

City of New Brunswick

ZONING
ORDINANCE

ADOPTED AUG. 19, 1924

City of New Brunswick

Zoning Ordinance

City of New Brunswick Zoning Ordinance. An Ordinance Providing for the Zoning of the City of New Brunswick.

Section 1. Kinds of Zones

For the purpose of promoting the health, safety, morals and general welfare of the community; for the purpose of lessening congestion in the streets; for the purpose of securing safety from fire, panic and other dangers; for the purpose of providing adequate light and air; for the purpose of preventing the overcrowding of land and avoiding undue concentration of population; for the purpose of facilitating adequate provision of transportation, water, sewerage, schools, parks and other requirements; for the purpose of conserving the value of buildings and encouraging the most appropriate use of land throughout the city; and for the purpose of regulating and restricting the location of trades and industries and the location of buildings designed for specified uses, for the purpose of regulating and limiting the height and bulk of buildings hereafter erected, and for the purpose of regulating and determining the area of yards, courts, and other open spaces for buildings hereafter erected, the City of New Brunswick is hereby divided into eight classes of zones:

1. "A" Residence Zones.
2. "B" Residence Zones.
3. "C" Residence Zones.
4. "D" Residence Zones.
5. Business Zones No. 1.
6. Business Zones No. 2.
7. Light Industrial Zones, and
8. Heavy Industrial Zones

as shown on the building zone map which accompanies this ordinance

and is hereby declared to be a part thereof. The zones designated on said map are hereby established, the zone designations which accompany the building zone map are hereby declared to be a part thereof. No building or premises shall be erected, altered or used for any other than a purpose permitted in the zone in which such building shall be erected except in conformity with the regulations herein prescribed for the zone in which such building is located.

Section II. Use Regulations Controlling Residence Zones:

In a residence zone, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used, except for one or more of the following uses:

1. Dwellings or tenements, including the office of a physician, surgeon, dentist, architect, engineer, lawyer, dressmaker, artist or musician, when situated in the same dwelling or apartment used by such physician, surgeon, dentist, architect, engineer, lawyer, dressmaker, artist or musician as his private dwelling.
2. Boarding houses.
3. Fraternity or sorority house.
4. Hotels.
5. Churches.
6. Schools, public libraries or public museums.
7. Clubs, except clubs the chief activity of which is a service carried on as a business.
8. Philanthropic or eleemosynary uses or institutions, other than correctional institutions, or asylums for the insane.
9. Railroad passenger stations and Central Telephone Exchange buildings.
10. Parks and playgrounds.
11. Farming, truck gardening, nurseries or greenhouses.
12. Accessory uses customarily incident to the above uses, the term accessory use, however, not including a business or any building or use not located on the same lot

with the building to which it is accessory or a sign more than four square feet in superficial area. A garage or a group of garages for more than three motor vehicles shall not be permitted as an accessory use; but such garage or garages need not be occupied by the motor vehicles owned by the occupant of the premises to come within the definition of an accessory garage. Such garage may not, however, be occupied by any commercial truck except as permitted in Section XIII.

A billboard, signboard or advertising sign shall be in no case permitted as an accessory use. The placing of a "for sale" or "for rent" sign not exceeding four square feet in area shall, however, be permitted as an accessory use.

A fence, or other structure deemed by the inspector of buildings to be designed primarily to cause annoyance or damage to an adjoining owner shall in no case be permitted as an accessory use.

A driveway or walk, used for access to a business or industrial use shall in no case be permitted as an accessory use.

Section III Use Regulations Controlling Business Zones

In a business zone, no building or premises shall be used, and no building shall be erected or altered which is arranged, intended or designed to be used for any of the following specified trades, industries or uses:

1. Building material storage yard.
2. Bottling works.
3. Carousel, roller coasters, whirligigs, merry-go-rounds, ferris wheels or similar amusement devices.
4. Carpet, rag or bag cleaning establishment.
5. Carting, express, hauling or storage yard.
6. Contractor's plant or storage yard.
7. Coal, coke, lumber or wood yard.
8. Dry cleaning or dyeing establishment employing more than four persons.
9. Garage or group of garages for more than five motor vehicles, except as permitted in Section XIII.
10. Ice plant or storage.
11. Laundry employing more than four employes.
12. Livery or boarding stables.

13. Metal or woodworking shop employing more than four persons.

14. Milk distributing station.

15. Motor vehicle service station except as permitted in Section XIII.

16. Stone yard or monument works.

17. Storage or baling of scrap paper, iron, bottles, rags or junk.

18. Any trade, industry or use prohibited in an industrial zone.

19. Any kind of manufacture or treatment other than the manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.

No use permitted in a residence zone shall be excluded from a business zone. Nothing in this section shall be deemed to exclude a newspaper establishment, job printing establishment or an electric substation from a business zone.

SECTION IV.

Use Regulations Controlling Light Industrial Zones:

In a light industrial zone, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for any of the following specified trades, industries or uses:

1. Boiler works.
2. Brick, pottery, tile or terra cotta manufacture.
3. Disinfectant, insecticide or poison manufacture.
4. Dye manufacture.
5. Emery cloth and sandpaper manufacture.
6. Gas (illuminating or heating) manufacture in excess of 10,000 cubic feet.
7. Grease, lard, fat or tallow rendering or refining.
8. Iron, steel, brass or copper foundry.
9. Lime, cement or plaster of paris manufacture.
10. Petroleum, storage of in excess of 10,000 gallons.
11. Potash works.
12. Power forging, rivetting, hammering, punching, chipping, drawing, rolling or tumbling of iron, steel, brass or copper except as a necessary incident of manufacture of which these processes form a minor part, and which are carried on without objectionable noise outside the plant.

13. Printing ink manufacture.
 14. Pyroxylin plastic manufacture or the manufacture of articles therefrom.
 15. Rock or stone crusher.
 16. Rubber or gutta percha manufacture or treatment.
 17. Sauerkraut manufacture.
 18. Shoeblicking or stove polish manufacture.
 19. Soap manufacture.
 20. Steel furnaces, blooming or rolling mill.
 21. Structural steel or pipe works.
 22. Sugar refining.
 23. Tar distillation or manufacture.
 24. Tar roofing or waterproofing manufacture.
 25. Tobacco (chewing) manufacture or treatment.
 26. Vinegar manufacture.
 27. Wool pulling or scouring.
 28. Yeast plant.
 29. Any trade, industry or use prohibited in heavy industrial zones.
 30. Any other trade or use that is noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.
- No use permitted in a residence or business zone shall be excluded from a light industrial zone.
- Nothing in this section shall be deemed to exclude a central station power plant from a light industrial zone.

SECTION V.

Use Regulations Controlling Heavy Industrial Zones:

In heavy industrial zones no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for any of the following trades, industries or uses:

1. Acetylene gas manufacture.
2. Ammonia, chlorine or bleaching powder manufacture.
3. Animal black, lamp black or bone black manufacture.
4. Asphalt manufacture or refining.
5. Blast furnaces except cupolas or converters used in foundries.
6. Coke ovens.
7. Crematory.
8. Creosote treatment or manufacture.
9. Distillation of coal, petroleum, refuse grain, wood or bones

except in the manufacture of gas.

10. Explosives, manufacture or storage, except small arms ammunition.
 11. Fertilizer manufacture.
 12. Glue, size or gelatine manufacture, where the processes include the refining or recovering of products from fish, animal refuse or offal.
 13. Grain drying or feed manufacture from refuse, mash or grain.
 14. Incineration, reduction, storage or dumping of slaughter house refuse, rancid fats, garbage, dead animals or offal except by the municipality or its agents.
 15. Oil cloth or linoleum manufacture.
 16. Paint, oil, varnish, turpentine, shellac or enamel manufacture.
 17. Petroleum refining.
 18. Raw hides or skins—storage, cleaning, curing or tanning.
 19. Slaughtering of animals.
 20. Smelting of iron, copper, tin, zinc or lead from ores.
 21. Starch, glucose or dextrine manufacture.
 22. Stock yards.
 23. Sulphurous, sulphuric, nitric, picric, corbolic or hydrochloric acid manufacture.
 24. Any other trade or use that is noxious by reason of the emission of odor, gas or smoke.
- No use permitted in a residence zone, business zone or light industrial zone shall be excluded from a heavy industrial zone.

Section VI. Special Regulation Relative to Garages and Service Stations:

Under no circumstances shall a permit be issued for the erection or enlargement of a garage for more than five motor vehicles, a group of garages for more than five motor vehicles, or a motor vehicle service or gas filling station, or for the conversion of any premises not so used to be used for such purposes, in any business or industrial zone, if any part of the lot or plot in question is situated within a distance of two hundred feet as measured along the public streets of or within any portion of a street between two intersecting streets in which portion there exists:

1. A public school.
2. A duly organized school, other than a public school, conducted for children under sixteen years of age and giving regular instruction

at least five days a week for eight or more months a year.

3. A hospital maintained as a charitable institution.

4. A church.

5. A theatre containing at least 300 seats, or

6. A public library.

No exception shall be made to the provision of this section by the Board of Adjustment.

Section VII. Non-conforming Buildings and Uses:

Any non-conforming use existing at the time of the passage of this ordinance may be continued and any existing building designed, arranged, intended or devoted to a non-conforming use may be reconstructed or structurally altered, and the non-conforming use therein changed subject to the following regulations:

a. The structural alterations made in such building shall in no case exceed fifty per cent of its assessed value, nor shall the building be enlarged, unless the use therein is changed to a conforming use.

b. No non-conforming use shall be extended at the expense of a conforming use.

c. In a residence zone, no building or premises devoted to a use permitted in a business zone shall be changed into a use excluded from a business zone.

d. In a residence zone or a business zone, no building or premises devoted to a use permitted in a light industrial zone shall be changed into a use excluded from a light industrial zone.

e. In a residence, business or light industrial zone, no building or premises devoted to a use excluded from a light industrial zone shall be structurally altered, if its use shall have been changed since the time of the passage of this ordinance to another use also excluded from a light industrial zone.

f. In a residence, business or light industrial zone, no building devoted to a use excluded from a light industrial zone shall have its use changed to another use which is also excluded from a light industrial zone, if the building shall have been structurally altered since the time of the passage of this ordinance.

Section VIII. Location of Accessory Buildings in Residence Zones:

Accessory buildings in residence zones shall conform to the following regulations as to their location upon the lot:

1. In the case of an interior lot fronting upon only one street, no accessory building shall be erected or altered so as to encroach upon that half of the lot depth nearest the street.

2. In the case of an interior lot fronting upon two or more streets, no accessory building shall be erected or altered so as to encroach upon that fourth of the lot depth nearest each and every street.

3. In the case of a corner lot fronting upon two streets, no accessory building shall be erected or altered so as to encroach upon the area between each respective street and a line drawn parallel to such street in a manner to divide the lot into two equal parts.

4. In the case of a corner lot fronting upon three or more streets, no accessory building shall be erected or altered so as to encroach upon that fourth of the lot depth nearest each and every street.

5. No accessory building shall be located within five feet of its rear lot line when such line forms part of the front half of the side line of an adjacent lot, or the front quarter of an adjacent through lot whether the latter be an interior or corner lot. In case of lots more than 100 feet deep, the aforesaid distance required between the rear lot line and the accessory building shall be increased to 10 feet. In no case shall an accessory building project beyond the setback line controlling the adjoining buildings on the same side of the street within the block.

6. Notwithstanding any requirement in this section, the foregoing rules shall not prohibit any accessory building fifty feet or more from any street bounding the block. The word "street" as used in this section shall mean a public highway twenty-five feet or more in width.

7. The limitations imposed by this section upon the location of an accessory building shall be waived when the accessory building is incorporated as an integral part of, an enclosed by the same

enclosing walls as the building to which it is accessory.

Section IX. Schedule Limiting

Height and Bulk of Buildings:

No building hereafter erected or altered shall be erected or altered to exceed the height, or to accommodate or house a greater number of families, or to occupy a greater percentage of the lot area, or to have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is laid down in the accompanying "Schedule Limiting Height and Bulk of Buildings" for the zone in which such building may be located.

Section X—Families Per Acre:

No dwelling or tenement house shall hereafter be erected on altered to accommodate or make provision for more families per acre than the number indicated in the "Schedule Limiting Height and Bulk of Buildings" for the zone in which such building or tenement house may be located. The maximum number of families which may hereafter be housed on any plot of ground shall not exceed the integral number obtained by multiplying the acreage of such plot, whether its area is either more or less than an acre, by the number indicated in the "Schedule" for its particular zone. The limitations imposed by this section shall, however, not prohibit the erection of a one-family house on any plot containing at the time of the passage of this ordinance an area smaller than that required for a one-family house by the "Schedule."

A "family" as used in this section shall be deemed any number of individuals living and cooking together as a single housekeeping unit.

Section XI—Front Yards:

No building shall be erected and no building shall be reconstructed or altered so as to project in anywise beyond the average setback line observed by the buildings on the same side of the street, within the block, at the time of the passage of this ordinance. Where there are existing buildings at the time of the passage of this ordi-

nance on only one side of the street within the block, then the setback line on the vacant side shall be the same as the average setback line on the improved side of the street within the block. The foregoing rule shall, however, in no case be applied so as to keep the street wall, walls or covered porches of buildings further back from the street line than the maximum depth of front yard indicated in the "Schedule Limiting Height and Bulk of Buildings" for the zone in which such building is located. Where there is no existing building on either side of the street within the block, no new building shall be erected with its street wall, walls or covered porches nearer to the street line than the maximum depth of front yard shown for each respective zone in the "Schedule."

The average setback line observed by buildings on the same side of the street within 200 feet on each side of the lot in question shall control in lieu of the average setback line within the block where the block affected has a length of more than 1,000 feet between its intercepting or intersecting streets.

A building erected on a corner lot shall be required to comply with the setback line on only its narrow street front. In cases where the two street frontages of a corner lot vary in length, the lot shall be deemed to be situated on the street containing the narrower frontage in computing the average setback line. Where the two street frontages of a corner lot are of the same length, the owner may elect which street is to govern the setback line of his building.

Section XII — General Provisions Relative to Area and Height Regulations:

a. Unless otherwise expressly provided, the term rear yard, front yard, side yard, inner court, or outer court, when used in this ordinance, shall be deemed to refer only to a rear yard, front yard, side yard, inner court or outer court required by this ordinance. No lot area shall be so reduced or diminished so that the yards, courts or other open spaces shall be smaller than prescribed by this

SCHEDULE LIMITING HEIGHT AND BULK OF BUILDINGS

ZONES	MAXIMUM STORIES	HEIGHT FEET	FAMILIES PER ACRE	MAXIMUM BUILDING AREA	MANDATORY OPEN SPACES	FRONT YARDS		SIDE YARDS	REAR YARDS	INNER COURTS		OUTER COURTS
						MINIMUM DEPTH	MAXIMUM DEPTH			MINIMUM WIDTH	MINIMUM AREA	
A RESIDENCE	2½	35	9	35%	FRONT YARD 2 SIDE YARDS AND REAR YARD	AVERAGE SETBACK LINE OBSERVED BY BUILDINGS ON SAME SIDE OF STREET BETWEEN TWO INTERSECTING STREETS ON THE DATE OF THE PASSAGE OF THE ORDINANCE.	25 FT.	MINIMUM WIDTH OF EACH SIDE YARD MUST EQUAL 4 FEET. AGGREGATE WIDTH OF TWO SIDE YARDS MUST EQUAL 20% OF LOT WIDTH.	MINIMUM DEPTH 25% OF LOT DEPTH, BUT NEED NOT EXCEED 25 FEET.	6 FEET, BUT NOT LESS THAN 4 INCHES FOR EACH FOOT OF BUILDING HEIGHT.	TWICE THE SQUARE OF REQUIRED LEAST DIMENSION	MINIMUM WIDTH OF 6 FEET, BUT NOT LESS THAN 4 INCHES FOR EACH FOOT OF BUILDING HEIGHT.
B RESIDENCE	2½	35	35	55%	FRONT YARD 1 SIDE YARD AND REAR YARD		15 FT.	MINIMUM WIDTH OF EACH SIDE YARD MUST EQUAL 3½ FEET. AGGREGATE WIDTH OF SIDE YARD OR SIDE YARDS PROVIDED MUST EQUAL 14% OF LOT WIDTH.	MINIMUM DEPTH 20% OF LOT DEPTH, BUT NEED NOT EXCEED 20 FEET.	4 FEET, BUT NOT LESS THAN 3 INCHES FOR EACH FOOT OF BUILDING HEIGHT.		MINIMUM WIDTH OF 4 FEET, BUT NOT LESS THAN 2 INCHES FOR EACH FOOT OF BUILDING HEIGHT.
C RESIDENCE	4	50	70	60%	FRONT YARD AND REAR YARD		15 FT.	NO SIDE YARD REQUIRED, BUT MINIMUM WIDTH OF EACH SIDE YARD PROVIDED MUST EQUAL 3½ FEET.	MINIMUM DEPTH 15% OF LOT DEPTH, BUT NEED NOT EXCEED 15 FEET.	4 FEET, BUT NOT LESS THAN 2 INCHES FOR EACH FOOT OF BUILDING HEIGHT.		
D RESIDENCE	6	75	110	ONE AND TWO FAMILY DWELLINGS AS IN B RESIDENCE ZONES, MULTIFAMILY DWELLINGS AS REQUIRED BY THE TENEMENT HOUSE LAW.		ONE AND TWO FAMILY DWELLINGS AS IN B RESIDENCE ZONES, MULTIFAMILY DWELLINGS AS REQUIRED BY THE TENEMENT HOUSE LAW.						
BUSINESS N°1	4	50	70	90% IN CASE OF INTERIOR LOT BEGINNING AT 2 ND STORY SILL LEVEL OR 20 FEET ABOVE CURB LEVEL *	REAR YARD IN CASE OF INTERIOR LOT *	OPTIONAL	OPTIONAL	NONE REQUIRED, BUT IF PROVIDED MUST BE 3½ FEET AND NOT LESS THAN 1 INCH FOR EACH FOOT OF BUILDING HEIGHT. *	MINIMUM DEPTH 10% OF LOT DEPTH, BUT NEED NOT EXCEED 10 FEET ON INTERIOR LOTS. NONE REQUIRED ON CORNER LOTS. *	4 FEET, BUT NOT LESS THAN 1½ INCHES FOR EACH FOOT OF BUILDING HEIGHT. *	TWICE SQUARE OF REQUIRED LEAST DIMENSION.	MINIMUM WIDTH OF 3½ FEET, BUT NOT LESS THAN 1½ INCHES FOR EACH FOOT OF BUILDING HEIGHT.
BUSINESS N°2	10	125	110									
LIGHT INDUSTRIAL	8	100	110									
HEAVY INDUSTRIAL	8	100	110									

* THESE PROVISIONS APPLY ONLY TO NON-RESIDENTIAL BUILDINGS FOR BUILDINGS USED AS DWELLINGS OR TENEMENTS THE BUILDING AREA, YARDS, AND COURTS SHALL BE THE SAME AS IN "D" RESIDENCE ZONES, WHERE THE FIRST STORY IS DEVOTED TO NON-RESIDENCE USE, LIMITATIONS AS TO COURTS AND YARDS MAY BE APPLIED, HOWEVER, AT THE SILL LEVEL OF THE SECOND STORY WINDOWS, BUT NOT HIGHER THAN 20 FT. ABOVE THE CURB LEVEL.

ordinance. No existing building shall be altered, enlarged or rebuilt except in conformity with the regulations herein prescribed.

b. Except as otherwise provided in this ordinance, every room in which persons live, sleep, work or congregate shall have at least one window or ventilating skylight opening directly either upon a street or upon a rear yard, front yard, side yard, inner court or outer court located upon the same lot and conforming to the requirements prescribed by this ordinance as to its minimum area and least dimensions. Courts, yards and other open spaces, if provided in addition to those required by this ordinance, need not be of the area and dimensions herein prescribed. No yard, court or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall again be used as a yard, court or other open space for another building.

c. No building to be used as a dwelling or tenement house shall be constructed or altered in the rear of, or moved to the rear of a building situated on the same lot. Nor shall any building be constructed in front of, or moved, to the front of a dwelling or tenement house situated on the same lot. These provisions shall not be construed, however, as preventing the erection, alteration and maintenance of dwelling quarters in connection with an accessory building upon the rear of the lot when the persons occupying such quarters are employed in domestic service upon the premises.

d. No plot shall hereafter be subdivided and improved with one or more dwelling or tenement houses unless each and every lot in such subdivision, improved with a dwelling or tenement house shall front upon a street having a minimum width of fifty feet. This limitation, however, shall not apply where the maximum width of the street or streets in front of a given plot at the time of the passage of this ordinance is less than fifty feet, in which case such width is

2. Where a zone boundary line divides a lot in a single ownership at the time of the passage of this ordinance, permit a use authorized on either portion of such lot to extend to the entire lot, but not

more than twenty-five feet beyond the boundary line of the zone in which such use is authorized.

3. Permit the extension of a non-conforming use or building upon the lot occupied by such use or building at the time of the passage of this ordinance.

4. Permit the erection of an additional building upon a lot occupied at the time of the passage of this ordinance by a business or industrial establishment and which additional building is a part of such establishment, where carrying out the strict letter of the provisions would result in practical difficulties or unnecessary hardships.

5. Exempt a proposed building to be taken at the minimum in lieu of the aforesaid fifty feet. Nor shall this limitation apply where the lot abuts on a street or alley having a width of less than fifty feet and which is situated between two intersecting or intercepting streets where at least twenty percent of the total frontage on the two sides of such portion of such street or alley is improved with dwelling or tenement houses at the time of the passage of this ordinance. Lots situated at the intersection of such an alley and street or at the intersection of two such streets shall be deemed to front solely upon the wider alley or street and therefore not included within the frontage affected by this section.

e. A rear yard extending along the rear lot line shall be required on every lot or portion thereof where the rear line of the lot is more than fifty-five feet back from the nearest street. This provision shall, however, not apply to a corner lot situated in either a business more than twenty feet wide may or an industrial zone. An alley not to the extent of one-half of its width, be considered to fulfill the requirements of a rear yard.

f. An interior lot running through the block from street to street or within fifty-five feet of another street shall not be required to provide a rear yard when improved with a single building. When situated between lots requiring rear yards on either or both sides, such lots shall, however, be required to provide an inner court on such side or sides on which the adjoining lots are required to provide rear yards. Where such lot is not within a residence zone,

the lowest level of such inner court or courts shall not be above the sill level of the second story windows nor in any case more than twenty feet above the curb level. Where such lot is within a residence zone the lowest level of such inner court or courts shall not be above the curb level.

g. Accessory buildings may occupy forty per cent of the required area of the rear yard up to an average height of fifteen feet above the curb level in a residence zone. The yard area occupied by such accessory building shall, however, be included in computing the maximum percentage of the lot area which may be built upon in any given one.

h. The area required in a court or yard at any given level shall be open from such level to the sky unobstructed, except for the ordinary projections of skylights and parapets above the bottom of such courts or yards, and except for the projections of window sash, belt courses, cornices and other ornamental features to the extent of not more than four inches.

i. One bay window including its cornice or eaves may project into a side yard one and three-quarters feet, provided its length is not greater than one-third the length of the enclosed side of the building. The cornice or eaves of a building may project over such side yard not to exceed one foot.

j. A corner of a court or yard may be cut off between walls of the same building provided that the length of the wall of such cut-off does not exceed seven feet, and further provided that the required area of the court or yard is not diminished.

k. Windows opening on an offset to a court or yard shall be deemed to comply with the provisions of this ordinance, provided such offset is no deeper in any part than it is wide on the open side. The open side of such offset shall in no case be less than six feet wide. The area contained in an offset shall in no case be included in computing the required area of a court or yard.

l. The height provisions of this ordinance shall not apply to the erection of church spires, belfries or towers designed exclusively for ornamental purposes, flagstaves, chimneys, flues, gas holders, wireless

towers, standpipes, stage towers or scenery lofts.

m. The height provisions of this ordinance shall not prevent the erection of a church, school, public library or public museum to a height not exceeding 40 feet in a residence zone.

n. Nothing in this ordinance shall prevent the erection above the height limit of a parapet wall or cornice extending above such height limit not more than three feet. Nothing in this ordinance shall prevent the projection of a cornice beyond the street wall to an extent of not more than three feet, provided such cornice is more than 10 feet above the curb level.

o. No building which is arranged, intended or designed to be used for multi-family residential purposes shall hereafter be erected to a height in excess of four stories unless it provides for the maintenance of adequate elevator service.

Section XIII. Board of Adjustment

a. A board of adjustment is hereby established. Said board shall consist of five members appointed by the Mayor. Of the original appointees to such board one member shall be appointed for a term of one year, two members for a term of two years and two members for a term of three years. The successors of the original appointees shall be appointed for a term of three years. All appointees to fill vacancies shall be for the unexpired term. Said board shall elect a chairman and such other officials and employees as shall be necessary. The members of the board shall receive no compensation for their services.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the building inspector. Such an appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the building inspector and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the board all the papers constituting the record which the action appealed from was taken.

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

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

The Board of Adjustment may, in a specific case, after public notice and hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the regulation herein established in harmony with their general purpose and intent, without changing the boundaries of the respective zones, as follows:

1. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the building inspector in the enforcement of this ordinance.

either in whole or in part, from the front yard requirement. This relief shall, however, be granted only in cases where the proposed building adjoins on either or both sides of buildings that do not conform to the minimum setback line or where compliance with the minimum setback line would cause unnecessary hardship to the owner without any compensating benefit to the community.

6. Adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions of this ordinance.

7. Vary any requirement of this ordinance in harmony with its general purpose and intent, so that substantial justice may be done. This authority shall be exercised solely in instances where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance

and in a manner to secure the public health, safety and general welfare.

8. Permit in a business zone subject to the prohibition of Section VI, the construction, extension, alteration or conversion of a building intended for the storage or repair of motor vehicles or for a motor vehicle service or gas filling station.

9. Permit the storage of not more than one commercial truck in an accessory garage located in a residence zone.

10. Permit any public utility in a restricted zone.

In exercising the above-mentioned powers such board may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appeal from and may make such order, requirement, decision or determination as ought to be made, and to that end have all the powers of the building inspector from whom the appeal is taken.

b. The Board of Adjustment shall adopt rules in accordance with the provisions of this ordinance. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the building permit is applied for the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of the building inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variation in this ordinance.

Section XIV. Plats:

All applications for building permits shall be accompanied by a

plat in duplicate drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the setback lines observed by buildings within the block and such other information as may be necessary to provide for the enforcement of the regulations contained in this ordinance. A record of such application and plats shall be kept by the building inspector.

Section XV. Certificates of Occupancy

No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part or any purpose whatsoever until a certificate of occupancy shall have been issued by the building inspector, stating that the premises or building complies with all the provisions of this ordinance.

No change or extension of use and no alteration shall be made in non-conforming use or premises without a certificate of occupancy having first been issued by the building inspector that such change, extension or alteration is in conformity with the provisions of this ordinance.

Certificate of occupancy shall be applied for at the same time that and shall be issued within ten days after the erection or alteration of the building shall have been completed. A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected. A fee of two dollars shall be charged for each original certificate and one dollar for each copy thereof.

No permit for excavation for, or the erection of any building shall be issued before application has been made for a certificate of occupancy. No building or premises may be occupied until such certificate shall have been issued.

Section XVI. Completion and Restoration of Existing Buildings

Nothing herein contained shall require any change in the plans, construction or designated use of building for which a building permit has been heretofore issued. Plans for which are on file

with the building inspector at the time of the passage of this ordinance and the construction of which, in either case, shall have been diligently prosecuted within a year of the date of such permit and the ground story framework of which, including the second tier of beams, shall be completed within such year, and which entire building shall have been completed according to such plans as filed within two years from the date of the passage of this ordinance.

Nothing in this ordinance shall prevent the restoration of a building destroyed by fire, explosion, act of God or act of the public enemy, to the extent of not more than fifty per cent (50 per cent) of its assessed value, or prevent the continuance of the use of such building or part thereof or prevent a change of such existing use under the limitations provided in Section VII. But any building destroyed in the manner aforesaid to an extent exceeding fifty per cent (50 per cent) of its assessed value at the time of such destruction may be reconstructed and thereafter used only in such a manner as to conform to all the provisions of this ordinance.

Section XVII. Zone Boundaries

The zone boundaries are, unless otherwise indicated, either street lines or lines drawn parallel to and one hundred feet back from one or more of the street lines bounding the block. Where two or more zone designations are shown within a block two hundred feet or less in width, the boundary of the more restricted zone shall be deemed one hundred feet back from its street line.

Where two or more zone designations are shown within a block more than two hundred feet in width, the boundary of the less restricted zone shall be deemed one hundred feet back from its street line.

Section XVIII. Amendments, Alterations and Changes in Zone Lines

The Board of Commissioners may from time to time, after public notice and hearing, amend, supplement, or change the regulations and zones herein established. In case, however, of a

protest against such change signed by the owners of twenty per centum or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the Board of Commissioners. However, no

amendment, supplement, change, modification or appeal to any regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least ten days' notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation, in the city.

Section XIX. Interpretation of Regulations

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of the law or ordinance or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements the provisions of this ordinance shall control.

Section XX. Enforcement of Penalties

It shall be the duty of the

building inspector strictly to enforce all the provisions of this ordinance. The general agent, architect, builder, contractor, owner or tenant or any other person who commits, takes part or assists in any violation of this ordinance or who maintain any building or premises in which any violation of this ordinance shall exist, shall for each and every violation be imprisoned in the Middlesex county jail for a period not exceeding thirty days, or be fined, not exceeding two hundred dollars (\$200), or both. Each day that a violation is permitted to exist shall constitute a separate offense.

Section XXI. Validity of Ordinance

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section XXII. Definitions

Certain words in this ordinance are defined for the purpose thereof as follows:

a. Words used in the present tense include the future, the singular number includes the plural and the plural the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure."

b. A "building" shall be regarded for the purpose of this ordinance as each of the independent units into which it is divided by party walls.

c. A "non-conforming building or use" is one that does not conform with the use regulations of the zone in which it is situated.

d. A "lot" is a parcel of land occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance, and such open spaces as are arranged and designed to be used in connection with each building.

e. A "corner lot" is a parcel of land not over fifty feet in width at the junction of and fronting on two intersecting streets.

f. An "interior lot" is a lot other than a corner lot.

g. The "depth of a lot" is the mean distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

h. The "street line" is the dividing line between the street and the lot.

i. A "rear yard" is an open, unoccupied space on the same lot with a building between the rear wall of the building and the rear line of the lot.

j. A "front yard" is an open, unoccupied space on the same lot with a building situated between the street wall of the building and the street line of the lot.

k. A "side yard" is an open, unoccupied space on the same lot with a building situated between the building and the side line of the lot and extending through from the street to the rear yard where no rear yard is required, to the rear line of the lot.

l. An "inner court" is an open, unoccupied space on the same lot with a building not extending to either the street or the rear yard.

m. An "outer court" is an open, unoccupied space on the same lot with a building extending to either the street or the rear yard.

n. The "building area" is the maximum horizontal projected area of a building and its accessories.

o. The "least dimension" of a court or yard is the least of the horizontal dimensions of such court or yard.

p. The "length of an outer court" is the horizontal distance between the end opening on a street or a rear yard and the end opposite such street or rear yard.

q. The "height of a court or yard" is the vertical distance between the lowest level of such court or yard to the highest point on any bounding wall. Where there is a gable or mansard the height shall be measured to the average height of such gable or mansard, provided the combined width of all dormers in the roof shall not exceed thirty per cent of the length of the building on the court or yard. In case the combined width of all the dormers exceeds thirty per cent of the length of the building on the court or yard, the height shall be measured to the eaves of the highest

dormer. In any given case, the height of a court or yard shall be measured to the eaves, gable or mansard, giving it the maximum height.

r. The "height of a building" is the vertical distance measured in the case of flat roofs from the curb level to the highest point of the roof beams adjacent to the street wall, and in the case of pitched roofs from the curb level to the average height of the gable. In the case of both flat roofs and pitched roofs, the measurement shall be made through the center of the street facade. Where no roof beams exist or there are structures wholly or partly above the roof, the height shall be measured from the curb level to the highest point of the building. Where the walls of a building do not adjoin the street, the average level of the ground along the front wall of the building may be taken in measuring its height instead of the curb level.

s. A "story" is that part of a building between any floor and the floor above, or in its absence the ceiling or roof above. A story in which persons live, sleep, work or congregate, the ceiling of which is more than three feet above the curb level, shall be counted as that fraction of a story which its height above the curb level bears to the height of the story. A story which extends less than three feet above the curb level shall not be counted in determining the number of stories. Any story under the pitched roof at the top of a building, the floor of which is not more than two feet below the plate, shall be counted as a half story when not more than sixty per cent of said floor area is used for rooms, baths or toilets, otherwise it shall be counted as that fraction of a story which its floor area in rooms, baths or toilets bear to the entire floor area.

t. The "curb level" is the permanently established grade of the street in front of the lot. Where the lot level is higher than the curb level, the average level of the former along the wall in question may be taken as the base for measuring the height of a side yard, inner court or outer court. Where a lot fronts upon two or more streets of different levels, the curb level of the higher street

may be taken as the base for measuring the height of open spaces and buildings to a distance 100 feet back from the street with the higher curb level.

Section XXIII. When Effective

This ordinance shall take effect immediately.

Adopted on first and second reading Tuesday, August 5, 1924.

Adopted on third and final reading Tuesday, August 19, 1924.

WILLIAM C. JAQUES,
FRANK A. CONNOLLY,
EDWARD J. HOUGHTON,
JOHN J. MORRISON,
JOSEPH J. FEASTER,
Commissioners.

Attest:

EUGENE J. McLAUGHLIN,
City Clerk.

Approved:

THOMAS H. HAGERTY,
City Attorney.

Approved:

JOHN J. MORRISON,
Mayor.

BUILDING ZONE MAP NEW BRUNSWICK, N.J.

MAP DESIGNATIONS

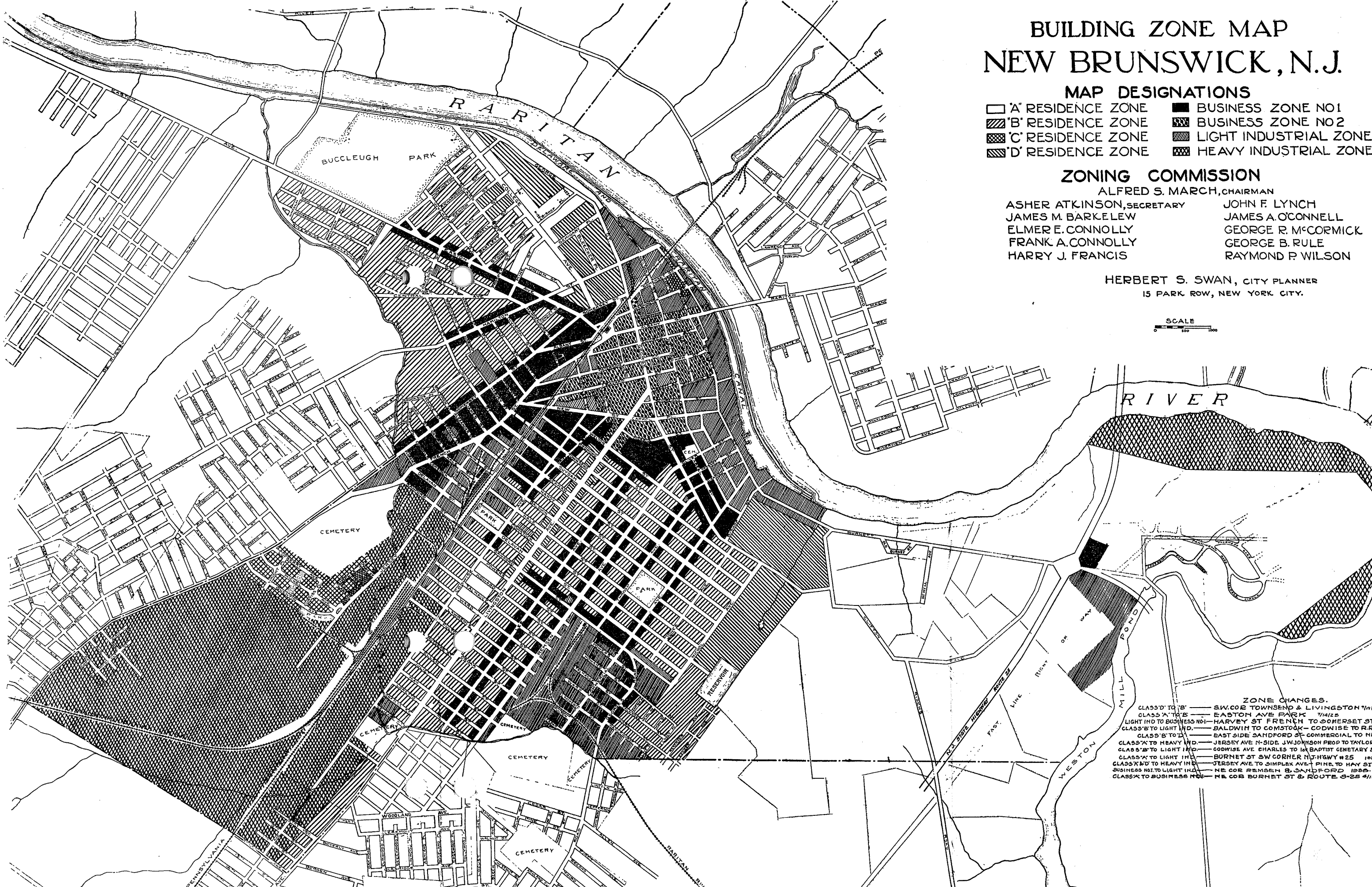
- | | |
|----------------------|-------------------------|
| □ 'A' RESIDENCE ZONE | ■ BUSINESS ZONE NO 1 |
| ▨ 'B' RESIDENCE ZONE | ▩ BUSINESS ZONE NO 2 |
| ▧ 'C' RESIDENCE ZONE | ▦ LIGHT INDUSTRIAL ZONE |
| ▩ 'D' RESIDENCE ZONE | ▨ HEAVY INDUSTRIAL ZONE |

ZONING COMMISSION

- ALFRED S. MARCH, CHAIRMAN
 ASHER ATKINSON, SECRETARY
 JOHN F. LYNCH
 JAMES M. BARKER LEW
 JAMES A. O'CONNELL
 ELMER E. CONNOLLY
 GEORGE R. M'CORMICK
 FRANK A. CONNOLLY
 GEORGE B. RULE
 HARRY J. FRANCIS
 RAYMOND P. WILSON

HERBERT S. SWAN, CITY PLANNER
 15 PARK ROW, NEW YORK CITY.

SCALE
 0 500 1000



- ### ZONE CHANGES.
- CLASS 'D' TO 'B' — SW. COR. TOWNSEND & LIVINGSTON 7/11/25
 - CLASS 'A' TO 'B' — EASTON AVE. PARK 7/11/25
 - LIGHT IND. TO BUSINESS NO. 1 — HARVEY ST. FRENCH TO SOMERSET ST.
 - CLASS 'B' TO LIGHT IND. — BALDWIN TO COMSTOCK — CODWISSE TO R.R.
 - CLASS 'B' TO 'D' — EAST SIDE SANDFORD ST. COMMERCIAL TO NICHOLS
 - CLASS 'A' TO HEAVY IND. — JERSEY AVE. N-SIDE J.W. JOHNSON PROP. TO TAYLOR ST.
 - CLASS 'B' TO LIGHT IND. — CODWISSE AVE. CHARLES TO BAPTIST CEMETERY 25/11/25
 - CLASS 'A' TO LIGHT IND. — BURNET ST. SW. CORNER N. J. HWY. # 25 10/11/25
 - CLASS 'A' TO HEAVY IND. — JERSEY AVE. TO SIMPLEX AVE. - PINE TO HAY ST.
 - BUSINESS NO. 1 TO LIGHT IND. — NE. COR. REMSEN & SANDFORD 1928
 - CLASS 'A' TO BUSINESS NO. 1 — NE. COR. BURNET ST. & ROUTE 3-25 4/11/25