaurants and bars.~~
- ~~(9) Retail business or service.~~

C.—Accessory uses.

- ~~(1) Signs. See § 196-31.~~

- ~~(2) Accessory garages.~~
- ~~(3) Home occupations.~~
- ~~(4) Other uses customarily incident to principal permitted uses and on the same lot.~~
- ~~(5) Wireless telecommunications antennas subject to §§ 196-26 and 196-35.~~

~~D. Conditional uses shall be as follows:~~

~~(1) CBD District and CBD(H) Subdistrict:~~

- ~~(a) Public parking garages and lots.~~
- ~~(b) Outdoor uses on public or private property as follows:
 - ~~{1} Restaurants.~~
 - ~~{2} Arts and crafts exhibits.~~
 - ~~{3} Weekly markets.~~~~
- ~~(c) Planned unit residential development.~~
- ~~(d) (Reserved)~~
- ~~(e) Accessory use customarily incidental to a principal permitted use, but not located on the same parcel or, if contiguous, within the same zoning district.~~

~~(2) CBD(H)(CS) Subdistrict:~~

- ~~(a) Accessory apartments.~~
- ~~(b) Home occupations.~~
- ~~(c) Signs.~~

~~E. Area, yard and building requirements for principal and accessory buildings shall be as follows:~~

~~(1) Lot area, minimum:~~

- ~~(a) CBD District: 5,000 square feet.~~
- ~~(b) CBD(H) District: 2,000 square feet.~~
- ~~(c) CBD(H)(CS) Subdistrict: 2,000 square feet.~~

~~(2) Lot width, minimum:~~

- ~~(a) CBD District: 50 feet.~~
- ~~(b) CBD(H) District: 20 feet.~~
- ~~(c) CBD(H)(CS) Subdistrict: 20 feet.~~

~~(3) Lot depth, minimum:~~

- ~~(2) Accessory garages.~~
- ~~(3) Home occupations.~~
- ~~(4) Other uses customarily incident to principal permitted uses and on the same lot.~~
- ~~(5) Wireless telecommunications antennas subject to §§ 196-26 and 196-35.~~

~~D. Conditional uses shall be as follows:~~

~~(1) CBD District and CBD(H) Subdistrict:~~

- ~~(a) Public parking garages and lots.~~
- ~~(b) Outdoor uses on public or private property as follows:
 - ~~[1] Restaurants.~~
 - ~~[2] Arts and crafts exhibits.~~
 - ~~[3] Weekly markets.~~~~
- ~~(c) Planned unit residential development.~~
- ~~(d) (Reserved)~~
- ~~(e) Accessory use customarily incidental to a principal permitted use, but not located on the same parcel or, if contiguous, within the same zoning district.~~

~~(2) CBD(H)(CS) Subdistrict:~~

- ~~(a) Accessory apartments.~~
- ~~(b) Home occupations.~~
- ~~(c) Signs.~~

~~E. Area, yard and building requirements for principal and accessory buildings shall be as follows:~~

~~(1) Lot area, minimum:~~

- ~~(a) CBD District: 5,000 square feet.~~
- ~~(b) CBD(H) District: 2,000 square feet.~~
- ~~(c) CBD(H)(CS) Subdistrict: 2,000 square feet.~~

~~(2) Lot width, minimum:~~

- ~~(a) CBD District: 50 feet.~~
- ~~(b) CBD(H) District: 20 feet.~~
- ~~(c) CBD(H)(CS) Subdistrict: 20 feet.~~

~~(3) Lot depth, minimum:~~

- ~~(a) CBD District: 100 feet.~~
 - ~~(b) CBD(H) District: 100 feet.~~
 - ~~(c) CBD(H)(CS) Subdistrict: 100 feet.~~
 - ~~(4) Lot coverage, maximum:
 - ~~(a) For principal buildings:
 - ~~[1] CBD District:
 - ~~[a] Commercial: 80%.~~
 - ~~[b] Residential or the residential portion of mixed use: 60%. Residential floors in mixed use buildings must be no closer to the rear lot line than 30 feet.~~~~
 - ~~[2] CBD(H) District: 60%.~~~~
 - ~~(b) For accessory buildings:
 - ~~[1] CBD District: not applicable.~~
 - ~~[2] CBD(H) District: 10%.~~
 - ~~[3] CBD(H)(CS) Subdistrict: 20%.~~~~~~
- ~~(5) (Reserved)~~
- ~~(6) Building height, maximum:
 - ~~(a) CBD District: 16 stories or 160 feet.~~
 - ~~(b) CBD(H) Subdistrict: prevailing, but not to exceed five stories.~~
 - ~~(c) CBD(H)(CS) Subdistrict:
 - ~~[1] Principal buildings: as in CBD(H) Subdistrict.~~
 - ~~[2] Accessory apartments: 20 feet above accessory garage for a total of 30 feet.~~~~~~
- ~~(7) Yard dimensions, minimum:
 - ~~(a) Front:
 - ~~[1] CBD District: 10 feet.~~
 - ~~[2] CBD(H) Subdistrict: prevailing, where applicable; otherwise a maximum of five feet.~~
 - ~~[3] CBD(H)(CS) Subdistrict: as in CBD(H).~~~~
 - ~~(b) Side:
 - ~~[1] CBD District: zero or 10 feet.~~
 - ~~[2] CBD(H) Subdistrict: zero or 10 feet.~~
 - ~~[3] CBD(H)(CS) Subdistrict: as in CBD(H).~~~~~~

~~(e) Rear:~~

~~[1] CBD District: 30 feet.~~

~~[2] CBD(H) Subdistrict: 30 feet or 30% of lot depth, whichever is less, but in no event shall a rear building wall be more than 70 feet from the front lot line.~~

~~[3] CBD(H)(CS) Subdistrict: 20 feet or 20% of lot depth.~~

~~(8) Density: residential density of development of a site will be determined by site area per dwelling unit and maximum number of dwelling units adjusted where necessary for other on-site principal uses as calculated below:~~

~~(a) Site area per dwelling unit (SA/DU), minimum: 500 square feet per dwelling unit.~~

~~(b) Dwelling units, maximum: site areas divided by 500.~~

~~(c) Where principal uses other than residential are proposed for the subject building (such as retail or office), the percentage of total permitted floor area occupied by the nonresidential use shall be applied against the maximum number of dwelling units and the residential units shall be reduced thereby. Any fraction shall be equivalent to a whole dwelling unit.~~

~~(d) Where an accessory apartment is added to an existing accessory garage on Court Street, the total number of units on site may exceed the permitted maximum by one unit so long as the proposed accessory apartment meets the other bulk requirements of the district.~~

~~F. Off-street parking and loading shall be as follows:~~

~~(a) CBD District: one parking space per 1,000 square feet of gross floor area per principal permitted nonresidential use; for all other uses see Article XI.~~

~~(b) CBD(H) Subdistrict: One off-street parking space per dwelling unit, except as modified by Article XI; for all other uses see Article XI.~~

~~(c) CBD(H)(CS) Subdistrict: as in CBD(H) Subdistrict.~~

§196-19 Commercial Districts.

A. Districts.

Commercial zones in the City of Hoboken are separated into three distinct Districts. The defined boundaries of these Districts are depicted on the adopted Commercial District Map dated [upon adoption, insert date of adoption], attached hereto and made a part hereof. The Districts are identified as follows:

- (1) C-1: Hoboken Terminal District. The C-1 District is concentrated around the transit hub including blocks 210, 210.01, 211, 211.01, 212.01, 222, 223, 224, 230, and 231.01 excluding designated redevelopment and rehabilitation areas as of the date of the enactment of this amendment.

~~(e) Rear:~~

~~[1] CBD District: 30 feet.~~

~~[2] CBD(H) Subdistrict: 30 feet or 30% of lot depth, whichever is less, but in no event shall a rear building wall be more than 70 feet from the front lot line.~~

~~[3] CBD(H)(CS) Subdistrict: 20 feet or 20% of lot depth.~~

~~(8) Density: residential density of development of a site will be determined by site area per dwelling unit and maximum number of dwelling units adjusted where necessary for other on-site principal uses as calculated below:~~

~~(a) Site area per dwelling unit (SA/DU), minimum: 500 square feet per dwelling unit.~~

~~(b) Dwelling units, maximum: site areas divided by 500.~~

~~(c) Where principal uses other than residential are proposed for the subject building (such as retail or office), the percentage of total permitted floor area occupied by the nonresidential use shall be applied against the maximum number of dwelling units and the residential units shall be reduced thereby. Any fraction shall be equivalent to a whole dwelling unit.~~

~~(d) Where an accessory apartment is added to an existing accessory garage on Court Street, the total number of units on site may exceed the permitted maximum by one unit so long as the proposed accessory apartment meets the other bulk requirements of the district.~~

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~~(a) CBD District: one parking space per 1,000 square feet of gross floor area per principal permitted nonresidential use; for all other uses see Article XI.~~

~~(b) CBD(H) Subdistrict: One off street parking space per dwelling unit, except as modified by Article XI; for all other uses see Article XI.~~

~~(c) CBD(H)(CS) Subdistrict: as in CBD(H) Subdistrict.~~

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- (2) C-2: Central Business District. The C-2 District encompasses:
 - (a) Both sides of Washington Street from 1st Street to 7th Street including the east frontage of blocks 200, 201, 202, 203, 204 and 205, and full blocks 212, 213, 214, 215, 216 and 217;
 - (b) Block 198, Lots 12, 13.01 and 14.01; and
 - (c) Block 199.
- (3) C-3: Neighborhood Business District. The C-3 District shall include:
 - (a) The west side of Washington Street from 7th Street to 14th Street;
 - (b) Both sides of 1st Street from Bloomfield Street west to Harrison Street;
 - (c) Block 200, Lots 1, 2 and 35;
 - (d) Block 187, Lots 13.01 and 13.02;
 - (e) Both sides of 14th Street from Hudson Street west to Clinton Street, excluding designated redevelopment and rehabilitation areas as of the date of the enactment of this amendment; and
 - (f) The east side of Jackson Street from 3rd Street to 7th Street.

B. Purpose and Applicability.

- (1) Purpose. The purpose of the Commercial Districts is to support a variety of commercial uses ranging from high intensity office, retail and entertainment uses to low intensity neighborhood services. This Section expands the areas where commercial uses are permitted with the intent to develop new economic opportunity and diversity, stabilize commercial rents, create jobs, and improve local access to services.
 - (a) The purpose of the C-1 Hoboken Terminal District is to promote economic job growth and a healthy business environment closest to NJ's second busiest transit hub. The high density of businesses, entertainment, jobs, recreational and social opportunities within the compact terminal district serve to increase transit ridership and decrease automobile-dependency and automobile-related congestion and pollution; all core principles of Transit-Oriented Development. The C-1 District is the City's gateway for residents and visitors entering Hoboken by mass transit;
 - (b) The purpose of the C-2 Central Business District is to promote and maintain Hoboken's thriving "Main Street" and core downtown shopping district. This includes the expansion of the previously designated Central Business District, adopt new uses not previously recognized, and provide specific guidance to efficiently facilitate the approval process for new businesses; and
 - (c) The purpose of the C-3 Neighborhood Business District is to provide a range of shopping, goods and convenience services that cater largely to residents in the surrounding neighborhood. Businesses in this new district will be smaller in scale and of a lower intensity than those permitted in the C-1 and C-2 Districts.

(2) Applicability.

- (a) This Section and the provisions herein shall apply only to properties located with Commercial Districts as shown on the Commercial District Map attached hereto and made a part hereof.
- (b) This Section is not intended to contradict, abrogate or annul other rules, regulations or ordinances governing land use within the City of Hoboken.
- (c) This Section shall not apply to, be construed to limit in any way, or supersede the requirements established for other City of Hoboken zones, districts or overlays.
- (d) The provisions of this Section in relation to any applicable overlay, such as the Historic District Overlay, shall apply and be interpreted to be cumulative and not superseding in application.
- (e) Pursuant to N.J.S.A. 40:55D-68, any nonconforming use or structure existing at the time of the passage of an ordinance may be continued upon the lot or in the structure so occupied and any such structure may be restored or repaired, and the use continued as before, in the event of partial destruction thereof.

C. Historic Preservation.

Any alteration, renovation, or maintenance work to be performed affecting the exterior appearance or the structural integrity of any building located within a locally designated historic district or any National, State or locally designated landmark or site shall be subject to Hoboken Historic Preservation Commission review and approval prior to such work pursuant to Chapter 42, Historic Preservation, Article V, Standards for Review.

D. Bulk Regulations.

(1) C-1 Hoboken Terminal District Bulk Standards:

- (a) Lot Area, Minimum: As existing; 5,000 square feet (“sf”) for new subdivision.
- (b) Lot Width, Minimum: As existing; 50’ for new subdivision.
- (c) Lot Depth, Minimum: As existing; 100’ for new subdivision.
- (d) Building Height, Maximum: 60’ and/or 5 stories; 10’ step-back above prevailing height of adjacent buildings and which maintains existing roof/cornice line.
- (e) Lot Coverage, Maximum: 80% ground floor; 60% upper floors.
- (f) Front Yard Setback: 0’ or prevailing where applicable. On a lot with less than 50’ of frontage between two existing buildings that both have a front yard setback greater than 0’ but equal to or less than 10 feet, a new structure shall match the lesser setback of the two adjacent buildings. Where the lot frontage is 50’ or more, or where there are no adjacent buildings, or where the adjacent buildings are

(2) Applicability.

- (a) This Section and the provisions herein shall apply only to properties located with Commercial Districts as shown on the Commercial District Map attached hereto and made a part hereof.
- (b) This Section is not intended to contradict, abrogate or annul other rules, regulations or ordinances governing land use within the City of Hoboken.
- (c) This Section shall not apply to, be construed to limit in any way, or supersede the requirements established for other City of Hoboken zones, districts or overlays.
- (d) The provisions of this Section in relation to any applicable overlay, such as the Historic District Overlay, shall apply and be interpreted to be cumulative and not superseding in application.
- (e) Pursuant to N.J.S.A. 40:55D-68, any nonconforming use or structure existing at the time of the passage of an ordinance may be continued upon the lot or in the structure so occupied and any such structure may be restored or repaired, and the use continued as before, in the event of partial destruction thereof.

C. Historic Preservation.

Any alteration, renovation, or maintenance work to be performed affecting the exterior appearance or the structural integrity of any building located within a locally designated historic district or any National, State or locally designated landmark or site shall be subject to Hoboken Historic Preservation Commission review and approval prior to such work pursuant to Chapter 42, Historic Preservation, Article V, Standards for Review.

D. Bulk Regulations.

(1) C-1 Hoboken Terminal District Bulk Standards:

- (a) Lot Area, Minimum: As existing: 5,000 square feet ("sf") for new subdivision.
- (b) Lot Width, Minimum: As existing: 50' for new subdivision.
- (c) Lot Depth, Minimum: As existing: 100' for new subdivision.
- (d) Building Height, Maximum: 60' and/or 5 stories; 10' step-back above prevailing height of adjacent buildings and which maintains existing roof/cornice line.
- (e) Lot Coverage, Maximum: 80% ground floor; 60% upper floors.
- (f) Front Yard Setback: 0' or prevailing where applicable. On a lot with less than 50' of frontage between two existing buildings that both have a front yard setback greater than 0' but equal to or less than 10 feet, a new structure shall match the lesser setback of the two adjacent buildings. Where the lot frontage is 50' or more, or where there are no adjacent buildings, or where the adjacent buildings are

setback from the adjoining side lot lines, a new structure may match the lesser adjacent setback or be 0'. No new structure shall be setback more than 10' from the front lot line.

- (g) Side Yard Setback: As existing; 0' or 5' for new construction.
- (h) Rear Yard Setback, Minimum: As existing; 20% for new construction or expansion of the existing structure.
- (i) Density Factor, Maximum: In accordance with use conditions set forth herein.

(2) C-2 Central Business District Bulk Standards:

- (a) Lot Area, Minimum: As existing; 2,000 sf for new subdivision.
- (b) Lot Width, Minimum: As existing; 20' for new subdivision.
- (c) Lot Depth, Minimum: As existing; 100' for new subdivision.
- (d) Building Height, Maximum: Principal Building - 5 stories, not to exceed 52' above average grade. Court Street - 30', not to exceed 1 dwelling over grade-level parking or permitted use.
- (e) Lot Coverage, Maximum: Principal Building 60%; except for through lots on the east side of Washington Street that front on both Washington and Court Streets, then 100% 1st floor and 60% upper floors on the principal building on Washington Street and 20% upper floors on the Court Street fronting building.
- (f) Front Yard Setback: 0' or matching the setback of adjoining principal structures on either side.
- (g) Side Yard Setback: 0'.
- (h) Rear Yard Setback Minimum: 40%; except for through-lots as noted in (e) above.
- (i) Density Factor, Maximum: Lot area divided by 330, rounded to the nearest whole number calculated to the thousandth place. Court Street: add 1 unit of density for the additional dwelling unit.

(3) C-3 Neighborhood Business District Bulk Standards:

- (a) Lot Area, Minimum: As existing; 2,000 sf for new subdivision.
- (b) Lot Width, Minimum: As existing; 20' for new subdivision.
- (c) Lot Depth, Minimum: As existing; 100' for new subdivision.
- (d) Building Height, Maximum: 4 residential floors over 1 grade level commercial floor, not to exceed 52' above average grade. For residential-only buildings: 40' above average grade or DFE, whichever is higher.
- (e) Lot Coverage, Maximum: 60%.
- (f) Front Yard Setback: 0'
- (g) Side Yard Setback: 0'
- (h) Rear Yard Setback Minimum: 40%.

- (i) Density Factor, Maximum: Lot area divided by 500, rounded to the nearest whole number calculated to the thousandth place + commercial unit(s).

E. Uses.

Uses. The Use Table below sets forth the uses that are either permitted (denoted as P), or conditional (denoted as C) in each respective Commercial District. Permitted uses may be approved at the discretion of the Zoning Officer provided he or she is satisfied that the “General Guidelines and Standards for Specific Uses” identified in subsection F. and G. herein, will be met. Conditional uses, because of inherent characteristics and potential impact on the surrounding area, shall be subject to a public hearing before the Planning Board. Conditional uses must, at minimum, satisfy the “General Guidelines and Standards for Specific Uses” identified herein and shall comply with any addition conditions of approval imposed by the Planning Board, at its discretion, to protect the health, safety and general welfare of residents, visitors, the surrounding area and the City of Hoboken. Any use excluded from a Commercial District or not listed in the Use Table shall not be permitted except by obtaining a use variance as approved by the Board of Adjustment.

<u>USE TABLE</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
<u>Buildings*:</u>			
<u>Residential Buildings</u>	<u>-</u>	<u>C</u>	<u>P</u>
<u>Commercial Buildings</u>	<u>P</u>	<u>C</u>	<u>-</u>
<u>Mixed-Use Buildings</u>	<u>C</u>	<u>P</u>	<u>P</u>
<u>Civic Buildings, Government Offices, Parks & Public Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Retail Businesses & Services*:</u>			
<u>Animal, Boarding & Daycare</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Animal, Grooming</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Animal, Veterinary Services</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Banks</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Bakeries</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Beer, Wine & Liquor Stores (Type 44 ABC License)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Book Stores and Libraries</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Business Service Centers; i.e. tech services, printing, copy services</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Catering; Commercial Kitchen</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>Childcare Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Child recreation facilities & services</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Clothing Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Confectionery Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Cosmetic & Beauty Supply Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Educational Tutoring & Exam Prep</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Florists</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Food Stores: Convenience</u>	<u>P</u>	<u>P</u>	<u>P</u>

- (i) Density Factor, Maximum: Lot area divided by 500, rounded to the nearest whole number calculated to the thousandth place + commercial unit(s).

E. Uses.

Uses. The Use Table below sets forth the uses that are either permitted (denoted as P), or conditional (denoted as C) in each respective Commercial District. Permitted uses may be approved at the discretion of the Zoning Officer provided he or she is satisfied that the “General Guidelines and Standards for Specific Uses” identified in subsection F. and G. herein, will be met. Conditional uses, because of inherent characteristics and potential impact on the surrounding area, shall be subject to a public hearing before the Planning Board. Conditional uses must, at minimum, satisfy the “General Guidelines and Standards for Specific Uses” identified herein and shall comply with any addition conditions of approval imposed by the Planning Board, at its discretion, to protect the health, safety and general welfare of residents, visitors, the surrounding area and the City of Hoboken. Any use excluded from a Commercial District or not listed in the Use Table shall not be permitted except by obtaining a use variance as approved by the Board of Adjustment.

<u>USE TABLE</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
<u>Buildings*:</u>			
<u>Residential Buildings</u>	<u>-</u>	<u>C</u>	<u>P</u>
<u>Commercial Buildings</u>	<u>P</u>	<u>C</u>	<u>-</u>
<u>Mixed-Use Buildings</u>	<u>C</u>	<u>P</u>	<u>P</u>
<u>Civic Buildings, Government Offices, Parks & Public Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Retail Businesses & Services*:</u>			
<u>Animal, Boarding & Daycare</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Animal, Grooming</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Animal, Veterinary Services</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Banks</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Bakeries</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Beer, Wine & Liquor Stores (Type 44 ABC License)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Book Stores and Libraries</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Business Service Centers; i.e. tech services, printing, copy services</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Catering: Commercial Kitchen</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>Childcare Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Child recreation facilities & services</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Clothing Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Confectionery Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Cosmetic & Beauty Supply Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Educational Tutoring & Exam Prep</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Florists</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Food Stores: Convenience</u>	<u>P</u>	<u>P</u>	<u>P</u>

USE TABLE	C-1	C-2	C-3
<u>Food Stores: Supermarkets</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Footwear & Leather Goods Repair</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Furniture & Upholstery Repair</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Galleries & Art Dealers</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Gift, Novelty & Souvenir Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Hair Salons & Barber Shops</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Hobby, Toy & Game Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Home Furnishings</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Jewelry Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Laundry & Dry Cleaning (drop-off only)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Meat, Fish & Seafood Markets</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Music Stores; prerecorded, instruments and supplies</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Nail Salons</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Office Supply & Stationary Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Opticians & Vision Services</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Other General Merchandise Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Paint & Hardware Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Pet Supply Stores (no live animals)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Pharmacies & Drug Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Photographic Studios</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Places of Worship</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Postal Services</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Prepared & Specialty Food Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Private Schools</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Spas</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Shoe Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Smoke Shops</u>	<u>C</u>	<u>C</u>	-
<u>Sporting Goods Stores</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Tailoring & Alteration Shops</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Commercial Recreation*:</u>			
<u>Arcades, Game and Internet Cafes</u>	<u>C</u>	<u>C</u>	-
<u>Bar: Class I</u>	<u>C</u>	<u>C</u>	-
<u>Bar: Class II</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>Billiards/Pool Halls</u>	<u>C</u>	-	-
<u>Bowling Centers</u>	<u>C</u>	-	-
<u>Event Spaces</u>	<u>C</u>	-	-
<u>Health Clubs; low impact gyms, yoga studios, rehab facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Indoor Fitness Facilities; high impact courts (i.e. tennis, basketball), pools, climbing gyms, alternative gyms (i.e. cross-fit,</u>	<u>C</u>	<u>C</u>	-

USE TABLE	C-1	C-2	C-3
<u>boxing), batting cages, mini-golf, golf simulators, and similar</u>			
<u>Meeting & Convention Facilities</u>	<u>C</u>	-	-
<u>Movie & Performing Arts Theatres</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Private/Membership Clubs</u>	-	-	<u>C</u>
<u>Restaurant: Class I</u>	<u>P</u>	<u>C</u>	-
<u>Restaurant: Class II</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>Restaurant: Class III</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Restaurant: Class IV</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Professional Facilities*:</u>			
<u>Artist Studio & Work Spaces</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Clinics, Laboratories & Diagnostic Imaging Centers</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Medical & Dental Offices</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>General Business & Professional Offices</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Shared Office Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Vocational & Trade Schools, Other Instructional & Training Facilities</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Other*:</u>			
<u>Accessory Uses customarily incident to a principal permitted use and located on the same lot</u>	<u>P</u>	<u>P</u>	<u>C</u>

* All uses are subject to “General” guidelines applicable to all uses.

P: Permitted use.

C: Conditional use, requiring compliance with design standards and Planning Board or, as applicable, Board of Adjustment approval.

A “-“ in the use field indicates a use that is not allowed in that zone without obtaining a use variance from the Board of Adjustment.

F. General Guidelines Applicable to All Uses.

- (1) Unless otherwise restricted, the hours of operation for any commercial use, including retail businesses or services, recreational facilities and offices, shall not exceed 18 hours within any 24-hour period. Any business wishing to operate 24-hours a day shall be subject to conditional use review and approval from the Planning Board or, as applicable, the Board of Adjustment.
- (2) Permitted Commercial uses located in the C-3 District shall not exceed 1,200 sf of gross floor area. Commercial uses in C-3 that exceed 1,200 sf shall be considered conditional uses subject to review and approval by the Planning Board or, as applicable, the Board of Adjustment. See sub-section G (16) below.

USE TABLE	C-1	C-2	C-3
<u>boxing), batting cages, mini-golf, golf simulators, and similar</u>			
<u>Meeting & Convention Facilities</u>	<u>C</u>	<u>-</u>	<u>-</u>
<u>Movie & Performing Arts Theatres</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Private/Membership Clubs</u>	<u>-</u>	<u>-</u>	<u>C</u>
<u>Restaurant: Class I</u>	<u>P</u>	<u>C</u>	<u>-</u>
<u>Restaurant: Class II</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>Restaurant: Class III</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Restaurant: Class IV</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Professional Facilities*:</u>			
<u>Artist Studio & Work Spaces</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Clinics, Laboratories & Diagnostic Imaging Centers</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Medical & Dental Offices</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>General Business & Professional Offices</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Shared Office Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Vocational & Trade Schools, Other Instructional & Training Facilities</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Other*:</u>			
<u>Accessory Uses customarily incident to a principal permitted use and located on the same lot</u>	<u>P</u>	<u>P</u>	<u>C</u>

* All uses are subject to "General" guidelines applicable to all uses.

P: Permitted use.

C: Conditional use, requiring compliance with design standards and Planning Board or, as applicable, Board of Adjustment approval.

A "-" in the use field indicates a use that is not allowed in that zone without obtaining a use variance from the Board of Adjustment.

F. General Guidelines Applicable to All Uses.

- (1) Unless otherwise restricted, the hours of operation for any commercial use, including retail businesses or services, recreational facilities and offices, shall not exceed 18 hours within any 24-hour period. Any business wishing to operate 24-hours a day shall be subject to conditional use review and approval from the Planning Board or, as applicable, the Board of Adjustment.
- (2) Permitted Commercial uses located in the C-3 District shall not exceed 1,200 sf of gross floor area. Commercial uses in C-3 that exceed 1,200 sf shall be considered conditional uses subject to review and approval by the Planning Board or, as applicable, the Board of Adjustment. See sub-section G (16) below.

- (3) Residential and non-residential uses in a mixed-use building shall have entrances that are separate and independent of one another. No commercial use may obstruct, in any way, the residential ingress and egress.
- (4) Commercial uses in a mixed-use building may occupy the basement, 1st and 2nd floors provided there is no residential occupancy below the commercial use.
- (5) Commercial uses may co-locate within a single commercial unit provided the Guidelines and Standards for each use, as set forth herein in subsections 196-19 F. and G., are met by each respective occupant.
- (6) Exterior lighting for all uses shall be dark-sky compliant. Fixtures must be properly screened to prevent light pollution and excessive intrusion on adjacent properties, including the public right-of-way and properties to the rear of a property. Fixture types must comply with International Dark-Sky Association guidelines available at www.darksky.org or from the Zoning Office.
- (7) No service lines, make-up air or exhaust vents, air or exhaust fans, duct-work, or any other mechanical appurtenance associated with the commercial use shall be installed on any exterior wall that fronts on a street or that extends into the public right-of-way.

G. Standards for Specific Uses.

The following Standards for Specific Uses shall be applied to each respective use, whether permitted or conditional. Standards designated as “shall” or “must” are required to be met, and those designated with “should” or “may” are encouraged or cited as examples but are not mandatory. Recognizing that the areas designated as Commercial are already highly developed, it is anticipated that strict compliance with every standard may not always be practical or necessary to meet the purposes of this Section. The reviewing Land Use Board (Board) is therefore authorized to approve deviations from the standards set forth herein, but only to the extent that is necessary to accommodate existing site constraints or limitations. No standard shall be waived if, in the Board’s judgement, the accommodation might result in an undue or adverse effect on adjacent properties or the surrounding area. The reviewing Board is further authorized to attach reasonable conditions, in addition to the standards set forth herein, to protect the health, safety and general welfare of residents, visitors, the surrounding area and the City of Hoboken.

- (1) Accessory Uses.
 - (a) The secondary or accessory use shall be directly related to, reliant upon and subordinate to the principal use and shall be housed in the same building or on the same lot as the principal use.
 - (b) Where an accessory use is conditional, the applicant must show that the car trips, pedestrian visits and delivery services associated with the proposed accessory use will not increase traffic to and from the location by more than 30%. Where traffic is anticipated to be higher, the accessory use shall be considered as a second commercial use.

(2) Animal, Boarding & Daycare.

- (a) Where permitted as a use, animal boarding or daycare shall only be located on the 1st floor or basement floor of the building in which it is housed.
- (b) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- (c) Make-up air and/or ventilation equipment shall be installed to ensure consistent air quality and eliminate any potential odors.
- (d) In facilities with over-night boarding, the facility must have staff on premises 24-hours a day when animals are present.
- (e) When requested, the applicant shall provide a circulation plan, including anticipated car trips, pedestrian visits, delivery schedules, loading needs and pick-up/drop-off accommodations.
- (f) Exception. Micro-boarding or daycare, where 3 animals or less including the host's pets, are being cared for in a home setting, may be approved by the Zoning Officer provided the applicant provides the following documentation:
 - i. Official documentation of all pets permanently residing at the location, i.e. pet licenses issued by the municipality;
 - ii. Written approval from the property owner or owner's association in the case of a condominium or cooperative stating their consent to the proposed home-based business; and
 - iii. Proof of liability insurance.

(2) Animal, Grooming.

- (a) Where permitted as a use, animal grooming services shall only be located on the 1st floor or basement floor of the building in which it is housed.
- (b) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- (c) Animals dropped off for grooming services shall not remain on-site for more than 4-hours.
- (d) Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

(3) Animal, Veterinary Services.

- (a) Where permitted, veterinary services shall only be located on the 1st floor or

(2) Animal, Boarding & Daycare.

- (a) Where permitted as a use, animal boarding or daycare shall only be located on the 1st floor or basement floor of the building in which it is housed.
- (b) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- (c) Make-up air and/or ventilation equipment shall be installed to ensure consistent air quality and eliminate any potential odors.
- (d) In facilities with over-night boarding, the facility must have staff on premises 24-hours a day when animals are present.
- (e) When requested, the applicant shall provide a circulation plan, including anticipated car trips, pedestrian visits, delivery schedules, loading needs and pick-up/drop-off accommodations.
- (f) Exception. Micro-boarding or daycare, where 3 animals or less including the host's pets, are being cared for in a home setting, may be approved by the Zoning Officer provided the applicant provides the following documentation:
 - i. Official documentation of all pets permanently residing at the location, i.e. pet licenses issued by the municipality;
 - ii. Written approval from the property owner or owner's association in the case of a condominium or cooperative stating their consent to the proposed home-based business; and
 - iii. Proof of liability insurance.

(2) Animal, Grooming.

- (a) Where permitted as a use, animal grooming services shall only be located on the 1st floor or basement floor of the building in which it is housed.
- (b) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- (c) Animals dropped off for grooming services shall not remain on-site for more than 4-hours.
- (d) Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

(3) Animal, Veterinary Services.

- (a) Where permitted, veterinary services shall only be located on the 1st floor or

basement floor of the building in which it is housed.

- (b) Measures for securing medical equipment, pharmaceutical drugs, gases, and other controlled substances must be demonstrated.
 - (c) Measures for dealing with hazardous and animal waste must be demonstrated.
 - (d) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
 - (e) Make-up air and/or ventilation equipment shall be installed to ensure consistent air quality and eliminate any potential odors.
 - (f) When, for medical reasons, animals are held overnight, the facility shall have staff on the premises 24-hours a day during any such overnight stay.
 - (g) When requested, the applicant shall provide a circulation plan, including anticipated car trips, pedestrian visits, delivery schedules, loading needs and pick-up/drop-off accommodations.
- (4) Arcades & Gaming Facilities.
- (a) Sounds originating at the establishment shall not be plainly audible beyond the property line. Sound and vibration attenuation measures shall be taken to prevent sound and/or vibration from migrating to other parts of the host building, to adjacent structures, and to the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound and vibration attenuating wall treatments.
 - (b) Audio and visual equipment, including game monitors, music and other sound production devices, televisions, projection screens and lighting of all types, shall be installed in such a manner so as to minimize sound, glare and vibration and shall have controls that are easily accessible and adjustable for staff during hours of operation.
 - (c) An application for this use shall include design plans and a noise mitigation plan by a licensed sound engineer detailing the measures to be taken, materials to be used, and calculated sound level projections for the venue.
 - (d) Where food and beverage are prepared and served as part of the business' regular operation, air filtration and exhaust systems shall be installed commensurate with the cooking and/or heating equipment installed; the mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structure and 10 feet or more from the front of the building.
 - (e) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.
 - (f) One parking space shall be provided for each 4 persons of occupancy load after the first 30 persons, rounded to the closest whole number. The requisite number of

spaces should be secured from a private or public parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.

(5) Artist Studios & Work Spaces.

- (a) Dependent upon an artist's medium and scope of work, sound attenuation measures may be required to prevent sound migration to other parts of the host building.
- (b) If an artist's medium and scope of work generate heat, odors, air-borne particulate, dust or other such by-products, make-up air and/or ventilation systems must be required to ensure consistent air quality and prevent dissipation of those work by-products to neighboring properties.
- (c) If an artist's medium and scope of work generate liquid by-products that require disposal, plumbing service, waste line upgrades, or other measures to assure proper disposal of liquid waste as may be required by law, such management measures must be demonstrated and be in place prior to the issuance of a certificate of occupancy.
- (d) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.

(6) Bakeries.

- (a) Where baking is done on premises, the commercial kitchen equipment and prep areas shall meet the minimum standards for a restaurant with similar equipment.
- (b) When air filtration and exhaust systems are required for the baking or cooking equipment, the mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures and 10 feet or more from the front of the building.
- (c) Where on-site consumption is included as part of the operation, the conditions for a Class III restaurant must be met.
- (d) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.

(7) Banks.

- (a) All banking activities shall be housed within the building or enclosed, secure vestibule; no walk-up sidewalk services shall be permitted.
- (b) No drive-through banking services are permitted.
- (c) Where the use is conditional, upon requested from the applicable reviewing Board, the applicant shall provide a circulation plan, including anticipated car trips and pedestrian visits. Parking requirements shall be determined by the applicable reviewing Board in cooperation with the Director of Parking and Transportation.

(8) Bars: Class I & Class II.

- (a) Sounds originating at the establishment shall not be plainly audible beyond the property line. Sound and vibration attenuation measures shall be taken to prevent

spaces should be secured from a private or public parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.

(5) Artist Studios & Work Spaces.

- (a) Dependent upon an artist's medium and scope of work, sound attenuation measures may be required to prevent sound migration to other parts of the host building.
- (b) If an artist's medium and scope of work generate heat, odors, air-born particulate, dust or other such by-products, make-up air and/or ventilation systems must be required to ensure consistent air quality and prevent dissipation of those work by-products to neighboring properties.
- (c) If an artist's medium and scope of work generate liquid by-products that require disposal, plumbing service, waste line upgrades, or other measures to assure proper disposal of liquid waste as may be required by law, such management measures must be demonstrated and be in place prior to the issuance of a certificate of occupancy.
- (d) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.

(6) Bakeries.

- (a) Where baking is done on premises, the commercial kitchen equipment and prep areas shall meet the minimum standards for a restaurant with similar equipment.
- (b) When air filtration and exhaust systems are required for the baking or cooking equipment, the mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures and 10 feet or more from the front of the building.
- (c) Where on-site consumption is included as part of the operation, the conditions for a Class III restaurant must be met.
- (d) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.

(7) Banks.

- (a) All banking activities shall be housed within the building or enclosed, secure vestibule; no walk-up sidewalk services shall be permitted.
- (b) No drive-through banking services are permitted.
- (c) Where the use is conditional, upon requested from the applicable reviewing Board, the applicant shall provide a circulation plan, including anticipated car trips and pedestrian visits. Parking requirements shall be determined by the applicable reviewing Board in cooperation with the Director of Parking and Transportation.

(8) Bars: Class I & Class II.

- (a) Sounds originating at the establishment shall not be plainly audible beyond the property line. Sound and vibration attenuation measures shall be taken to prevent

sound and/or vibration from migrating to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound and vibration attenuating wall treatments.

- (b) Audio and visual equipment, including music and other sound production devices, televisions, projection screens and lighting of all types, shall be installed in such a manner so as to minimize sound, glare and vibration and shall have controls that are easily accessible and adjustable for staff during hours of operation.
 - (c) An application for this use shall include design plans and a noise mitigation plan by a licensed sound engineer detailing the measures to be taken, materials to be used, and calculated sound level projections for the venue.
 - (d) Retractable walls or storefront systems shall only be permitted if expressly approved by the Planning Board or Board of Adjustment, as applicable.
 - (e) Where food is prepared and served as part of the bar's regular operation, air filtration and exhaust systems shall be installed commensurate with the cooking and/or heating equipment installed; the mechanical units for those systems shall be located within the bar unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structure and 10 feet or more from the front of the building.
 - (f) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.
 - (g) One parking space shall be provided for each 4 persons of occupancy load after the first 30 persons, rounded to the closest whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.
- (9) Billiards/Pool Halls.
- (a) Sound originating at the establishment shall not be plainly audible beyond the property line. Sound and vibration attenuation measures shall be taken to prevent sound and/or vibration from migrating to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound and vibration attenuating wall treatments.
 - (b) An application for this use shall include design plans and a noise mitigation plan by a licensed sound engineer detailing the measures to be taken, materials to be used, and calculated sound level projections for the venue.
 - (c) An establishment that serves food and/or alcohol shall comply, at minimum, with the conditions prescribed for a bar or restaurant of similar size and/or occupancy as defined and/or classified herein.
 - (d) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.

- (e) An establishment with more than 5,000 sf of gross floor area shall provide one parking space for each additional 1,000 sf of gross floor area, rounded to the closest whole number; parking spaces should be located in a public or private parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.

(10) Bowling Centers.

- (a) Any bowling center shall only be located in a non-residential building.
- (b) Sounds originating at the establishment shall not be plainly audible beyond the property line. Sound and vibration attenuation measures shall be taken to prevent sound and/or vibration from migrating to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound and vibration attenuating wall treatments.
- (c) An application for this use shall include design plans and a noise mitigation plan by a licensed sound engineer detailing the measures to be taken, materials to be used, and calculated sound level projections for the venue.
- (d) An establishment that serves food or alcohol shall comply, at a minimum, with the conditions prescribed for a bar or restaurant of similar size and/or occupancy as defined and/or classified herein.
- (e) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.
- (f) An establishment with more than 5,000 sf of gross floor area shall provide one parking space for each additional 1,000 sf of gross floor area, or 2 parking spaces per lane, whichever is greater, rounded to the closest whole number; parking spaces should be located in a public or private parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.

(11) Catering.

- (a) Catering activities shall not be conducted as a home-based business.
- (b) Kitchen facilities shall meet the same requirements as restaurants for fire safety, air filtration and exhaust systems commensurate with the cooking and/or heating equipment installed.
- (c) Where catering services are provided in combination with an Event Space, the standards for each use must be met collectively.
- (d) Catering facilities shall be approved and licensed by the Hoboken Health Department.
- (e) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.

- (e) An establishment with more than 5,000 sf of gross floor area shall provide one parking space for each additional 1,000 sf of gross floor area, rounded to the closest whole number; parking spaces should be located in a public or private parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.

(10) Bowling Centers.

- (a) Any bowling center shall only be located in a non-residential building.
- (b) Sounds originating at the establishment shall not be plainly audible beyond the property line. Sound and vibration attenuation measures shall be taken to prevent sound and/or vibration from migrating to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound and vibration attenuating wall treatments.
- (c) An application for this use shall include design plans and a noise mitigation plan by a licensed sound engineer detailing the measures to be taken, materials to be used, and calculated sound level projections for the venue.
- (d) An establishment that serves food or alcohol shall comply, at a minimum, with the conditions prescribed for a bar or restaurant of similar size and/or occupancy as defined and/or classified herein.
- (e) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.
- (f) An establishment with more than 5,000 sf of gross floor area shall provide one parking space for each additional 1,000 sf of gross floor area, or 2 parking spaces per lane, whichever is greater, rounded to the closest whole number; parking spaces should be located in a public or private parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.

(11) Catering.

- (a) Catering activities shall not be conducted as a home-based business.
- (b) Kitchen facilities shall meet the same requirements as restaurants for fire safety, air filtration and exhaust systems commensurate with the cooking and/or heating equipment installed.
- (c) Where catering services are provided in combination with an Event Space, the standards for each use must be met collectively.
- (d) Catering facilities shall be approved and licensed by the Hoboken Health Department.
- (e) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.

- (f) When requested, the applicant shall provide a circulation plan, including anticipated vehicle trips, pedestrian visits, delivery schedules and loading needs. Parking and loading requirements shall be determined by the applicable reviewing Board in cooperation with the Director of Parking and Transportation.

(12) Childcare Facilities.

A childcare facility in the C-2 or C-3 District that exceed 3,000 sf of gross floor area shall be treated as a conditional use subject to the following conditions:

- (a) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments;
- (b) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom;
- (c) When requested, the applicant shall provide a circulation plan, including anticipated car trips, pedestrian visits, loading needs and pick-up/drop-off accommodations. Parking and/or loading requirements, additional to those required below, shall be determined by the applicable reviewing Board in cooperation with the Director of Parking and Transportation; and
- (d) One parking space shall be provided for each 5 persons (including children) of occupancy load after the first 20 persons, rounded to the closets whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.

(13) Child Recreational Facilities & Services.

Any Child Recreational facility that exceeds 1,200 sf of gross floor area shall be treated as a conditional use subject to the following conditions:

- (a) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments;
- (b) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom;
- (c) When requested, the applicant shall provide a circulation plan, including anticipated car trips, pedestrian visits, loading needs and pick-up/drop-off accommodations. Parking and/or loading requirements, additional to those required below, shall be determined by the applicable reviewing Board in cooperation with the Director of Parking and Transportation, and

- (d) One parking space shall be provided for each 5 persons (including children) of occupancy load after the first 20 persons, rounded to the closest whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.

(14) Clinics, Laboratories & Diagnostic Imaging Centers.

- (a) A list of any controlled substances, chemicals and hazardous materials, so classified by the Environmental Protection Agency (EPA) and/or the Drug Enforcement Administration (DEA) of the United States, to be used on the premises must be submitted along with written handling and storage procedures, where applicable.
- (b) A waste storage and disposal plan must be submitted describing where waste, including any medical waste, will be stored on the premises and how the waste will be removed and by whom.
- (c) If the facility includes equipment or services that may generate noise or vibration, attenuation measures shall be taken to prevent vibration and sound migration to other units adjacent to or above the facility. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- (d) If the facility will be conducting activities that are likely to generate heat, odors, air-borne particulate, dust or other such by-products, a make-up air and/or ventilation system shall be required to ensure consistent air quality and prevent dissipation of those work by-products to neighboring properties.
- (e) Parking may be required depending upon the intensity of use of the particular clinic, laboratory or diagnostic center. The number of spaces shall be determined by the applicable reviewing Board in cooperation with the Director of Parking and Transportation.

(15) Commercial Buildings.

- (a) A commercial building shall have no residential occupancy.
- (b) The building owner may address parking requirements for the entire building as part of their site plan approval at a rate of one space for each 1,000 sf of leasable floor area. Where no parking is provided by the building owner, each tenant shall be individually responsible for providing parking as required pursuant to this sub-section.
- (c) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.

(16) Commercial Uses in C-3 District Exceeding 1,200 sf of Gross Floor Area.

Where applicable, the subject use shall comply with all other conditions for that use as set forth in this sub-section. Where no conditions are mandated for the subject use, but the commercial space exceeds 1,200 sf of gross floor area, the following minimum standards shall apply:

- (d) One parking space shall be provided for each 5 persons (including children) of occupancy load after the first 20 persons, rounded to the closets whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.

(14) Clinics, Laboratories & Diagnostic Imaging Centers.

- (a) A list of any controlled substances, chemicals and hazardous materials, so classified by the Environmental Protection Agency (EPA) and/or the Drug Enforcement Administration (DEA) of the United States, to be used on the premises must be submitted along with written handling and storage procedures, where applicable.
- (b) A waste storage and disposal plan must be submitted describing where waste, including any medical waste, will be stored on the premises and how the waste will be removed and by whom.
- (c) If the facility includes equipment or services that may generate noise or vibration, attenuation measures shall be taken to prevent vibration and sound migration to other units adjacent to or above the facility. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- (d) If the facility will be conducting activities that are likely to generate heat, odors, air-born particulate, dust or other such by-products, a make-up air and/or ventilation system shall be required to ensure consistent air quality and prevent dissipation of those work by-products to neighboring properties.
- (e) Parking may be required depending upon the intensity of use of the particular clinic, laboratory or diagnostic center. The number of spaces shall be determined by the applicable reviewing Board in cooperation with the Director of Parking and Transportation.

(15) Commercial Buildings.

- (a) A commercial building shall have no residential occupancy.
- (b) The building owner may address parking requirements for the entire building as part of their site plan approval at a rate of one space for each 1,000 sf of leasable floor area. Where no parking is provided by the building owner, each tenant shall be individually responsible for providing parking as required pursuant to this subsection.
- (c) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.

(16) Commercial Uses in C-3 District Exceeding 1,200 sf of Gross Floor Area.

Where applicable, the subject use shall comply with all other conditions for that use as set forth in this sub-section. Where no conditions are mandated for the subject use, but the commercial space exceeds 1,200 sf of gross floor area, the following minimum standards shall apply:

- (a) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building and adjacent structures. Such measures may include installation of sound absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- (b) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how it will be removed and by whom.
- (c) One parking space shall be provided for each 400 sf of gross floor area above 1,200 sf, rounded to the closest whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.
- (d) When requested, the applicant shall provide a circulation plan, including anticipated vehicle trips, pedestrian visits, delivery schedules and loading needs.

(17) Confectionery Stores.

- (a) Where candy-making or other sweets are produced on premises, the commercial kitchen equipment and prep areas shall meet the minimum standards for a restaurant with similar equipment.
- (b) If air filtration and exhaust systems are required for the kitchen or manufacturing equipment to be utilized, the mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures and 10 feet or more from the front of the building.
- (c) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.
- (d) The above requirements are not applicable if the confections are produced off-site and the premises are utilized solely for retail sale and distribution of such confections. In that case, the confectionery store shall meet the requirements of a general retail establishment.

(18) Event Spaces: Meeting & Convention Facilities.

- (a) Hours of operation shall be limited to the hours of operation of the underlying permitted use or, if there is no underlying permitted use other than the Event Space, the hours of operation shall be limited to 8:00 a.m. to 11:00 p.m.
- (b) An Event Space where food is prepared, cooked and/or reheated if cooked off premises shall have air filtration and exhaust systems commensurate with the cooking and/or heating equipment installed; the mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures and 10 feet or more from the front of the building.
- (c) Sound attenuation measures shall be designed and implemented to the satisfaction of the applicable reviewing Board. At minimum, sound attenuation measures shall be taken to prevent vibration and sound migration to other units beside or above the

Event Space. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.

- (d) Audio and visual equipment, including music and other sound production devices, televisions, projection screens and lighting of all types, shall be installed in such a manner so as to minimize sound, glare and vibration and shall have controls that are easily accessible and adjustable for staff during an event.
- (e) An application for this use shall include design plans and a noise mitigation plan by a licensed sound engineer detailing the measures to be taken, materials to be used, and calculated sound level projections for the venue.
- (f) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how it will be removed and by whom.
- (h) One parking space shall be provided for each 4 persons of occupancy load after the first 30 persons, rounded to the closest whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away. Spaces may be provided to staff and patrons through validation or by valet service. In the case of an Event Space or similar facility where parking is not required on a daily basis, the required number of parking spaces may be secured on an event-by-event basis.
- (g) Exception. An Event Space that has 500 sf or less of assembly area and/or an established occupancy of 35 persons or less may be approved by the Zoning Officer, at his/her discretion, provided hours of operation and sound-attenuation requirements are met.

(19) Food Stores: Convenience Stores, Fruit & Vegetable Markets and Similar.

- (a) Convenience stores shall not be open before 5:00 a.m. nor after 11:00 p.m. daily.
- (b) Stores with more than 2,000 sf of service area shall follow the approval process required for a Supermarket.
- (c) When requested, the applicant shall provide a circulation plan, including anticipated car trips, pedestrian visits, delivery schedules and loading needs. Parking and loading requirements shall be determined by the applicable reviewing Board in cooperation with the Director of Parking and Transportation.
- (d) 75% or more of the customer service area shall be dedicated to the sale of foodstuffs.
- (e) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.
- (f) Roof-mounted mechanical equipment required to support refrigeration and/or AC must be setback 6 feet or more from any adjoining structure and 10 feet or more from the front of the building. Where subject to conditional approval, additional sound attenuation may be required by the applicable reviewing Board, based on the specific mechanical equipment required for each location.

(20) Food Stores: Supermarkets.

Event Space. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.

- (d) Audio and visual equipment, including music and other sound production devices, televisions, projection screens and lighting of all types, shall be installed in such a manner so as to minimize sound, glare and vibration and shall have controls that are easily accessible and adjustable for staff during an event.
- (e) An application for this use shall include design plans and a noise mitigation plan by a licensed sound engineer detailing the measures to be taken, materials to be used, and calculated sound level projections for the venue.
- (f) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how it will be removed and by whom.
- (h) One parking space shall be provided for each 4 persons of occupancy load after the first 30 persons, rounded to the closest whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away. Spaces may be provided to staff and patrons through validation or by valet service. In the case of an Event Space or similar facility where parking is not required on a daily basis, the required number of parking spaces may be secured on an event-by-event basis.
- (g) Exception. An Event Space that has 500 sf or less of assembly area and/or an established occupancy of 35 persons or less may be approved by the Zoning Officer, at his/her discretion, provided hours of operation and sound-attenuation requirements are met.

(19) Food Stores: Convenience Stores, Fruit & Vegetable Markets and Similar.

- (a) Convenience stores shall not be open before 5:00 a.m. nor after 11:00 p.m. daily.
- (b) Stores with more than 2,000 sf of service area shall follow the approval process required for a Supermarket.
- (c) When requested, the applicant shall provide a circulation plan, including anticipated car trips, pedestrian visits, delivery schedules and loading needs. Parking and loading requirements shall be determined by the applicable reviewing Board in cooperation with the Director of Parking and Transportation.
- (d) 75% or more of the customer service area shall be dedicated to the sale of foodstuffs.
- (e) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.
- (f) Roof-mounted mechanical equipment required to support refrigeration and/or AC must be setback 6 feet or more from any adjoining structure and 10 feet or more from the front of the building. Where subject to conditional approval, additional sound attenuation may be required by the applicable reviewing Board, based on the specific mechanical equipment required for each location.

(20) Food Stores: Supermarkets.

- (a) Hours of operations shall be approved by the applicable reviewing Board.
- (b) Roof-mounted mechanical equipment required to support refrigeration, AC, ventilation and other building services must be setback 6 feet or more from any adjoining structure and 10 feet or more from the front of the building. Mechanical equipment shall also be screened and attenuated for noise vibration.
- (c) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how it will be removed and by whom.
- (d) The applicant shall provide a circulation plan, including anticipated car trips, pedestrian visits, delivery schedules and loading needs.
- (e) One parking space shall be provided for each 500 sf of gross floor area. Parking may be offset by delivery services or ride share accommodations provided by the store operator. Such offsets shall be evaluated on a case-by-case basis and approved by the applicable reviewing Board.

(21) Furniture & Upholstery Repair.

- (a) Depending upon services provided by the specific business, sound attenuation measures may be required to prevent vibration and sound migration to other parts of the host building.
- (b) If the services provided include sawing, gluing, wood refinishing, or other work that generates heat, odors, air-born particulate, dust or other such by-products, a make-up air and/or ventilation system shall be required to ensure consistent air quality and prevent dissipation of those work by-products to neighboring properties.
- (c) An inventory of all chemical or hazardous materials to be used and/or housed on the premises must be submitted along with written handling and storage procedures, where applicable.
- (d) A refuse storage and disposal plan must be submitted describing where waste and recyclables will be stored on the premises and how the waste and other work by-products will be removed and by whom.
- (e) An establishment with more than 1,200 sf of gross floor area shall provide one parking space per each additional 400 sf of gross floor area, rounded to the closest whole number; parking spaces should be located in a public or private parking facility not more than 5 block-lengths away.

(22) Indoor Fitness Facilities; courts (e.g., tennis, basketball), pools, climbing gyms, batting cages, mini-golf, golf simulators, and similar.

Because of the unusual and diverse characteristics of these uses, the applicable reviewing Board shall, on a case by case basis, attach such conditions and safeguards to an approval for development as it deems appropriate and necessary to ensure initial and continued conformance with standards set forth herein, to protect the health, safety and general welfare of residents, visitors, the surrounding area and the City of Hoboken. The reviewing Board shall consider the following conditions:

- (a) Sound attenuation measures shall be taken to prevent vibration and sound migration to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of sound absorptive insulation, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments;
- (b) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom, and
- (c) One parking space shall be provided for each 1,000 sf of gross floor area, rounded to the closest whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.

(23) Laundry & Dry Cleaning.

- (a) Dry cleaning service shall be drop-off only; no dry cleaning shall be performed on site.
- (b) There shall be no use or storage of dry-cleaning chemical on the premises.
- (c) Laundromats and drop-off laundry services are permitted provided they do not exceed 1200 sf of gross floor area. Facilities with more than 1200 sf of floor area shall be subject to site plan review and shall provide evidence of make-up air, exhaust and ventilation equipment appropriately scaled to the facility.

(24) Meat, Fish & Seafood Markets.

- (a) Make-up air and/or ventilation equipment shall be installed to ensure consistent air quality and eliminate any potential odors.
- (b) All mechanical equipment for refrigeration, cooling and air-handling shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures. Visual screening and/or a sound attenuation enclosure may be required.
- (c) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.
- (d) When requested, the applicant shall provide a circulation plan, including anticipated car trips, pedestrian visits, delivery schedules and loading needs. Where applicable, parking and loading requirements shall be determined by the applicable reviewing Board in cooperation with the Director of Parking and Transportation.

(25) Medical & Dental Offices.

- (a) A list of any controlled substances, chemicals and hazardous materials, so classified by the Environmental Protection Agency (EPA) and/or the Drug Enforcement Administration (DEA) of the United States, to be used on the premises must be submitted along with written handling and storage procedures, where applicable.
- (b) A waste storage and disposal plan must be submitted describing where waste,

- (a) Sound attenuation measures shall be taken to prevent vibration and sound migration to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of sound absorptive insulation, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments:
- (b) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom, and
- (c) One parking space shall be provided for each 1,000 sf of gross floor area, rounded to the closest whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.

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- (c) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.
- (d) When requested, the applicant shall provide a circulation plan, including anticipated car trips, pedestrian visits, delivery schedules and loading needs. Where applicable, parking and loading requirements shall be determined by the applicable reviewing Board in cooperation with the Director of Parking and Transportation.

(25) Medical & Dental Offices.

- (a) A list of any controlled substances, chemicals and hazardous materials, so classified by the Environmental Protection Agency (EPA) and/or the Drug Enforcement Administration (DEA) of the United States, to be used on the premises must be submitted along with written handling and storage procedures, where applicable.
- (b) A waste storage and disposal plan must be submitted describing where waste,

including any medical waste, will be stored on the premises and demonstrate how the waste shall ultimately be properly disposed of, and by whom.

- (c) If the facility includes equipment or services that may generate noise or vibration, attenuation measures shall be taken to prevent vibration and sound migration to other units beside or above the facility. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- (d) If the facility will be conducting activities that are likely to generate odors or air-born particulates, a make-up air and/or ventilation system may be required to ensure consistent air quality and prevent dissipation of those work by-products to neighboring units.
- (e) All mechanical equipment associated with the use shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures and 10 feet or more from the front of the building. Visual screening and/or a sound attenuation enclosure may be required.

(26) Mixed-Use Buildings.

Parking requirements for the specific commercial uses, as designated herein, shall be provided separately from any parking accommodations required for the residential use under Article XI, §196-39 et. seq.

(27) Movie & Performing Arts Theatres.

- (a) Sounds originating at the establishment shall not be plainly audible beyond the property line. Sound and vibration attenuation measures shall be taken to prevent sound and/or vibration from migrating to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound and vibration attenuating wall treatments.
- (b) Audio and visual equipment and other sound production devices and lighting of all types shall be installed in such a manner so as to minimize sound, glare and vibration and shall have controls that are easily accessible and adjustable for staff during hours of operation.
- (c) An application for this use shall include design plans and a noise mitigation plan by a licensed sound engineer detailing the measures to be taken, materials to be used, and calculated sound level projections for the venue.
- (d) Where food and beverage are prepared and served as part of the theatres regular operation, air filtration and exhaust systems shall be installed commensurate with the cooking and/or heating equipment installed; the mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structure and 10 feet or more from the front of the building.
- (e) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.

- (f) One parking space shall be provided for each 4 persons of occupancy load after the first 50 persons, rounded to the closest whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.

(28) Music Stores: Pre-recorded, Instruments & Supplies.

- (a) Stores selling instruments and/or where music lessons are offered shall install sound and vibration attenuating measures to prevent vibration and sound migration to other units beside or above the store. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- (b) Hours when lessons may be offered shall be limited to 8:00 a.m. to 9:00 p.m.

(29) Places of Worship.

- (a) Because of the unusual characteristics and broad spectrum of uses a Place of Worship may be used for, and its potential impacts on the surrounding area, each Place of Worship shall be considered as an individual case subject to applicable reviewing Board review. The Planning Board shall attach such conditions and safeguards to an approval for use as it deems appropriate and necessary to ensure initial and continued conformance with standards set forth herein, and to protect the health, safety and general welfare of residents, visitors, the surrounding area and the City of Hoboken.
- (b) Where a Place of Worship includes school or other educational facilities, the Place of Worship shall also be required to meet the standards for a private school.
- (c) When a Place of Worship will be used to host events, such as weddings, parties, fundraising or charitable events, the Place of Worship shall also be required to meet the standards for an Event Space.
- (d) One parking space shall be provided for each 4 persons of occupancy load after the first 50 persons, rounded to the closest whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away.
- (e) Exception shall be given, and no Board review required, for a Place of Worship that meets building code requirements for a place of assembly and has an occupancy of 50 persons or less provided the Place of Worship does not include cooking facilities of any kind and is not used for any accessory uses, such as, e.g. child care.

(30) Private Membership Clubs.

- (a) Private membership clubs shall be open only to members and their guests.
- (b) Clubs with commercial kitchen facilities shall have air filtration, exhaust and fire suppressions systems commensurate with the cooking equipment installed; the mechanical units for those systems shall be located within the club and/or on the

- (f) One parking space shall be provided for each 4 persons of occupancy load after the first 50 persons, rounded to the closest whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.

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- (b) Hours when lessons may be offered shall be limited to 8:00 a.m. to 9:00 p.m.

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- (a) Because of the unusual characteristics and broad spectrum of uses a Place of Worship may be used for, and its potential impacts on the surrounding area, each Place of Worship shall be considered as an individual case subject to applicable reviewing Board review. The Planning Board shall attach such conditions and safeguards to an approval for use as it deems appropriate and necessary to ensure initial and continued conformance with standards set forth herein, and to protect the health, safety and general welfare of residents, visitors, the surrounding area and the City of Hoboken.
- (b) Where a Place of Worship includes school or other educational facilities, the Place of Worship shall also be required to meet the standards for a private school.
- (c) When a Place of Worship will be used to host events, such as weddings, parties, fundraising or charitable events, the Place of Worship shall also be required to meet the standards for an Event Space.
- (d) One parking space shall be provided for each 4 persons of occupancy load after the first 50 persons, rounded to the closest whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away.
- (e) Exception shall be given, and no Board review required, for a Place of Worship that meets building code requirements for a place of assembly and has an occupancy of 50 persons or less provided the Place of Worship does not include cooking facilities of any kind and is not used for any accessory uses, such as, e.g. child care.

(30) Private Membership Clubs.

- (a) Private membership clubs shall be open only to members and their guests.
- (b) Clubs with commercial kitchen facilities shall have air filtration, exhaust and fire suppressions systems commensurate with the cooking equipment installed; the mechanical units for those systems shall be located within the club and/or on the

upper roof of the host building and setback 6 feet or more from any adjacent structures and 10 feet or more from the front of the building.

- (c) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- (d) Clubs wishing to lease their facilities to non-members for events shall be required to also meet the requirements of an Event Space.
- (e) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.
- (f) One parking space shall be provided for each 4 persons of occupancy load after the first 50 persons, rounded to the closest whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away. In the case of a Private Club where occupancy only exceeds 50 persons during a planned event, parking requirements may be modified by the reviewing Board, provided the required number of parking spaces may be secured on an event-by-event basis.
- (g) A private club that has 500 sf or less of assembly area and/or that has an established occupancy of 50 persons or less shall be exempt from Board approval provided the space is not available to the general public for rent as an Event Space and the standards for kitchen equipment and sound-attenuation, as set forth in subsection (b) and (c), above, are met.

(31) Private Schools.

- (a) Sound and vibration attenuation measures shall be taken to prevent sound and/or vibration from migrating to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound and vibration attenuating wall treatments.
- (b) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.
- (c) If the school use requires a loading zone or pick-up/drop-off area that will necessitate the vacating of any parking spaces or that will impact the traffic circulation along the street or public way, that alteration of the right-of-way must be approved by the Director of Parking and Transportation and the City Council prior to issuance of any permits.
- (d) One parking space shall be provided for each 3 staff members, rounded to the closest whole number. The requisite number of spaces, if not located on site, should be secured from a private or public parking facility not more than 5 block-lengths away.

(32) Residential Buildings in the C-2 District.

- (a) Applicant must demonstrate a substantial public benefit for having an all-residential building, without ground-floor commercial use, in the C-2 District.
- (b) Exception. One residential dwelling unit is permitted in buildings fronting on Court Street over parking or another non-commercial accessory use.
- (c) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.

(33) Restaurants:

- (a) Class I.
 - i. Air filtration, exhaust and fire suppression systems shall be commensurate with the cooking equipment installed. The mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures and 10 feet or more from the front of the building. Visual screening and/or a sound attenuation enclosure may be required.
 - ii. Refrigeration and cooling equipment shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures. Visual screening and/or a sound attenuation enclosure may be required.
 - iii. No service line, ventilation duct-work, exhaust chimney or other appurtenance associated with the business' operating equipment shall be installed on any exterior wall of the building fronting on a street or extending into the public right-of-way.
 - iv. A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how it will be removed and by whom.
 - v. Sound and vibration attenuation measures shall be taken to prevent sound and/or vibration from migrating to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound and vibration attenuating wall treatments.
 - vi. Audio and visual equipment including music speakers, televisions, projection screens, and other sound production devices, and lighting of all types, where installed, shall be installed in such a manner so as to prevent sound, glare and vibration from emanating beyond the property line and shall have controls that are easily accessible and adjustable for staff during operation.
 - vii. Retractable walls or storefront systems may only be permitted if expressly approved by the reviewing Board and Historic Preservation Commission, if the subject property is located in a historic district.
 - viii. Because of the variable characteristics of this use, the applicable reviewing Board may attach such conditions and safeguards as it deems appropriate to mitigate any potential impacts on the surrounding area.

- (a) Applicant must demonstrate a substantial public benefit for having an all-residential building, without ground-floor commercial use, in the C-2 District.
- (b) Exception. One residential dwelling unit is permitted in buildings fronting on Court Street over parking or another non-commercial accessory use.
- (c) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.

(33) Restaurants:

(a) Class I.

- i. Air filtration, exhaust and fire suppression systems shall be commensurate with the cooking equipment installed. The mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures and 10 feet or more from the front of the building. Visual screening and/or a sound attenuation enclosure may be required.
- ii. Refrigeration and cooling equipment shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures. Visual screening and/or a sound attenuation enclosure may be required.
- iii. No service line, ventilation duct-work, exhaust chimney or other appurtenance associated with the business' operating equipment shall be installed on any exterior wall of the building fronting on a street or extending into the public right-of-way.
- iv. A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how it will be removed and by whom.
- v. Sound and vibration attenuation measures shall be taken to prevent sound and/or vibration from migrating to other parts of the host building, to adjacent structures, and the public right-of-way. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound and vibration attenuating wall treatments.
- vi. Audio and visual equipment including music speakers, televisions, projection screens, and other sound production devices, and lighting of all types, where installed, shall be installed in such a manner so as to prevent sound, glare and vibration from emanating beyond the property line and shall have controls that are easily accessible and adjustable for staff during operation.
- vii. Retractable walls or storefront systems may only be permitted if expressly approved by the reviewing Board and Historic Preservation Commission, if the subject property is located in a historic district.
- viii. Because of the variable characteristics of this use, the applicable reviewing Board may attach such conditions and safeguards as it deems appropriate to mitigate any potential impacts on the surrounding area.

- ix. Parking space shall be provided for each 4 persons of occupancy load after the first 50 persons, rounded to the closest whole number. The requisite number of spaces should be secured from a private or public parking facility not more than 5 block-lengths away. Spaces may be offered to staff and patrons through validation or valet service.

(b) Class II.

- i. Air filtration, exhaust and fire suppression systems shall be commensurate with the cooking equipment installed. The mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures and 10 feet or more from the front of the building. Visual screening and/or a sound attenuation enclosure may be required.
- ii. Refrigeration and cooling equipment shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures. Visual screening and/or a sound attenuation enclosure may be required.
- iii. No service line, ventilation duct-work, exhaust chimney or other appurtenance associated with the business' operating equipment shall be installed on any exterior wall of the building fronting on a street or extending into the public right-of-way.
- iv. A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how it will be removed and by whom.
- v. Sound attenuation measures shall be taken to prevent sound and vibration migration from within the restaurant to other units beside or above the restaurant and to adjacent structures. Such measures may include installation of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.
- vi. Audio and visual equipment including music speakers, televisions, projection screens, and other sound production devices, and lighting of all types, where installed, shall be installed in such a manner so as to prevent sound, glare and vibration from emanating beyond the property line and shall have controls that are easily accessible and adjustable for staff.
- vii. Retractable walls or storefront systems may only be permitted if expressly approved by the reviewing Board and Historic Preservation Commission, if the subject property is located in a historic district.

(c) Class III.

- i. Where applicable, air filtration, exhaust and fire suppression systems shall be commensurate with the cooking equipment installed. The mechanical units for those systems shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures

and 10 feet or more from the front of the building. Visual screening and/or a sound attenuation enclosure may be required.

- ii. Refrigeration and cooling equipment shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures. Visual screening and/or a sound attenuation enclosure may be required.
- iii. No service line, ventilation duct-work, exhaust chimney or other appurtenance associated with the business' operating equipment shall be installed on any exterior wall of the building fronting on a street or extending into the public right-of-way.
- iv. A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how it will be removed and by whom.

(d) Class IV.

A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.

(34) Smoke Shops.

- (a) A smoke shop shall be a minimum of 500 feet from any other smoke shop, and no more than one smoke shop shall be permitted on any single block frontage, which includes, for purposes of this regulation, both sides of the street on such a block.
- (b) Smoke shops shall not be permitted within 500 feet of a primary or secondary school.
- (c) No displays of smoking paraphernalia, including hookahs, bong, vaping devices, pens, mods and/or kits shall be placed in storefront windows.
- (d) Signage, including any window promotions, shall comply and remain compliant with §196-31.

(35) Vocational & Trade Schools and Other Instructional & Training Facilities.

- (a) Instructional or Training Facilities, including Vocational and Trade Schools, located in C-1 and C-2 Districts with a gross floor area of 2,000 sf or more shall be a conditional use subject to review by the applicable Land Use Board. A facility with less than 2,000 sf of floor area shall be a permitted use in C-1 and C-2 provided it meets the requirements of (b) and (c) below. Schools or facilities located in C-3 shall comply with subsections F.(2) and G.(16), above. The reviewing Board shall attach such conditions and safeguards to any approval of an instructional or training facility that it deems appropriate and necessary to ensure conformance with the standards and requirements set forth in this Chapter and all other applicable regulations.
- (b) Sound attenuation measures shall be taken to prevent sound migration to other parts of the host building and adjacent structures. Such measures may include installation

and 10 feet or more from the front of the building. Visual screening and/or a sound attenuation enclosure may be required.

- ii. Refrigeration and cooling equipment shall be located within the commercial unit and/or on the upper roof of the host building and setback 6 feet or more from any adjacent structures. Visual screening and/or a sound attenuation enclosure may be required.
- iii. No service line, ventilation duct-work, exhaust chimney or other appurtenance associated with the business' operating equipment shall be installed on any exterior wall of the building fronting on a street or extending into the public right-of-way.
- iv. A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how it will be removed and by whom.

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of absorptive insulation in walls and ceilings, acoustic panels and/or layers of Quietrock® drywall or similar sound-attenuating wall treatments.

- (c) If the instruction or training activities are likely to generate odors or air-borne particulates, a make-up air and/or ventilation system may be required to ensure consistent air quality and prevent dissipation of those training by-products to neighboring units.
- (d) A refuse storage and disposal plan must be submitted describing where waste and recycling will be stored on the premises and how they will be removed and by whom.
- (e) One parking space shall be provided for each 5 persons of occupancy after the first 10 person. Spaces shall be located in a public or private parking facility not more than a 5-block length away.

H. Parking & Transportation Requirements.

- (1) Parking, where specified under subsection 196-19 G., Standards for Specific Uses, shall be provided as required. Where there is no parking mandated, none shall be required.
- (2) Businesses are encouraged to participate in Hoboken ride-share and bike-share programs. The applicable reviewing Board, at their discretion and in consultation with the City's Director of Parking and Transportation, may allow for all or part of a business's parking requirements to be offset by such participation.

SECTION FIVE

Chapter 196, Article IX General Supplemental Regulations, §§196-33 of the Code of the City of Hoboken is amended as follows:

§ 196-33 Retail business or service in residential district.

~~A retail business or service as defined in Article II of this chapter shall be permitted in any residential district where it represents a new use or conversion of an existing use, upon issuance of a certificate of occupancy by the Building Inspector subsequent to his finding that:~~

- ~~A. The block frontage on which the proposed activity wishes to be situated contains at least two other retail businesses as defined in Article II.~~
- ~~B. If located in a building of two or more stories, the retail business or service will, except as otherwise specified in this chapter, be located on the ground floor or basement of the building with a separate exterior entryway permitting access only to the retail area.~~
- ~~C. It will contain no more than 1,000 square feet of customer sales or service area.~~

§ 196-33 Retail Businesses and Services in Residential (R) Districts.

- A. A retail businesses and services as defined in Article II of this chapter and more specifically identified on the Use Table in §196-19.E as a “P” permitted use in the C-3 District, may be approved in a Residential (R) Districts subject to the following:
- (1) The proposed location has consistently been occupied by a retail business or service without having been converted to any use that is a principal permitted use in the zone;
or
 - (2) The proposed location is a corner lot where two streets intersect; and
 - (3) The “General Guidelines Applicable to All Uses” listed in §196-19.F are met, except that, in a residential district, the retail business or service shall only be located on the 1st floor; and
 - (4) Any “Standards for Specific Uses” that appear in §196-19.G will be met.
- B. A retail business or service identified on the Use Table in §196-19.E as a “C” conditional use in the C-3 District, may also be considered a conditional use in an R-District subject to the conditions set forth in 196-19.G and approval by the Planning Board or Board of Adjustment as the case may be.

SECTION SIX

Chapter 196, Zoning, and the Zoning Map of the City of Hoboken attached thereto, is hereby amended and supplemented by adoption, by the City Council of the City of Hoboken, of Attachment 8 – Commercial and Sub-district Zoning Map. Said map, together with everything shown thereon, and all amendments thereto shall be a part of Chapter 196 as if the same were fully described and set forth therein.

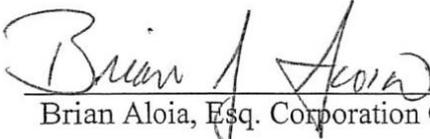
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- (1) The proposed location has consistently been occupied by a retail business or service without having been converted to any use that is a principal permitted use in the zone;
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 - (2) The proposed location is a corner lot where two streets intersect; and
 - (3) The “General Guidelines Applicable to All Uses” listed in §196-19.F are met, except that, in a residential district, the retail business or service shall only be located on the 1st floor; and
 - (4) Any “Standards for Specific Uses” that appear in §196-19.G will be met.
- B. A retail business or service identified on the Use Table in §196-19.E as a “C” conditional use in the C-3 District, may also be considered a conditional use in an R-District subject to the conditions set forth in 196-19.G and approval by the Planning Board or Board of Adjustment as the case may be.

SECTION SIX

Chapter 196, Zoning, and the Zoning Map of the City of Hoboken attached thereto, is hereby amended and supplemented by adoption, by the City Council of the City of Hoboken, of Attachment 8 – Commercial and Sub-district Zoning Map. Said map, together with everything shown thereon, and all amendments thereto shall be a part of Chapter 196 as if the same were fully described and set forth therein.

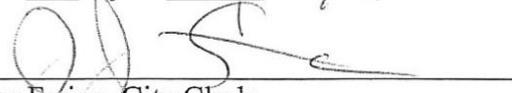
Meeting Date: May 1, 2019

Approved as to Legal Form:

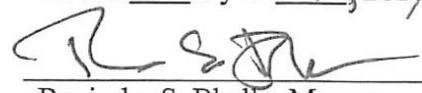

 Brian Aloia, Esq. Corporation Counsel

Vetoed by the Mayor for the following reasons:

Adopted by the Hoboken City Council
 By a Vote of 9 Yeas to 0 Nays
 On the 15 day of May, 2018^g


 James Farina, City Clerk

-or-
 Approved by the Mayor
 On the 17 day of May, 2018^g


 Ravinder S. Bhalla, Mayor

✓ Vote Record - CC - Ordinance		Yes/Aye	No/Nay	Abstain/Alternate	Absent
<input type="checkbox"/> 1st Reading	Peter Cunningham	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 2nd Reading	Mike DeFusco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	James Doyle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted	Vanessa Falco	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Failed	Tiffanie Fisher	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Emily Jabbour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ruben Ramos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael Russo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Jennifer Giattino	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

setback from the adjoining side lot lines, a new structure may match the lesser adjacent setback or be 0'. No new structure shall be setback more than 10' from the front lot line.

- (g) Side Yard Setback: As existing; 0' or 5' for new construction.
- (h) Rear Yard Setback, Minimum: As existing; 20% for new construction or expansion of the existing structure.
- (i) Density Factor, Maximum: In accordance with use conditions set forth herein.

(2) C-2 Central Business District Bulk Standards:

- (a) Lot Area, Minimum: As existing; 2,000 sf for new subdivision.
- (b) Lot Width, Minimum: As existing; 20' for new subdivision.
- (c) Lot Depth, Minimum: As existing; 100' for new subdivision.
- (d) Building Height, Maximum: Principal Building - 5 stories, not to exceed 52' above average grade. Court Street - 30', not to exceed 1 dwelling over grade-level parking or permitted use. For Principal Buildings, minimum floor-to-floor height of 10' for residential floors and 12' for commercial floors.
- (e) Lot Coverage, Maximum: Principal Building 60%; except for through lots on the east side of Washington Street that front on both Washington and Court Streets, then 100% 1st floor and 60% upper floors on the principal building on Washington Street and 20% upper floors on the Court Street fronting building.
- (f) Front Yard Setback: 0' or matching the setback of adjoining principal structures on either side.
- (g) Side Yard Setback: 0'.
- (h) Rear Yard Setback Minimum: 40%; except for through-lots as noted in (e) above.
- (i) Density Factor, Maximum: Lot area divided by 330, rounded to the nearest whole number calculated to the thousandth place. Court Street: add 1 unit of density for the additional dwelling unit.

(3) C-3 Neighborhood Business District Bulk Standards:

- (a) Lot Area, Minimum: As existing; 2,000 sf for new subdivision.
- (b) Lot Width, Minimum: As existing; 20' for new subdivision.
- (c) Lot Depth, Minimum: As existing; 100' for new subdivision.
- (d) Building Height, Maximum: 4 residential floors over 1 grade level commercial floor, not to exceed 52' above average grade. For residential-only buildings: 40' above average grade or DFE, whichever is higher. Minimum floor-to-floor height of 10' for residential floors and 12' for commercial floors.
- (e) Lot Coverage, Maximum: 60%.
- (f) Front Yard Setback: 0'

19-329

B-133

An ordinance amending and supplementing Chapter 196 (Zoning) of the municipal code of the City of Hoboken for Commercial Business Districts

Introduced, passed first reading as read and laid on the table for further consideration of the council at its next meeting to be held on May 1, 2019 at 7pm.

City Clerk
4/17/2019

Carried to the May 15, 2019 Council Meeting.

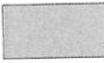
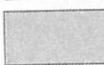
City Clerk
5/1/2019

Passed second and final reading.

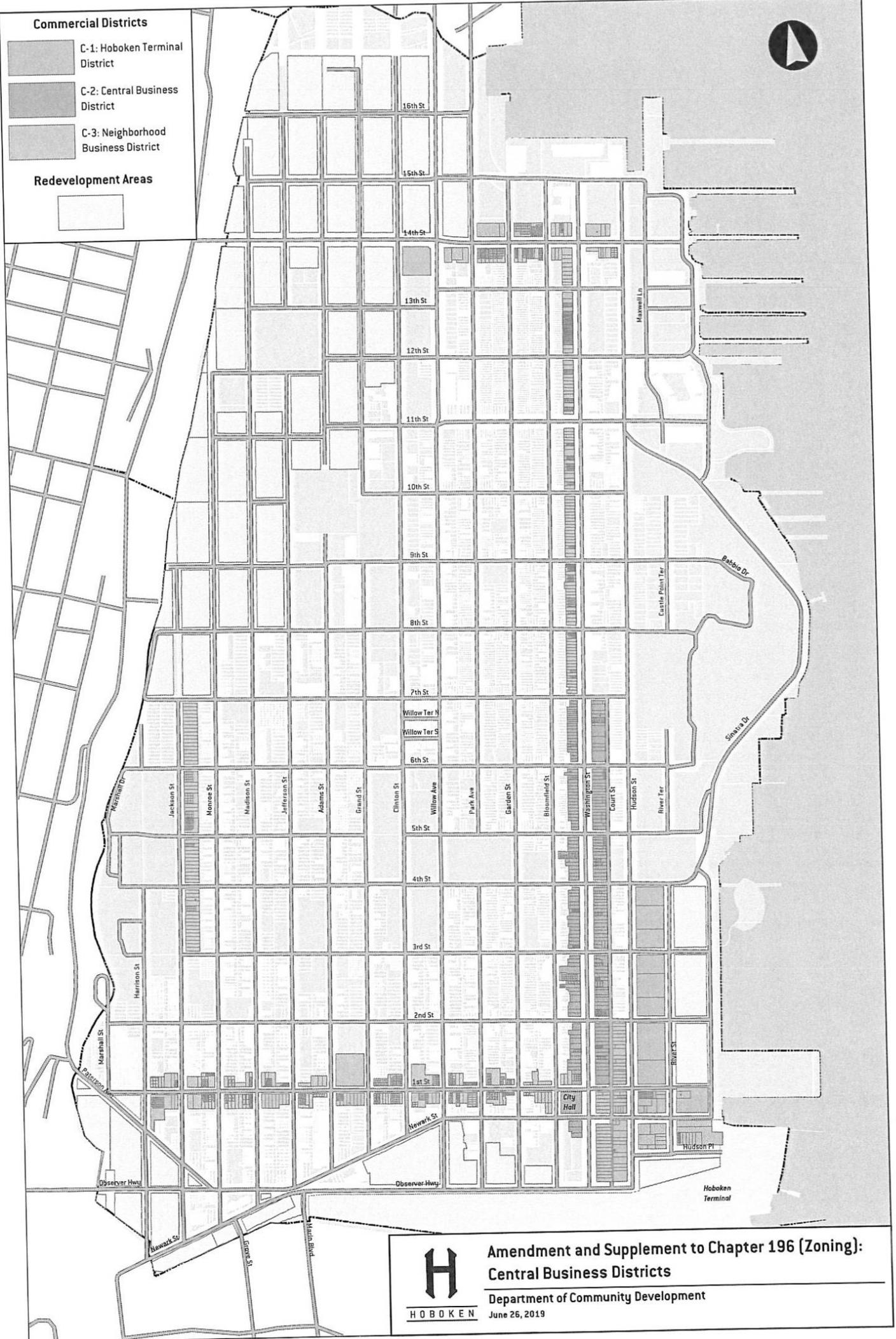
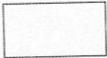
City Clerk
5/15/2019



Commercial Districts

-  C-1: Hoboken Terminal District
-  C-2: Central Business District
-  C-3: Neighborhood Business District

Redevelopment Areas



HOBOKEN

**Amendment and Supplement to Chapter 196 (Zoning):
Central Business Districts**

Department of Community Development

June 26, 2019



H O B O K E N

Ravinder S. Bhalla
Mayor

CITY OF HOBOKEN
Hoboken Planning Board
94 Washington Street
Hoboken, New Jersey 07030

James Doyle, Class I
Caleb Stratton, Class II
Tiffanie Fisher, Class III
Lea Cloud, Commissioner
Frank Magaletta, Commissioner
Kelly OConnor, Commissioner
Ryan Peene, Commissioner
Rami Pinchevsky, Commissioner
Atif Qadir, Commissioner
Tom Jacobson, 1st Alternate
Jonathan Otto, 2nd Alternate

Memo

To: City Clerk
From: Patricia Carcone, Planning Board Secretary
Date: May 13, 2019
Re: March 7, 2019 Planning Board Review Ordinance No: B-133

The City Council, at their meeting on April 17, 2019 introduced **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 196 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF HOBOKEN FOR COMMERCIAL BUSINESS DISTRICTS(B-133)**

The Municipal Land Use Law requires that the Governing Body refer to the Planning Board all proposed development regulations, amendments, and revisions thereto so that the Planning Board can report whether the proposed revision is consistent with the Master Plan.

On May 7, 2019, the Planning Board held a public hearing, discussed the ordinance to **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 196 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF HOBOKEN FOR COMMERCIAL BUSINESS DISTRICTS(B-133)**, and found the proposed ordinance B-133 consistent with the 2018 Master Plan Reexamination Report and 2018 Land Use Element of the Master Plan with recommendations. Enclosed is a copy of the Planning Board resolution concerning the review of Ordinance B-133.

Patricia Carcone
Planning Board Secretary

Enclosures: Planning Board Resolution Memorializing Review of Ordinance B-133

Cc: Christopher Brown, Director Community Development via email
Scott Carlson Esq., Planning Board Attorney via email
Alyssa Bongiovanni, Corporation Counsel via email

RECEIVED
2019 MAY 13 PM 1:58
CITY CLERK
HOBOKEN, NJ 07030

**RESOLUTION CONCERNING THE PROPOSED ORDINANCE B-133 AMENDING
AND SUPPLEMENTING CHAPTER 196 (ZONING) OF THE MUNICIPAL CODE OF
THE CITY OF HOBOKEN FOR COMMERCIAL BUSINESS DISTRICTS**

WHEREAS, in accordance with N.J.S.A. 40:55D-26(a), the Governing Body is required to submit ordinances to the Planning Board for review and comment; and

WHEREAS, the City of Hoboken is seeking to update the Zoning Ordinance to reflect and address modern issues, applications, conditions and language consistent with the purpose and intent of the City's Master Plan, 2018 Master Plan Reexamination Report and 2018 Master Plan Land Use Element; and

WHEREAS, at its May 7, 2019 public meeting, the Planning Board determined that the proposed ordinance is consistent with the 2018 Master Plan Reexamination Report and 2018 Land Use Element of the Master Plan; and

WHEREAS, the Board received advice from its Planner, Susan Favate, P.P. of BFJ Planning, in a review letter dated May 2, 2019, which is appended hereto, and the recommendations of Ms. Favate provided at the May 7, 2019 meeting, and the Board has made its determinations stated herein in reliance on Ms. Favate's advice as well as on the Board's review of the proposed Ordinance and the Master Plan in support of its determination.

NOW, THEREFORE BE IT RESOLVED THAT, the Board finds the proposed Ordinance B-133, which would amend and supplement Chapter 196 (Zoning) of the municipal code of the City of Hoboken for commercial business districts, is consistent with the 2018 Master Plan Reexamination Report and 2018 Land Use Element of the Master Plan;

BE IT FURTHER RESOLVED THAT, upon the adoption of Ordinance B-133, the Planning Board asks the Governing Body to note as follows:

1. With the deletion of the existing §196-19, the primary reference in the zoning ordinance to the historic preservation overlay district will be removed. The Planning Board suggests that the new §196-19(c) (Historic Preservation) be amended to make reference to the historic preservation overlay district in Chapter 42, §18.
2. References to the R-1(E), CBD(H), and CS subdistricts remain in place in §196-27 and should be deleted (see §196-27(A), (B), and (C)).
3. In the proposed ordinance, the existing §196-19 that is proposed for deletion does not include §196-19(B)(10), which permits medical cannabis dispensaries in the CBD district and was adopted in December 2018. In addition, the new use tables for the C-1, C-2, and C-3 districts do not appear to include this use. Assuming that medical cannabis dispensaries are still envisioned in the area currently covered by the CBD district, these uses should be permitted in the C-1 and C-2 districts, with the existing restrictions (i.e., they are excluded from Bloomfield Street, First Street west of Washington Street, and Court Street).

4. The Board recommends that Class III restaurants be a conditional, not permitted, use in the C-2 District.
5. The Board recommends that section 196-19G(33)(a)(1), -(b)(1) and -(c)(1) be amended to replace "Air filtration" with "Air precipitator".
6. Section 196-33 should be revised to permit "commercial recreation" uses, as set forth at the table at section 196-19(E) for the C -3 district, in Residential (R) Districts as well as "retail businesses and services".

MOTION BY: Doyle

SECOND BY: Cloud

VOTE OF ROLL CALL

IN FAVOR: Doyle Stratton, Cloud, O'Connor, Peene, Pinchevsky, Magaletta

OPPOSED: None

NOW, THEREFORE BE IT FURTHER RESOLVED THAT, this resolution be forwarded to the Honorable Mayor Rhavi Bhalla and the City Council.


 Frank Magaletta, Chairman
 Hoboken Planning Board

CERTIFICATION

I hereby certify this to be a true and accurate copy of the resolution adopted by the Hoboken Planning Board, Hudson County, New Jersey, at a public meeting held on May 7, 2019.


 Patricia Carcone, Secretary
 Hoboken Planning Board

To: City of Hoboken Planning Board

From: Susan Favate, AICP, PP, Principal

Subject: Master Plan Consistency Review:
Ordinance #6: An Ordinance Amending and Supplementing Chapter 196 (Zoning) of the Municipal Code of the City of Hoboken for Commercial Business Districts
BFJ Project #26556

Date: May 2, 2019

As follow-up to the adoption of the 2018 Master Plan Reexamination Report and Land Use Element, the Hoboken City Council has introduced an ordinance enacting a series of changes to Chapter 196 (Zoning) of the Municipal Code, primarily involving the City's commercial zoning districts and their allowable uses and area/bulk standards. The ordinance has been referred to the Hoboken Planning Board for Master Plan Consistency Review, pursuant to the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D.

Our office is in receipt of the following:

1. Hoboken City Council Ordinance #6: *An Ordinance Amendment and Supplementing Chapter 196 (Zoning) of the Municipal Code of the City of Hoboken for Commercial Business Districts*, which was introduced by the Hoboken City Council on April 17, 2019.
2. Correspondence from the Hoboken Municipal City Clerk, dated April 18, 2019, referring this matter to the Planning Board.
3. Transmittal email dated April 18, 2019, from Planning Board Secretary Patricia Carcone, referring this matter to BFJ Planning for review.
4. Map of proposed commercial districts, dated March 5, 2019.

Summary of Ordinance Revisions

The proposed ordinance changes can generally be categorized as follows:

1. New or Revised Definitions

Existing definitions have been replaced for the following terms:

- Bars
- Commercial Use
- Office
- Open Space
- Residential Building
- Restaurant
- Retail Business or Service

New definitions have been created for the following terms:

- Event Space
- Mixed-Use Building
- Nightclub

2. Elimination of Zoning Subdistricts

The R-1(E) and R-1(CS) subdistricts, and all references thereto, have been removed from Sections 196-7 and 196-14.

3. Addition of New Commercial Zoning Districts

Section 196-19 has been replaced with a new section that eliminates the CBD, CBD(H), and CBD(H)(CS) districts and establishes three new commercial zoning districts: C-1 (Hoboken Terminal District), C-2 (Central Business District), and C-3 (Neighborhood Business District). This section includes area and bulk standards for each district, as well as allowable uses and other standards.

4. Regulation of Retail Uses in Residential Zones

Section 196-33 (Retail business or service in residential district) has been replaced with a new section that allows for such uses either where they already exist or on corners, and that establishes other guidelines and standards for these uses.

Consistency Review

As noted above, the proposed ordinance is being introduced as a follow-up to the recently adopted Master Plan Reexamination Report and Land Use Element. In fact, the ordinance's stated purpose is "...to reflect modern issues, applications, conditions and language consistent with the purpose and intent of the City's Master Plan, Master Plan Reexamination Report and 2018 Master Plan Land Use Element."

1. Consistency with Master Plan Reexamination Report Objectives and Recommendations

The following objectives and recommendations of the 2018 Master Plan Reexamination Report are directly relevant to the proposed ordinance revisions, and are addressed by the proposed ordinance as indicated:

2.A: Support local businesses, arts and industries.

2.A/1: Protect spaces where artists and makers can work affordably through zoning and land development regulations.

Artist studios and work spaces are proposed as permitted uses in the C-1 (Hoboken Terminal) district and C-2 (Central Business) district, and as conditional uses in the C-3 (Neighborhood Business) district. In addition, the proposed § 196-19 (G), Standards for Specific Uses, incorporates zoning provisions that address potential impacts of such uses.

2.C: Diversify the local economy by encouraging non-residential uses, particularly in underserved areas of the City.

2.C/2: Mixed-use development should be allowed at greater intensities near the Hoboken Terminal and transit stops along the periphery of the City.

The proposed C-1 (Hoboken Terminal) district recognizes that the area immediately around the terminal is appropriate for a "high density of businesses, entertainment, jobs, recreational and social opportunities." A wide variety of uses are either permitted or conditional, at a greater height and lot coverage than the C-2 and C-3 districts. All-residential buildings are not permitted, ensuring that the Terminal district retains a commercial/mixed-use character.

2.C/4: Allow retail uses to also occupy upper stories in retail “core” areas. There is limited space at street level in most buildings in Hoboken’s retail areas.

§196-19 (F)(4) provides that commercial uses in a mixed-use building may occupy the basement, first, and second floors, provided there is no residential occupancy below the commercial use.

2.C/5: Consider increasing the maximum permitted floor area of ground floor retail uses in certain mixed-use areas.

§196-19 (F)(2) limits commercial square footage to 1,200 square feet in the C-3 (Neighborhood Business) district; otherwise, the square footage does not appear to be capped in commercial zones. We note that the existing limit of 1,000 square feet in residential zones is proposed to be removed, whereas the Master Plan Reexamination Report indicates it should be retained. However, it appears that such uses would be subject to the 1,200-square-foot cap of the C-3 (Neighborhood Business) zone, and individual uses would be subject to specific standards in §196-19 (G). We view this change as substantially consistent with the Master Plan.

2.C/6: Support Washington Street as the shopping and social “Main Street” of Hoboken, featuring a variety of local-owned businesses.

The proposed C-2 (Central Business) district is intended to support “Hoboken’s thriving ‘Main Street’ and core shopping district,” and provides for a wide range of uses on both sides of Washington Street from First Street to Seventh Street.

2.C/7: Create “secondary retail streets” on First Street, Fourteenth Street, and on the west side along certain streets such as along Jackson Street.

The proposed C-3 district is established along these corridors and aimed at facilitating shopping, goods, and convenience services that cater primarily to residents in the surrounding neighborhood.

2.C/8: Allow retail and personal amenity services to be located at some street corners in residential areas.

The new §196-33 would allow these uses either where they already exist or on street corners, subject to certain standards.

We find that the proposed ordinance provisions are consistent with the focus and intent of the objectives and recommendations listed below. The 2018 Land Use Element provides more specific recommendations, discussed below, as a means to implement the Master Plan Reexamination recommendations.

2. Consistency with Land Use Element Recommendations

Definitions

We have reviewed the new or revised zoning definitions in the proposed ordinance, and find that they either match the proposed definition of the Land Use Element, or are consistent with the intent of the recommendation.

Map Changes

We have also reviewed the proposed zoning map, which creates three commercial zoning districts and in the process removes the R-1(CS) subdistrict. These changes are consistent with the Land Use Element. We note that the elimination of the R-1(E) subdistrict reflects the recently adopted University (U) district, which was previously determined to be consistent with the Master Plan. The elimination of this subdistrict in the current proposed ordinance simply matches with the earlier adoption of the U district regulations.

New Commercial Districts

In addition, we have reviewed the proposed use and area/bulk standards for each of the three proposed commercial districts. We find that these standards are, for the most part, virtually identical to those proposed in the Land Use Element. There are some minor deviations for building height and lot coverage, as follows:

- In the C-2 district, the Land Use Element indicated 55 feet or 5 stories, and 25 feet on Court Street, and the ordinance proposes 52 feet or 5 stories, and 30 feet on Court Street. In the C-3 district, the Land Use Element indicated 55 feet or 5 stories on Washington and Fourteenth Street, and 40 feet on First and Jackson Streets, while the ordinance proposes 52 feet or 5 stories for mixed-use buildings and 40 feet for residential buildings. In addition, minimum floor-to-ceiling heights are included in the ordinance for both the C-2 and C-3 districts; these are not included in the Land Use Element. We view these deviations as minor in nature, and they do not change the overall intent of the Land Use Element or Master Plan, which was to provide a range of appropriately scaled mixed-use development in the central business district and along key corridors of the City.
- For lot coverage in the C-2 district, the Land Use Element indicated a maximum of 60% except for lots that front on both Washington and Court Streets, where 100% coverage was envisioned for the first floor. The intent of the Land Use Element recommendation was to provide additional ground-floor commercial space through usage of an area of the lot that provides limited use for the residential floors. Again, however, the change is minor and does not impact the overall intent of the Land Use Element or Master Plan.

The Land Use Element assumes and provides for some deviation between its recommendations and the zoning amendments ultimately adopted by the City. As stated on p. 88:

"The recommendations in this section are just that – recommendations. When preparing the City's updated Zoning Code or adopting zoning amendments, the intent and purpose behind these recommendations is the more important aspect to consider. The specific permitted uses and the bulk standards (permitted heights, allowable densities, required setbacks, etc.) may ultimately vary from these proposals. They were determined based on the Planning Board's understanding and current approach of how development objectives can best be met for each district. Proposed zoning ordinances that deviate from numbers/figures, lists of permitted uses, etc. should not be considered 'inconsistent' with the MP; so long as they are consistent with the policy 'intent.'"

The proposed ordinance also includes a series of guidelines and standards controlling various uses in the new commercial zones. The details of these provisions were not contemplated in the

Land Use Element, but the document did recommend that additional conditions be developed for conditional uses, and that supplemental use requirements also be developed (see p. 136 of the Land Use Element). We view the guidelines and standards contained in §196-19 (F) and (G) as consistent with these recommendations, and we note that the provisions have been written so as not to conflict with the existing conditional use standards in §196-38.

In conclusion, we find that the new and revised definitions; proposed zoning map changes; and area, bulk, and use standards for the new commercial districts are consistent with the policy intent and overall recommendations of the Master Plan, and the specific recommendations of the Land Use Element.

3. Additional Comments

We offer the following additional comments for consideration by the Planning Board and governing body:

- With the deletion of the existing §196-19, the primary reference in the zoning ordinance to the historic preservation overlay district has been removed. We suggest that the new §196-19 (C) (Historic Preservation) be amended to make reference to the historic preservation overlay district in Chapter 42, §18.
- References to the R-1(E), CBD(H), and CS subdistricts remain in place in §196-27 and should be deleted (see §196-27 (A), (B), and (C)).
- In the proposed ordinance, the existing §196-19 that is proposed for deletion does not include §196-19 (B)(10), which permits medical cannabis dispensaries in the CBD district and was adopted in December 2018. In addition, the new use tables for the C-1, C-2, and C-3 districts do not appear to include this use. Assuming that medical cannabis dispensaries are still envisioned in the area currently covered by the CBD district, these uses should be permitted in the C-1 and C-2 districts, with the existing restrictions (i.e., they are excluded from Bloomfield Street, First Street west of Washington Street, and Court Street).

cc: Scott Carlson, Carlson Siedsma, Planning Board Attorney
Christopher Brown, PP, AICP, LEED GA, Director of Community Development
Ann Holtzman, Zoning Officer
Patricia Carcone, Planning Board Secretary



Ravinder S. Bhalla
Mayor

CITY OF HOBOKEN
Hoboken Planning Board
94 Washington Street
Hoboken, New Jersey 07030

James Doyle, Class I
 Caleb Stratton, Class II
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 Lea Cloud, Commissioner
 Frank Magaletta, Commissioner
 Kelly OConnor, Commissioner
 Ryan Peene, Commissioner
 Rami Pinchevsky, Commissioner
 Atif Qadir, Commissioner
 Tom Jacobson, 1st Alternate
 Jonathan Otto, 2nd Alternate

Memo

To: City Clerk
From: Patricia Carcone, Planning Board Secretary
Date: May 13, 2019
Re: March 7, 2019 Planning Board Review Ordinance No: B-133

The City Council, at their meeting on April 17, 2019 introduced **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 196 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF HOBOKEN FOR COMMERCIAL BUSINESS DISTRICTS(B-133)**

The Municipal Land Use Law requires that the Governing Body refer to the Planning Board all proposed development regulations, amendments, and revisions thereto so that the Planning Board can report whether the proposed revision is consistent with the Master Plan.

On May 7, 2019, the Planning Board held a public hearing, discussed the ordinance to **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 196 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF HOBOKEN FOR COMMERCIAL BUSINESS DISTRICTS(B-133)**, and found the proposed ordinance B-133 consistent with the 2018 Master Plan Reexamination Report and 2018 Land Use Element of the Master Plan with recommendations. Enclosed is a copy of the Planning Board resolution concerning the review of Ordinance B-133.

Patricia Carcone
 Planning Board Secretary

Enclosures: Planning Board Resolution Memorializing Review of Ordinance B-133

Cc: Christopher Brown, Director Community Development via email
 Scott Carlson Esq., Planning Board Attorney via email
 Alyssa Bongiovanni, Corporation Counsel via email

Attachment: B-133 Cover Letter to Clerk and PB Resolution 5.13.19 (Amendments to Business District Expansion Ordinance)

**RESOLUTION CONCERNING THE PROPOSED ORDINANCE B-133 AMENDING
AND SUPPLEMENTING CHAPTER 196 (ZONING) OF THE MUNICIPAL CODE OF
THE CITY OF HOBOKEN FOR COMMERCIAL BUSINESS DISTRICTS**

WHEREAS, in accordance with N.J.S.A. 40:55D-26(a), the Governing Body is required to submit ordinances to the Planning Board for review and comment; and

WHEREAS, the City of Hoboken is seeking to update the Zoning Ordinance to reflect and address modern issues, applications, conditions and language consistent with the purpose and intent of the City's Master Plan, 2018 Master Plan Reexamination Report and 2018 Master Plan Land Use Element; and

WHEREAS, at its May 7, 2019 public meeting, the Planning Board determined that the proposed ordinance is consistent with the 2018 Master Plan Reexamination Report and 2018 Land Use Element of the Master Plan; and

WHEREAS, the Board received advice from its Planner, Susan Favate, P.P. of BFJ Planning, in a review letter dated May 2, 2019, which is appended hereto, and the recommendations of Ms. Favate provided at the May 7, 2019 meeting, and the Board has made its determinations stated herein in reliance on Ms. Favate's advice as well as on the Board's review of the proposed Ordinance and the Master Plan in support of its determination.

NOW, THEREFORE BE IT RESOLVED THAT, the Board finds the proposed Ordinance B-133, which would amend and supplement Chapter 196 (Zoning) of the municipal code of the City of Hoboken for commercial business districts, is consistent with the 2018 Master Plan Reexamination Report and 2018 Land Use Element of the Master Plan;

BE IT FURTHER RESOLVED THAT, upon the adoption of Ordinance B-133, the Planning Board asks the Governing Body to note as follows:

1. With the deletion of the existing §196-19, the primary reference in the zoning ordinance to the historic preservation overlay district will be removed. The Planning Board suggests that the new §196-19(c) (Historic Preservation) be amended to make reference to the historic preservation overlay district in Chapter 42, §18.
2. References to the R-1(E), CBD(H), and CS subdistricts remain in place in §196-27 and should be deleted (see §196-27(A), (B), and (C)).
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- 4. The Board recommends that Class III restaurants be a conditional, not permitted, use in the C-2 District.
- 5. The Board recommends that section 196-19G(33)(a)(1), -(b)(1) and -(c)(1) be amended to replace "Air filtration" with "Air precipitator".
- 6. Section 196-33 should be revised to permit "commercial recreation" uses, as set forth at the table at section 196-19(E) for the C -3 district, in Residential (R) Districts as well as "retail businesses and services".

MOTION BY: Doyle

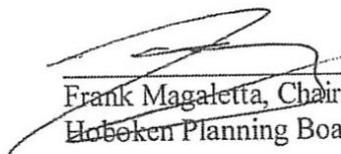
SECOND BY: Cloud

VOTE OF ROLL CALL

IN FAVOR: Doyle, Stratton, Cloud, O'Connor, Peene, Pinchevsky, Magaletta

OPPOSED: None

NOW, THEREFORE BE IT FURTHER RESOLVED THAT, this resolution be forwarded to the Honorable Mayor Rhavi Bhalla and the City Council.


 Frank Magaletta, Chairman
 Hoboken Planning Board

CERTIFICATION

I hereby certify this to be a true and accurate copy of the resolution adopted by the Hoboken Planning Board, Hudson County, New Jersey, at a public meeting held on May 7, 2019.


 Patricia Carcone, Secretary
 Hoboken Planning Board

Attachment: B-133 Cover Letter to Clerk and PB Resolution 5.13.19 (Amendments to Business District Expansion Ordinance)

BFJ Planning

MEMORANDUM

To: City of Hoboken Planning Board

From: Susan Favate, AICP, PP, Principal

Subject: Master Plan Consistency Review:
Ordinance #6: An Ordinance Amending and Supplementing Chapter 196 (Zoning) of the Municipal Code of the City of Hoboken for Commercial Business Districts
BFJ Project #26556

Date: May 2, 2019

As follow-up to the adoption of the 2018 Master Plan Reexamination Report and Land Use Element, the Hoboken City Council has introduced an ordinance enacting a series of changes to Chapter 196 (Zoning) of the Municipal Code, primarily involving the City's commercial zoning districts and their allowable uses and area/bulk standards. The ordinance has been referred to the Hoboken Planning Board for Master Plan Consistency Review, pursuant to the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D.

Our office is in receipt of the following:

1. Hoboken City Council Ordinance #6: *An Ordinance Amendment and Supplementing Chapter 196 (Zoning) of the Municipal Code of the City of Hoboken for Commercial Business Districts*, which was introduced by the Hoboken City Council on April 17, 2019.
2. Correspondence from the Hoboken Municipal City Clerk, dated April 18, 2019, referring this matter to the Planning Board.
3. Transmittal email dated April 18, 2019, from Planning Board Secretary Patricia Carcone, referring this matter to BFJ Planning for review.
4. Map of proposed commercial districts, dated March 5, 2019.

Summary of Ordinance Revisions

The proposed ordinance changes can generally be categorized as follows:

1. *New or Revised Definitions*

Existing definitions have been replaced for the following terms:

- Bars
- Commercial Use
- Office
- Open Space
- Residential Building
- Restaurant
- Retail Business or Service

New definitions have been created for the following terms:

- Event Space
- Mixed-Use Building
- Nightclub

2. Elimination of Zoning Subdistricts

The R-1(E) and R-1(CS) subdistricts, and all references thereto, have been removed from Sections 196-7 and 196-14.

3. Addition of New Commercial Zoning Districts

Section 196-19 has been replaced with a new section that eliminates the CBD, CBD(H), and CBD(H)(CS) districts and establishes three new commercial zoning districts: C-1 (Hoboken Terminal District), C-2 (Central Business District), and C-3 (Neighborhood Business District). This section includes area and bulk standards for each district, as well as allowable uses and other standards.

4. Regulation of Retail Uses in Residential Zones

Section 196-33 (Retail business or service in residential district) has been replaced with a new section that allows for such uses either where they already exist or on corners, and that establishes other guidelines and standards for these uses.

Consistency Review

As noted above, the proposed ordinance is being introduced as a follow-up to the recently adopted Master Plan Reexamination Report and Land Use Element. In fact, the ordinance's stated purpose is "...to reflect modern issues, applications, conditions and language consistent with the purpose and intent of the City's Master Plan, Master Plan Reexamination Report and 2018 Master Plan Land Use Element."

1. Consistency with Master Plan Reexamination Report Objectives and Recommendations

The following objectives and recommendations of the 2018 Master Plan Reexamination Report are directly relevant to the proposed ordinance revisions, and are addressed by the proposed ordinance as indicated:

2.A: Support local businesses, arts and industries.

2.A/1: Protect spaces where artists and makers can work affordably through zoning and land development regulations.

Artist studios and work spaces are proposed as permitted uses in the C-1 (Hoboken Terminal) district and C-2 (Central Business) district, and as conditional uses in the C-3 (Neighborhood Business) district. In addition, the proposed § 196-19 (G), Standards for Specific Uses, incorporates zoning provisions that address potential impacts of such uses.

2.C: Diversify the local economy by encouraging non-residential uses, particularly in underserved areas of the City.

2.C/2: Mixed-use development should be allowed at greater intensities near the Hoboken Terminal and transit stops along the periphery of the City.

The proposed C-1 (Hoboken Terminal) district recognizes that the area immediately around the terminal is appropriate for a "high density of businesses, entertainment, jobs, recreational and social opportunities." A wide variety of uses are either permitted or conditional, at a greater height and lot coverage than the C-2 and C-3 districts. All-residential buildings are not permitted, ensuring that the Terminal district retains a commercial/mixed-use character.

2.C/4: Allow retail uses to also occupy upper stories in retail “core” areas. There is limited space at street level in most buildings in Hoboken’s retail areas.

§196-19 (F)(4) provides that commercial uses in a mixed-use building may occupy the basement, first, and second floors, provided there is no residential occupancy below the commercial use.

2.C/5: Consider increasing the maximum permitted floor area of ground floor retail uses in certain mixed-use areas.

§196-19 (F)(2) limits commercial square footage to 1,200 square feet in the C-3 (Neighborhood Business) district; otherwise, the square footage does not appear to be capped in commercial zones. We note that the existing limit of 1,000 square feet in residential zones is proposed to be removed, whereas the Master Plan Reexamination Report indicates it should be retained. However, it appears that such uses would be subject to the 1,200-square-foot cap of the C-3 (Neighborhood Business) zone, and individual uses would be subject to specific standards in §196-19 (G). We view this change as substantially consistent with the Master Plan.

2.C/6: Support Washington Street as the shopping and social “Main Street” of Hoboken, featuring a variety of local-owned businesses.

The proposed C-2 (Central Business) district is intended to support “Hoboken’s thriving ‘Main Street’ and core shopping district,” and provides for a wide range of uses on both sides of Washington Street from First Street to Seventh Street.

2.C/7: Create “secondary retail streets” on First Street, Fourteenth Street, and on the west side along certain streets such as along Jackson Street.

The proposed C-3 district is established along these corridors and aimed at facilitating shopping, goods, and convenience services that cater primarily to residents in the surrounding neighborhood.

2.C/8: Allow retail and personal amenity services to be located at some street corners in residential areas.

The new §196-33 would allow these uses either where they already exist or on street corners, subject to certain standards.

We find that the proposed ordinance provisions are consistent with the focus and intent of the objectives and recommendations listed below. The 2018 Land Use Element provides more specific recommendations, discussed below, as a means to implement the Master Plan Reexamination recommendations.

2. Consistency with Land Use Element Recommendations

Definitions

We have reviewed the new or revised zoning definitions in the proposed ordinance, and find that they either match the proposed definition of the Land Use Element, or are consistent with the intent of the recommendation.

Map Changes

We have also reviewed the proposed zoning map, which creates three commercial zoning districts and in the process removes the R-1(CS) subdistrict. These changes are consistent with the Land Use Element. We note that the elimination of the R-1(E) subdistrict reflects the recently adopted University (U) district, which was previously determined to be consistent with the Master Plan. The elimination of this subdistrict in the current proposed ordinance simply matches with the earlier adoption of the U district regulations.

New Commercial Districts

In addition, we have reviewed the proposed use and area/bulk standards for each of the three proposed commercial districts. We find that these standards are, for the most part, virtually identical to those proposed in the Land Use Element. There are some minor deviations for building height and lot coverage, as follows:

- In the C-2 district, the Land Use Element indicated 55 feet or 5 stories, and 25 feet on Court Street, and the ordinance proposes 52 feet or 5 stories, and 30 feet on Court Street. In the C-3 district, the Land Use Element indicated 55 feet or 5 stories on Washington and Fourteenth Street, and 40 feet on First and Jackson Streets, while the ordinance proposes 52 feet or 5 stories for mixed-use buildings and 40 feet for residential buildings. In addition, minimum floor-to-ceiling heights are included in the ordinance for both the C-2 and C-3 districts; these are not included in the Land Use Element. We view these deviations as minor in nature, and they do not change the overall intent of the Land Use Element or Master Plan, which was to provide a range of appropriately scaled mixed-use development in the central business district and along key corridors of the City.
- For lot coverage in the C-2 district, the Land Use Element indicated a maximum of 60% except for lots that front on both Washington and Court Streets, where 100% coverage was envisioned for the first floor. The intent of the Land Use Element recommendation was to provide additional ground-floor commercial space through usage of an area of the lot that provides limited use for the residential floors. Again, however, the change is minor and does not impact the overall intent of the Land Use Element or Master Plan.

The Land Use Element assumes and provides for some deviation between its recommendations and the zoning amendments ultimately adopted by the City. As stated on p. 88:

“The recommendations in this section are just that – recommendations. When preparing the City’s updated Zoning Code or adopting zoning amendments, the intent and purpose behind these recommendations is the more important aspect to consider. The specific permitted uses and the bulk standards (permitted heights, allowable densities, required setbacks, etc.) may ultimately vary from these proposals. They were determined based on the Planning Board’s understanding and current approach of how development objectives can best be met for each district. Proposed zoning ordinances that deviate from numbers/figures, lists of permitted uses, etc. should not be considered ‘inconsistent’ with the MP; so long as they are consistent with the policy ‘intent.’”

The proposed ordinance also includes a series of guidelines and standards controlling various uses in the new commercial zones. The details of these provisions were not contemplated in the

Land Use Element, but the document did recommend that additional conditions be developed for conditional uses, and that supplemental use requirements also be developed (see p. 136 of the Land Use Element). We view the guidelines and standards contained in §196-19 (F) and (G) as consistent with these recommendations, and we note that the provisions have been written so as not to conflict with the existing conditional use standards in §196-38.

In conclusion, we find that the new and revised definitions; proposed zoning map changes; and area, bulk, and use standards for the new commercial districts are consistent with the policy intent and overall recommendations of the Master Plan, and the specific recommendations of the Land Use Element.

3. *Additional Comments*

We offer the following additional comments for consideration by the Planning Board and governing body:

- With the deletion of the existing §196-19, the primary reference in the zoning ordinance to the historic preservation overlay district has been removed. We suggest that the new §196-19 (C) (Historic Preservation) be amended to make reference to the historic preservation overlay district in Chapter 42, §18.
- References to the R-1(E), CBD(H), and CS subdistricts remain in place in §196-27 and should be deleted (see §196-27 (A), (B), and (C)).
- In the proposed ordinance, the existing §196-19 that is proposed for deletion does not include §196-19 (B)(10), which permits medical cannabis dispensaries in the CBD district and was adopted in December 2018. In addition, the new use tables for the C-1, C-2, and C-3 districts do not appear to include this use. Assuming that medical cannabis dispensaries are still envisioned in the area currently covered by the CBD district, these uses should be permitted in the C-1 and C-2 districts, with the existing restrictions (i.e., they are excluded from Bloomfield Street, First Street west of Washington Street, and Court Street).

cc: Scott Carlson, Carlson Siedsma, Planning Board Attorney
 Christopher Brown, PP, AICP, LEED GA, Director of Community Development
 Ann Holtzman, Zoning Officer
 Patricia Carcone, Planning Board Secretary