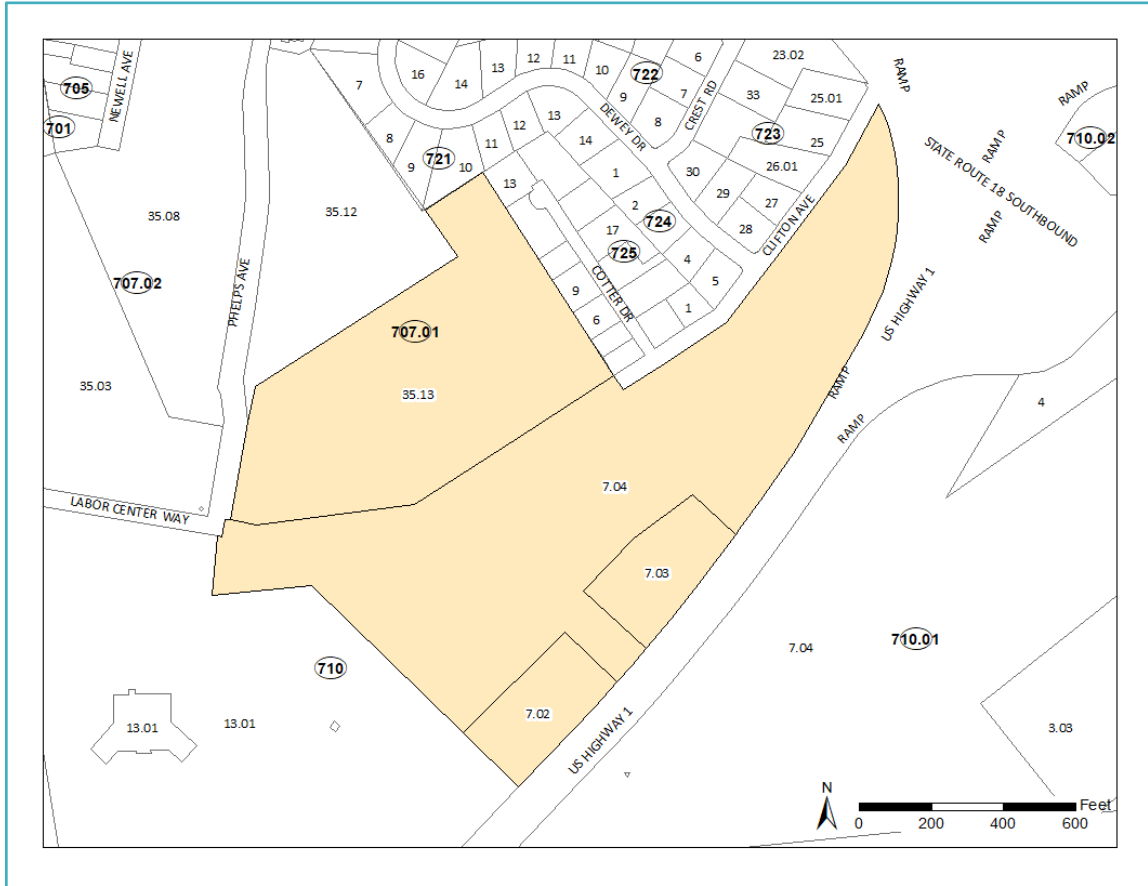


# *Sears*

## *Redevelopment Plan*

### *For Area in Need of Rehabilitation*



City of New Brunswick Department of  
Planning, Community and Economic  
Development  
City of New Brunswick, NJ  
Adopted: February XX, 2022  
Ordinance O-0222XX

Dan Dominguez, PP, AICP  
NJ Prof. Planner Lic. No 6424  
Date: XXXXXXXXXX XX, 2022

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**SEARS REDEVELOPMENT PLAN  
FOR AREA IN NEED OF REHABILITATION  
CITY OF NEW BRUNSWICK, NEW JERSEY**

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**Executive Summary**

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The Redevelopment Plan is one of the City of New Brunswick’s primary tools in their toolbox to spur redevelopment in the locations where additional efforts and resources are needed to make improvements in our living conditions. The intent of the plan is to have the plan area be converted into a higher and better use with buildings in a new or improved condition to best serve the City’s need for high quality housing to meet market demand, replace the existing office and commercial space with newer facilities, create new open green spaces and cause the properties to be remediated from contamination should that be applicable.

The Plan envisions a redeveloper being selected to consolidate the lots and rehabilitate or demolish/construct new structures so that they can be re-occupied with a mix of housing, office, and commercial uses throughout the site while converting significant portions of the site into open passive-use green space. One or more private, non-profit or for-profit developers will be designated to develop plans to execute the vision and goals of this plan.

As a Redevelopment Plan for an Area in Need of Rehabilitation there is no need for a Redevelopment Study to declare a formal Redevelopment Area. This plan in effect creates an overlay zone for the targeted parcels creating a specific set of zoning conditions for a designated redeveloper.

The development proposed in the plan is consistent with the City, County and State master plans, which support infill development in urban areas that takes advantage of the existing public infrastructure.



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**Section 1 -- Sears Redevelopment Plan Area Purpose & Boundary Description**

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The purpose of the Redevelopment Plan is to create a rehabilitation and redevelopment program for the parcels of land situated on US Highway 1, best known as the Sears site. The City Council has previously designated all of New Brunswick as an “Area In Need of Rehabilitation” pursuant to NJSA 40A:12-A-14.b.

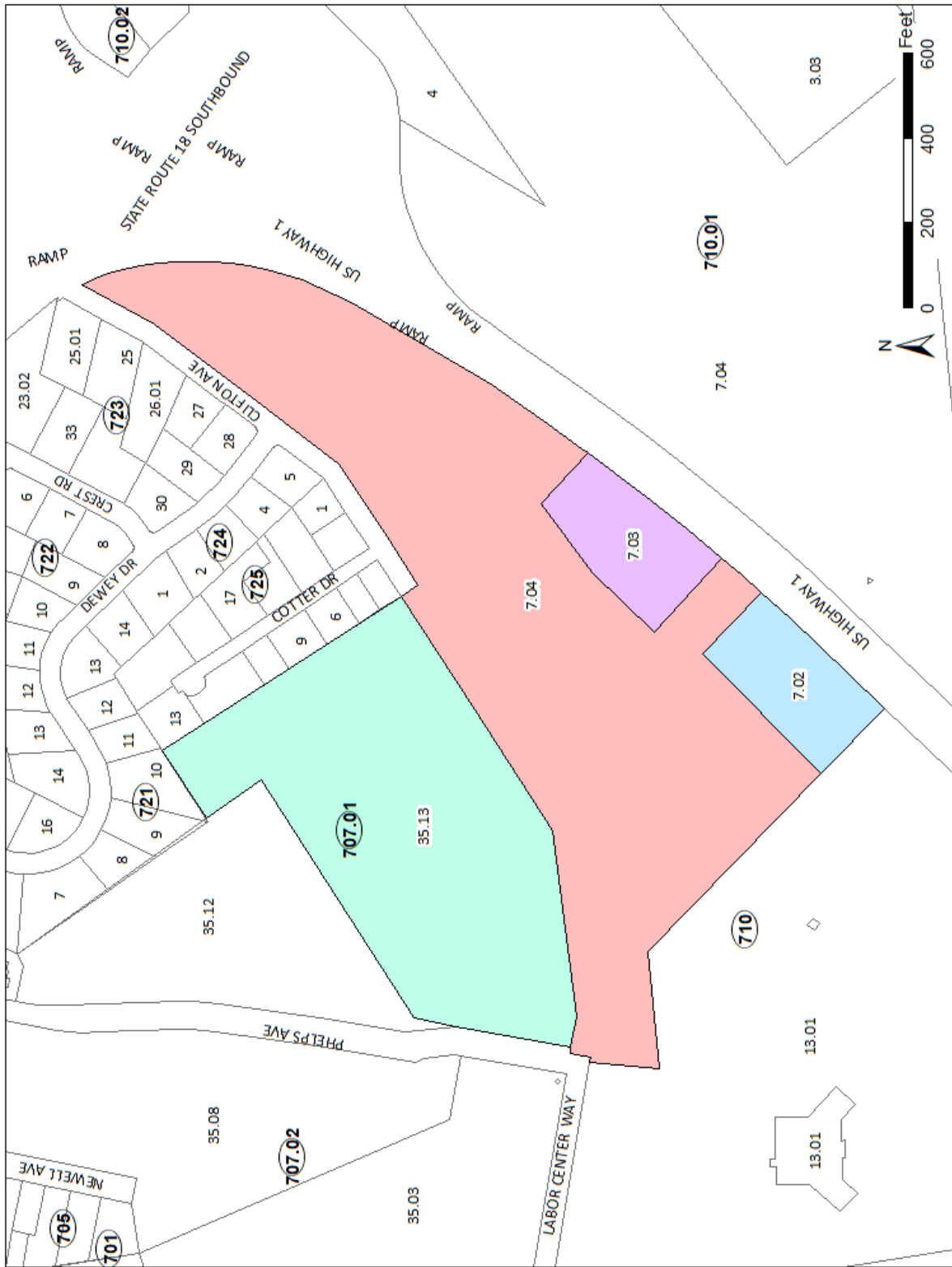
The City of New Brunswick is permitted to adopt a redevelopment plan based on an area in need of rehabilitation pursuant to NJSA 40A:12A-7.a. The plan are boundaries are limited to the four (4) contiguous parcels below. If the parcels are ever subdivided, then the redevelopment plan area is to include all future block and lots created by said subdivision until such a time as this redevelopment plan is no longer in effect.

Block	Lot	Address	Street	Use
707.01	35.13	35	LABOR CENTER WAY	Sears/Parking Lot
710	7.02, 7.03, 7.04	45,49, 55	US HIGHWAY 1	Sears/Parking/Four Buildings

The plan proposes clearing most of or all the existing structures and newly constructing the site as mixed-use housing, townhomes, and retail/commercial space largely consistent with the C-4 zone. Certain structures and buildings may remain if the property is in condition to be rehabilitated and fits the vision of the plan.

The Sears Redevelopment Plan Area of the City of New Brunswick, New Jersey is shown on the map on the next page.

**NOTE:** All references to Block and Lot are as shown on New Brunswick Tax Map unless stated otherwise. Reference to distance and/or direction are derived from the New Brunswick Tax Map.



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*Section 2 -- Land Use and Development Requirements and Standards for  
Redevelopment*

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**Neighborhood and Development Context:**

The plan area is located in the C-5 Highway Commercial and is approximately 36 acres. It abuts the Rutgers University Cook-Douglass Campus to its South and East, a garden apartment zone to its Northwest (R-6) and a single-family zone (R-2) to its North. The site sits along US Highway 1 and

**Planning and Development Principles:**

**Development Program:**

- Redevelopment and new construction of site is the preferred method for developing this site.
- Rehabilitation of existing structures is optional though desirable if the structure is salvageable and easily converted into a permitted use under the parameters of Table 1 of this redevelopment plan.
- If a structure is not salvageable for rehabilitation, new construction on the site should be for a permitted use per Table 1.

**Building Height, FAR and Bulk:**

- Building heights should be reasonably consistent throughout the plan area depending on the primary use of the building.
  - Mixed-use structures are not to exceed 5 stories nor 70 feet in height.
  - Townhomes to not exceed 45 feet in height.
  - Rooftop mechanicals, parapets, staircase/elevator towers and their screening mechanisms shall not be subject to the height limit. However, the mechanicals shall be appropriately screened such that the mechanicals are set back 10 feet from all building envelopes and not visible from the street, unless the mechanicals produce less than 40dB of sound output, then the set back shall be 5 feet.
- Buildings should have reasonable setbacks to abutting streets.



#### **Circulation and Parking:**

- Parking should be provided to adequately supply the car parking needs of the development, but should not be over-supplied, so as to minimize the deadening effect of surface and structural parking and to encourage the use of mass and alternate modes of transit.
- Residential parking shall not be provided at a higher standard than what is required per RSIS and restated in Table 6 of this plan.
- Parking should offer electric vehicle charging stalls, and factor in an ability to easily retrofit non-charging stalls into charging stalls in the future.
- Development should be oriented to maximize the convenience of mass transit and alternate transit use, e.g., the train station and bus facilities, for office workers, residents and visitors.
- Development design and building orientation should create a walkable environment to encourage alternatives to automobile transportation.

#### **Design Freedom:**

The specific proposals for the redevelopment of all parcels will be evaluated as to the manner in which they achieve the objectives of this Redevelopment Plan. While the Redeveloper(s) will be given freedom in concept design, layout within the standards specified in this Redevelopment Plan, the structure and other improvements to be erected must reflect the vision, goals and public purposes of the Redevelopment Plan. The designs shall exhibit distinguished architectural expression and promote pedestrian-oriented, street-level activity.

#### **Land Use Standards:**

The following land use controls and building requirements apply to the plan area. The Zoning Designations Map depicts how the land use controls are designated spatially.

Land within the plan area is to be developed according to the standards set forth in this plan, as well as the standards of the City of New Brunswick Zoning Ordinance. The controls, regulations and requirements of this plan supplement and supersede the requirements of the Zoning Ordinance. In instances where the plan does not impose a supplemental or superseding control or requirement, the standards of the Zoning Ordinance shall apply. The bulk standards of the C-5 Highway Commercial Zone shall apply to bulk standards not superseded by the controls and regulations of this plan. Redevelopers may seek to justify the granting of “bulk” variances pursuant to NJSA 40:55D-70.c, as well as waivers and exceptions from the applicable provisions of the Redevelopment Plan, but may not seek “use” variances pursuant to NJSA 40:55D-70.d.

#### **Signs:**

All signs shall conform to the requirements as set forth within subsection 17.06 of the City of New Brunswick Zoning Code and the below requirements.

## **Other Requirements:**

### **Affordable Housing:**

*NJSA 40A:12A-7(a)6 and NJSA 40A:12A-7(a)7 require that “as of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, that are to be removed as a result of implementation of the Redevelopment Plan, whether as a result of subsidies or market conditions” and that “a plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the Redevelopment Plan”.*

Any property to be rehabilitated or developed that meets the standard set forth in the preceding paragraph for affordable housing shall be rehabilitated or developed as affordable housing with the appropriate affordability controls recorded in the deed of the property.

Being that there are no properties within this redevelopment plan area that are currently residential in nature, let alone affordable housing units, the above sections are inapplicable to the Plan.

There is no finding of an “area in need in redevelopment” related to this redevelopment plan as it is based on an “area in need of rehabilitation” that was designated in 1977. Properties may be acquired under a separate statute but not pursuant to NJSA 40A:12a-1 et seq. No properties are intended to be removed by the Redevelopment Plan.

### **Landscaping:**

All open areas and parking areas shall be attractively and appropriately screened or landscaped. All setback areas shall be landscaped.

The use of native, drought resistant plants will reduce the demand for water, fertilizers, and pesticides. Non-native plantings are permitted so long as they are not invasive.

### **Fire Escapes:**

Fire escapes are prohibited on any street facing façade of a building. They may be permitted on the side or rear if not in conflict with zoning, property ownership or code requirements.

### **Security Gates:**

Exterior security gates are prohibited. Interior security gates are only permitted provided the storefront or area to be secured remains visible. Solid security gates and exterior doors (roll-ups) are prohibited. “Panelized” gates of an open design that will correspond to individual window or door openings or will break up a large storefront window into small increments, are permitted. Existing security gates and doors, to be retained in a project renovation, shall be painted in accordance with the color standards specified within New Brunswick Zoning Ordinance. Existing solid security gates and exterior doors (roll-ups) are not permitted during any repair or renovation.

### **Design Guidelines for Redevelopment Plan Area:**

(1) Overall Design Concept:

All new buildings should be designed relatively harmoniously to existing buildings and other substantial structures in the vicinity that have a visual relationship to the proposed building or buildings. The achievement of such a relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and/or the creation of focal points with respect to avenues of approach, terrain features or other buildings.

As this project would be somewhat of a departure from the typical uses of the area a great deal of latitude will be given to the design concept, but care should be given in order to best match the design of the project to the better elements of built environment in its vicinity.

(2) Area Design Features:

New buildings should, where appropriate, strengthen the particular urban design features of its locale by, for example, framing a view corridor, enclosing an open space area, or continuing a particular design feature of statement. New construction should respect the existing street pattern to preserve the circulation plan or add to it and reinforce it where possible and appropriate.

(3) Building Design Elements:

The selection of building design elements, for example, in the use of materials, fenestration, color, texture, etc., should ensure that such treatment is compatible with that prevalent in the area, where such prevalence exists and where such compatibility is desired. The building facades should “reflect” the size, scale and setbacks of adjacent buildings and those across the street if applicable and desirable.

- (4) **Building Orientation:**  
New buildings should be oriented to the natural environment; for example, the design and location of pedestrian areas and plazas, with respect to building orientation, should be based on use in all weather conditions at all times of the year. Appropriate uses of outdoor space related to buildings, such as outdoor cafes are encouraged if they conform to all other ordinance requirements.
- (5) **Building Additions:**  
Building additions should be designed to reflect the existing building in terms of scale, materials, fenestration and color. A change in scale, for example, may require a transitional design element between the addition and the existing building. Additions are encouraged that are sympathetic to the original building yet contemporary in spirit.
- (6) **Side and Rear Elevations:**  
Appearance of the side and rear elevations of buildings is important, especially if parking is provided next to or behind the building.
- (7) **Character of Primary Facades:**  
Buildings with expansive blank walls are prohibited. Blank walls and curtain wall buildings have no relationship to the overall design character of the area and undermine the qualities of human scale that the traditional commercial and residential structures have established throughout the City.

**Sears Medium Intensity (S-MI Zone) Zoning**

**Permitted Uses:**

TABLE 1: Permitted & Conditional Uses
Residential: <ul style="list-style-type: none"> <li>• Mid-rise no higher than 5 stories as per below:</li> </ul>
Mixed-use commercial/residential buildings, with permitted commercial and residential uses
Parks and open space
Restaurants, drive-up/through prohibited
Financial institutions; drive-up/through prohibited
Professional and medical offices (inclusive of medical care facilities)
Financial institutions; drive-up/through prohibited
Exhibition galleries
Fitness centers
Dry cleaning and laundry facilities
Stand-alone grocery store (max of 1)
Personal service businesses (inclusive of experiential uses such as escape rooms, hatchet throwing, etc.)
Uses ancillary and accessory to the above

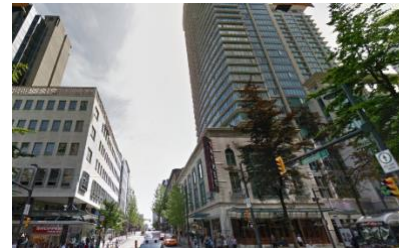


TABLE 2: Outdoor Cafes
Outdoor cafes are encouraged as a means of increasing positive street activity. Outdoor cafes, food carts and similar uses are permitted on the privately- owned publicly accessible spaces in the plan area.
However, this shall only apply on the US Highway 1 facing frontage(s) of the mixed-use developments.

**Sears Light Intensity (S-LI Zone) & Sears Highway (S-HWY) Zoning**

**Permitted Uses:**

TABLE 2: Permitted & Conditional Uses (S-LI)	Permitted & Conditional Uses (S-HWY)
Residential: <ul style="list-style-type: none"> <li>• Townhomes</li> </ul>	Intentionally left blank; to be determined in the future.
Non-commercial amenities for residents of the development	
Parks and open space	

**Bulk Standards (S-LI & S-MI)**

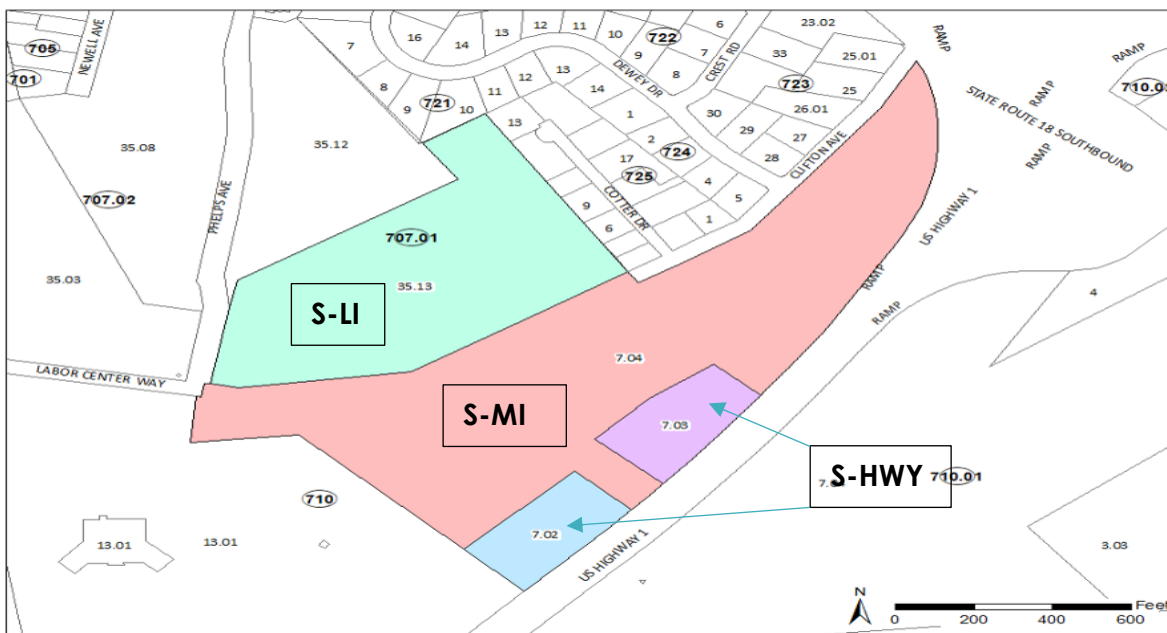
<b>Table 3: HEIGHT, AREA AND YARD REQUIREMENTS</b>		
<b>RESIDENTIAL &amp; RESIDENTIAL MIXED-USE STRUCTURES</b>		
	<u>Overall Plan Area</u>	<u>Individual Lot</u>
Minimum Lot Size	Not Applicable	1 Acre
Minimum Lot Width	N/A	150 ft.
Minimum Lot Depth	N/A	150 ft.
Min. Front Yard Setback – Along Rt 1	N/A	80 ft.
Minimum Setback – to existing Single Family Homes	N/A	100 ft.
<ul style="list-style-type: none"> <li>Setbacks must accommodate the pedestrian circulation within the plan area described in Section 3</li> </ul>		
Maximum Building Height	N/A	5 stories/70 ft.
Maximum Building Coverage	40%	50%
Maximum Impervious Coverage	70%, excluding private roads in the townhome subdivision	NA
Maximum F.A.R.	2.0	4.0
Maximum Dwelling Units/Acre	NA Max of 750 DUs	NA

<b>Table 4: HEIGHT, AREA AND YARD REQUIREMENTS</b>		
<b>NON-RESIDENTIAL STRUCTURES</b>		
	<u>Overall Plan Area</u>	<u>Individual Lot</u>
Minimum Lot Size	Not Applicable	1 Acre
Minimum Lot Width	N/A	100 ft.
Minimum Lot Depth	N/A	100 ft.
Min. Front Yard Setback – Along Rt 1	N/A	20 ft.
Minimum Setback – to existing Single Family Homes	N/A	100 ft.
Maximum Building Height	N/A	40 ft.
Maximum Building Coverage	40%	50%
Maximum Impervious Coverage	70%	80%
Maximum F.A.R.	2.0	2.0

## FAR Overall Area & Individual Lot Example

The floor-to-area ratio (FAR) for the plan area for non-residential is capped at 2.00. However, the individual subdivided parcels within the plan area may exceed the 2.00 FAR standard if corresponding subdivided parcels in the plan area have an FAR of less than 2.00 so that the FAR for the plan area does not exceed 2.00. In the example below, lots 1 and 2 can have FARs in excess of 2.00, if lots 3 and 4 are developed with FARs substantially less than 4.00 so that the overall FAR for the plan area is less than 2.00.

TABLE 5: FAR Examples (hypothetical)			
Overall Plan Area	Area (sqft)	FAR	Total Floor Area
Plan Area	40,000	2.00	80,000
<b>Individual Lot Examples</b>			
Lot 1	10,000	4.00	40,000
Lot 2	10,000	3.10	31,000
Lot 3	10,000	0.50	5,000
Lot 4	10,000	0.30	3,000
		<b>Total</b>	<b>79,000</b>
		<b>Overall FAR</b>	<b>1.975</b>



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## *Parking & Circulation*

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### **Parking Strategy:**

A parking strategy between residential, office and commercial uses is encouraged so as to efficiently manage the use of parking facilities so that they can effectively meet parking demand while minimizing the amount of parking constructed to reduce the deadening effect of parking facilities on street-level activities. Parking should be adequately supplied, but not over-supplied. Improvements to transit facilities to enhance the convenience of their use and improvements to the walkability of the area should be considered before building additional parking to meet the needs of employees, shoppers, residents, and visitors to access the development.



The parking standards have been developed to reflect the redevelopment area's proximity to the train station, as well as the walkability of the area.

A parking strategy should consider strategies such as shared parking, car share, shuttles, discounted transit passes and similar strategies to both reduce the parking demand for the uses in the plan area and to efficiently and effectively use the parking spaces that are developed.

Shared parking facilities shall conform to the requirements of the City of New Brunswick's Zoning Ordinance at Section 17.05.010. The total required number of spaces post shared parking calculation shall be multiplied by 0.85.

Parking requirements shall conform to state law on Electric Vehicles, 40:55D-66.18 to 40:55D-66.21.



### **Parking Requirements:**

Table 6 lists the parking requirements for the permitted uses in the Redevelopment Plan.

In addition to the requirements for the number of spaces, the design guidelines for parking facilities set forth later in this section also apply.

Credits shall be given against the required parking for shared parking pursuant to the City's shared parking ordinance (Ord. Section 17.05.010).

Parking credits against the minimum space requirement are available to residential and office uses for car share programs.

For car share parking credit, at least 1 car share space is required for parking areas of 50-100 parking spaces. For parking areas of 101-200 spaces, at least 2 car share spaces are required and 3 car share spaces for parking areas of 201-300, and so on. It is encouraged but not required that at least 2 car share spaces are included in the S-LI zone of this plan.

Car share spaces are required to be located near the pedestrian entrance of the parking facility. "Near" means being on the pedestrian access floor of the facility and within the nearest 10% of the spaces of that floor. Handicapped parking spaces are not to be counted as part of the 10% car capacity of the floor.

Car share parking credits for residential use are shown in Table 6: Parking Requirements. Car share parking credit standard for office use is 1 car share space is equal to 3 required parking spaces.

If no car-share organization or company is willing to use the space(s), the space owner may make the space(s) available to the general public. However, upon 90-days written notice from the City, the property owner must make the space available to a bona fide car share organization or company.

In the event, the parking requirements of this plan result in lower required parking spaces than what is required in the PILOP (Payment in Lieu of Parking) Ordinance, the PILOP shall trigger at the lower threshold between this plan and the PILOP.

TABLE 6: Parking Requirements		
Use Type	Housing Unit Size	Parking Requirement
Stand Alone Mid-Rise Apartments	1 bedroom & studio	1.8
	2 bedrooms	2.0
	3 bedrooms	2.1
Residential in Mixed Use	1 bedroom	0.8
	2 bedrooms	1.1
	3 bedrooms	1.4
Townhomes	Per Dwelling Unit	1.25
<b>Public Buildings and Services</b>		
Public Buildings	Per 500 sf of GFA	1.5
Museums and Art Galleries	Per 500 sf of GFA	1
<b>Commercial and Industrial</b>		
Restaurant	Per 5 persons of maximum occupancy	0.6
Banks	Per 500 sf. of GFA	0.6
Laboratories, Office, Office Buildings, including non-medical professional offices	Per 500 sf of GFA	1.2
Medical/Dental Offices	Per 500 sf GFA	1.5
Retail stores	Per 500 sf GFA	1.5
Health Clubs, spas	Per 500 GFA	3
Commercial establishments not otherwise classified	Per 500 sf GFA	1.5
Recreational/Entertainment Theaters and Auditoriums	Per 5 persons of legal occupancy	0.6

**Parking Location:**

Parking should be provided in the plan area, to the extent feasible. If needed parking cannot be accommodated in the plan area, off-site locations can be used. If space is available off-site, the availability shall be evidenced by an enforceable written agreement or other documentation acceptable to the Planning Board. The redeveloper shall demonstrate that any off-site parking location will function efficiently for access to the facility for parking and for access to the uses developed in the plan area that the parking is serving. Different parking uses will have different appropriate locations. For example, parking for retail uses would generally need to be closer to the site than parking for office uses, as shoppers can be expected to walk a shorter distance to their shopping location than an office worker will walk to their job location.

Newly developed off-site parking should also conform to the parking design standards of this plan.

**Parking dimensions, size and access:**

Each off-street parking space and access aisle shall meet all applicable provisions of this section. The dimensions for parking lots, wheel stops, spaces, drive aisles, etc., are as set forth in Figure 1, and supersede the standards set forth in the City of New Brunswick Engineering, Utility and Landscaping Standards, Section 8.10,

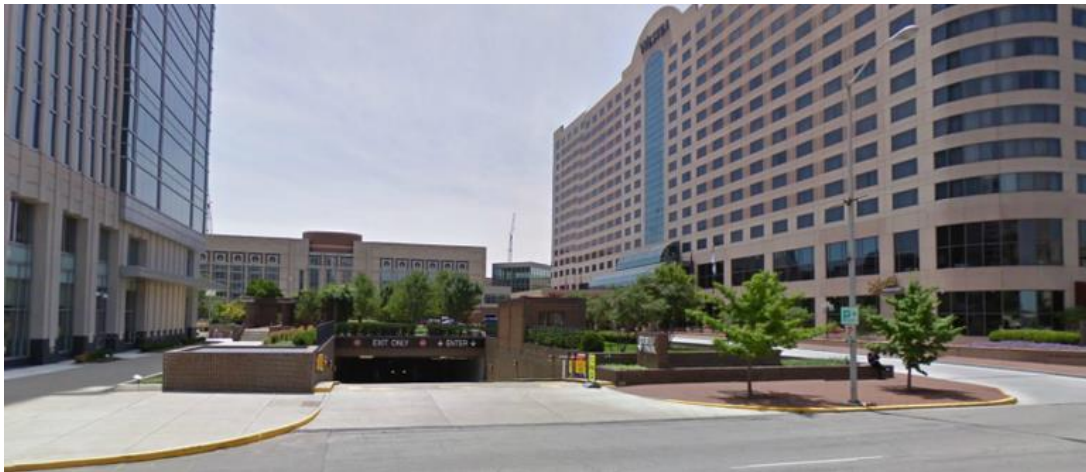
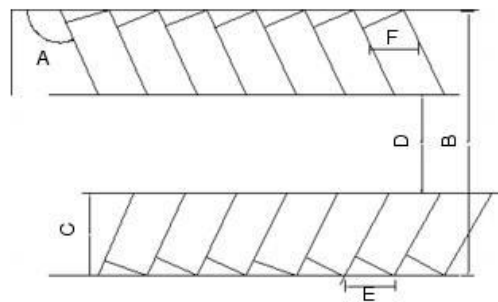
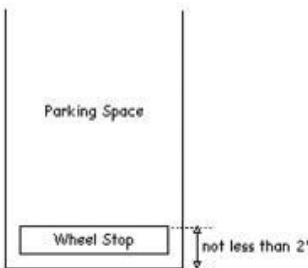


Figure 1. Parking Dimensions



<b>TABLE 7 One-Way Parking</b>						
	A	B	C	D	E	F
<b>Parallel</b>	0°	28'	8'	12'	23'	8'
<b>Angled</b>	35°	41'	14.5'	12'	14.8'	8.5'
	40°	42'	15'	12'	13.2'	8.5'
	45°	43'	15.5'	12'	12'	8.5'
	50°	45'	16.5'	12'	11.1'	8.5'
	55°	48'	17.5'	13'	10.4'	8.5'
	60°	50'	17.5'	15'	9.8'	8.5'
	65°	53'	18'	17'	9.7'	8.5'
	70°	56'	18.5'	19'	9.6'	8.75'
<b>Compact</b>	45°		17'	11'		8'
	60°		16.7'	14'		8'
	75°		16.3'	17.4'		8'
	90°		15'	20'		8'
<b>Two-Way Parking</b>						
	A	B	C	D	E	F
<b>Parallel</b>	0°	36'	8'	20'	23'	8'
<b>Angled</b>	35°	49'	14.5'	20'	14.8'	8.5'
	40°	50'	15'	20'	13.2'	8.5'
	45°	51'	15.5'	20'	12'	8.5'
	50°	53'	16.5'	20'	11.1'	8.5'
	55°	55'	17.5'	20'	10.4'	8.5'
	60°	55'	17.5'	20'	9.8'	8.5'
	65°	56'	18'	20'	9.7'	8.75'
	70°	57'	18.5'	20'	9.6'	8.75'
	90°	64'	20'	24'	9'	9'
<b>Compact</b>	45°		17'	20'		8'
	60°		16.7'	20'		8'
	75°		16.3'	20'		8'
	90°		15'	20'		8'

**Bicycle & Electric Bicycle Parking:**

<b>TABLE 8: Bike Parking</b>		
<b>Publicly Accessible Short-Term Weather-Protected Spaces:</b>		
<b>For Every</b>	<b>Of</b>	<b>Provide # of Bicycle Parking Spaces</b>
1,000 sf	Retail	0.5
1,000 sf	Office/Lab	0.1
<b>Public or Private Long-Term Weather-Protected Spaces:</b>		
1,000 sf	Office/Lab	0.2
5 Units	Residential	1

Bicycle parking shall be provided in racks or other similar facility and shall not be located within the car parking spaces in off-street parking facilities.

**Bicycle Rack Standards:**

- Installed on a permanent foundation (e.g., concrete pad) to ensure stability and security.
- Securely anchored into or on the foundation with tamper-proof nuts if surface mounted.
- Supports the bicycle frame in 2 or more places.
- Support both wheels on the ground
- Ability to support a variety of bicycle sizes and frame shapes.
- Space to secure the frame and one or both wheels to the rack with a cable, chain, or u-lock.
- Diameter of locking pole is no more than 1.5 inches.
- Galvanized or stainless steel racks are recommended and are required for racks on public property.

Acceptable racks designs including the “Inverted U,” “Swerve,” and “Post and Ring” racks, have two-point support and fit a variety of bicycle types. Custom designs and “artistic” racks are permitted if they meet the above standards.

Examples of acceptable rack designs:



Examples of UNACCEPTABLE rack designs:



**Bicycle Rack Location:**

- Required short-term bicycle parking spaces shall be located in a convenient and visible area at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance
- Required long-term bicycle parking spaces shall be located in enclosed, secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users
- Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck, patio areas, or private storage areas accessory to dwelling units.

**Off-Street Loading:**

Off-street loading shall be provided in compliance with the off-street loading standards of Section 17.05.030 of the New Brunswick Zoning Ordinance.

Off-street loading areas, and curb cuts and service roads leading to service areas shall be located as far away as possible from public entrances. Loading area visibility should be minimized to the extent practical through screening or location in non-prominent areas. The loading areas shall be designed so that vehicles do not encroach into the public right-of-way when loading or unloading. Centralized or shared loading areas are permitted.

**Phasing:**

Phasing for this project shall be as follows:

- **Phase IA: Mixed Use Building A with ~250 units and 10,000+ SF of retail space (S-MI Zone)**
- **Phase IB: Townhouse parcel with ~170 units built in 4, ~42 units subphases (S-LI Zone)**
- **Phase II: Mixed Use Building B with ~280 units and 10,000+ SF of retail space (S-MI Zone)**
- **Phase III: Retail/Grocer Parcel (S-MI Zone)**
- **Future Phases: Restaurant pads along Route 1. (S-MI Zone)**

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## *Signage & Façades*

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All signs shall conform to the requirements as set forth within subsection 17.06 of the City of New Brunswick Zoning Code and the below requirements. It is the intention that the below requirements supersede the standards of subsection 17.06 when there is a conflict between the standards or wording.

### **Sign Definitions:**

**Awning Sign:** Any sign painted on, or applied to, an awning.

**Banner:** Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

**Beacon Lighting:** Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

**Building Frontage:** The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

**Canopy:** A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

**Canopy Sign:** Any sign that is part of, or attached to a canopy.

**Changeable Copy Sign:** A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are **manual changeable copy signs** and **electronic changeable copy signs**, which include: **message center signs, digital displays, and Tri-Vision Boards.**

**Channel Letter Sign:** A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.

**Clearance:** The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

**Digital Display:** The portion of a sign message made up of internally illuminated



components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

**Directional Sign:** Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

**Festoon Lighting:** A type of illumination comprised of either: (a) a group of incandescent light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

**Flag:** Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

*Flashing Sign*

*This definition is consistent with the FHWA's sign regulations, which also distinguish between "flashing" signs (prohibited on Federal Highways) and "digital" signs (allowed). The FHWA issued a statement in 2007 saying digital signs do not violate its flashing sign regulations.*

**Flashing Sign:** A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.

**Freestanding Sign:** A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of **freestanding signs**:

**Ground Sign:** A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as **monument sign**)

**Pole Sign:** A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

**Government/Regulatory Sign:** Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.

**Illumination:** A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

- **External Illumination:** Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.
- **Internal Illumination:** A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.
- **Halo Illumination:** A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as **back-lit illumination**)

**Illuminated Sign:** A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

**Incidental Sign:** A sign that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street.

**Incidental Window Sign:** Signs displayed in the window displaying information.

**Inflatable Sign:** A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

**Interactive Sign:** An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

**LED sign:** A sign illuminated by LED's (light emitting diodes) that form letters, symbols, or other graphics.

**Legibility:** The physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics.

**Limited Duration Sign:** A non-permanent sign that is displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period.

**Luminance:** An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft<sup>2</sup>).

**Manual Changeable Copy Sign:** A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

**Marquee:** A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

**Marquee Sign:** Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

**Mechanical Movement Sign:** A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags.

Mechanical movement signs do not include digital signs that have changeable, programmable displays.

**Menu Sign:** A permanent sign for displaying the bill of fare available at a restaurant, or other use serving food, or beverages.

**Message Center Sign:** A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

**Message Sequencing:** The spreading of one message across more than one sign structure.

**Multi-Tenant Sign:** A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

**Mural (or mural sign):** A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/ or symbols.

**Neon Sign:** A sign illuminated by a neon tube, or other visible light-emitting gas tube, that is bent to form letters, symbols, or other graphics.



**Off-Premise Sign:** An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as a **third-party sign**, **billboard**, or **outdoor advertising**)

**Official Traffic Sign:** Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

**On-Premise Sign:** A sign whose message and design relate to the use conducted on the same property where the sign is located

**Pennant:** a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

**Permanent Sign:** A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

**Portable Sign:** A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

- **Sandwich Board Sign:** A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (Also known as **A-frame sign**)

**Projecting Sign:** A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as **blade sign**)

**Public Sign:** A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

**Reflective Sign:** A sign containing any material or device which has the effect of intensifying reflected light.

**Revolving Sign:** A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

**Roof Sign:** A building-mounted sign erected upon, against, or over the roof of a building.

**Security Sign:** An on-premises sign regulating the use of the premises, such as a “no

trespassing,” “no hunting,” or “no soliciting” sign. (Also known as **warning sign**)

**Shielded:** The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

**Sign:** Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

**Sign Area:** The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See “General Sign Regulations” for standards for measuring sign area.

**Sign Face:** The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

**Sign Height:** The vertical dimension of a sign as measured using the standards in 17.06.060.E.

**Sign Supporting Structure:** Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

**Streamers:** A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.

**Temporary ornamentations and decorations:** Non-permanent ornaments and decorations, including inflatables, animated displays and similar objects located on private property in a yard on or on a structure that is displayed for no more than 45 consecutive days at one time. Temporary ornamentation and decoration does not include security or safety lighting, including low-level lighting of walkways; or 3-D yard ornaments with a base of 4 sq. ft or less and height of 4 ft. or less.

**Temporary Sign:** A type of non-permanent, sign that is located on private property that can be displayed for no more than 30 consecutive days at one time.

**Tri-Vision Boards:** An outdoor unit with a slatted face that allows three different copy messages to revolve at intermittent intervals.

**Vending Machine Sign:** A sign displayed on a vending machine indicating the name of the product being sold and/or the price of such product.

**Wall Sign:** A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: **fascia sign**, **parallel wall sign**, or **band sign**)

**Window Sign:** Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

**Prohibited Signs:**

The following signs are unlawful and prohibited:

- A. Abandoned signs.
- B. Public right-of-way signs: No sign other than official traffic control devices or street signs shall be erected within, or encroached upon, the right-of-way lines of any street unless specifically authorized by this or other ordinances or regulations.
- C. Mechanical movement signs, including revolving signs.
- D. Pennant strings and streamers.
- E. Animated signs, flashing signs, or signs that scroll or flash text or graphics. Except “neon” “OPEN” signs, provided they are no larger than six (6) square feet in area.
- F. Inflatable devices or balloon signs.
- G. Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.
- H. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.
- I. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- J. Reflective signs or signs containing mirrors.
- K. Interactive signs.
- L. Signs incorporating beacon or festoon lighting. (Note: festoon lighting not associated with a sign is not prohibited but must meet the other design criteria of this plan.)
- M. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.
- N. Roof signs.
- O. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.
- P. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of the City of New Brunswick Zoning Ordinance.
- Q. Any sign that promotes illegal activity.

### Signs Exempt from Permit Requirements:

The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any.

- A. Official traffic signs.
- B. Government/regulatory signs.
- C. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside and are located greater than three (3) feet from the window.
- D. Temporary ornamentations or decorations
- E. Address signs - Up to two (2) signs stating address or number not to exceed five (5) sq. ft. in area.
- F. Public signs - Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.
- G. Security and warning signs required by law or to warn the public of danger. Maximum of one (1) large sign per property, not to exceed five (5) sq. ft. in area. All other posted security and warning signs may not exceed two (2) sq. ft. in area.
- H. Flags:
  - 1. **Location:** Flags and flagpoles shall not be located within any right-of-way.
  - 2. **Height:** Flags shall have a maximum height of 30 ft.
  - 3. **Number:** No more than two (2) flags per lot on lots 10,000 sq. ft. or less, no more than three (3) flags on all other lots.
  - 4. **Size:** Maximum flag size is 24 sq. ft. on lots of 10,000 sq. ft or less, 40 sq. ft. on all others.
- I. Legal notices.
- J. Vending machine signs.
- K. Public monument or historical identification sign
- L. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.
- M. Incidental signs, including incidental window signs.
- N. Directional signs,
  - 1. **Area:** No single directional sign shall exceed six (6) sq. ft. in area.
  - 2. **Height:** Directional signs shall have a maximum height of five (5) ft.
  - 3. **Illumination:** Directional signs shall be non-illuminated, unless they are freestanding at driveway entrances. Directional signs at driveway entrances may be internally or externally lit.
- L. Art and murals displayed as part of educational, artistic appreciation or beautification programs.
- M. Signs on public institutions including municipal, county, state and federal buildings and public schools, colleges and universities



**General Sign Regulations:**

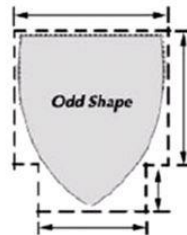
**A. Sign location.**

1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
2. No sign may occupy a sight triangle.
3. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.

**B. Sign Materials & Construction:** Every sign shall be constructed of durable materials, using non-corrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the NJ Uniform Construction Code; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.

**C. Sign Area.**

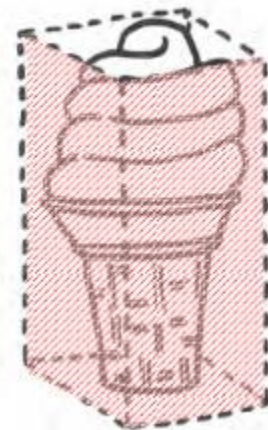
1. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.



2. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.

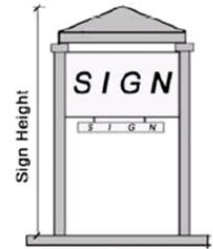
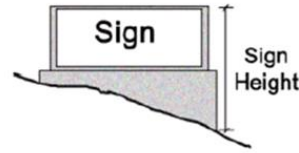
3. Signs may be double-sided.
  - a. On-premises signs.
    - i. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart.
    - ii. Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than 18 inches apart, the larger sign face shall be used as the basis for calculating sign area.
    - iii. When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.
  - b. Off-premises signs.
    - i. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than five (5) feet apart.
    - ii. Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than five (5) feet apart, the larger sign face shall be used as the basis for calculating sign area.
    - iii. When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than five (5) feet apart, all sides of such sign shall be considered in calculating the sign area.
4. Signs that consist of, or have attached to them, one or more three- dimensional or irregularly- shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
5. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.
6. The permitted maximum area for all signs is determined by the sign type and the zoning district in which the sign is located (see §13-18).

*Measuring Sign Area of 3D Objects*



#### D. Sign Height.

1. The height of a sign shall be measured as the vertical distance from the uppermost point used in measuring the area of the sign to the lowest elevation of the existing grade immediately below and adjoining the sign



2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
3. The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located.

E. Sign Spacing: The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.

### Signs in the Sears Redevelopment Plan Area:

In addition to the exempt signs described above in. Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected in the redevelopment district, subject to the conditions specified herein and in Section 17.06.060 of the City's Zoning Ordinance, if the conditions in 17.06.060 do not conflict with conditions set forth in this plan. In the case of a conflict, the provisions of the plan apply.

- A. The total area of all wall, awning/canopy, and projecting signs shall be limited to two (2) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.
  
- B. Wall signs for non-residential uses shall be permitted subject to the following regulations.
  - 1. Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a property has entrances facing both a street and a parking lot, an additional sign is permitted to face the parking lot.
  - 2. Area: No single wall sign shall exceed 24 sq. ft. in area.
  - 3. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second story windowsill, whichever is lower.
  - 4. Illumination: The following illumination types shall be permitted subject to the regulations in "Sign Illumination".
    - a. External illumination, lit from above
    - b. Halo illumination or back-lit letters
  
- C. Awning or canopy signs for non-residential uses shall be permitted subject to the following regulations.
  - 1. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second story windowsill, whichever is lower.
  - 2. Illumination: The following illumination types shall be permitted subject to the regulations in "Sign Illumination".
    - a. External illumination, lit from above.

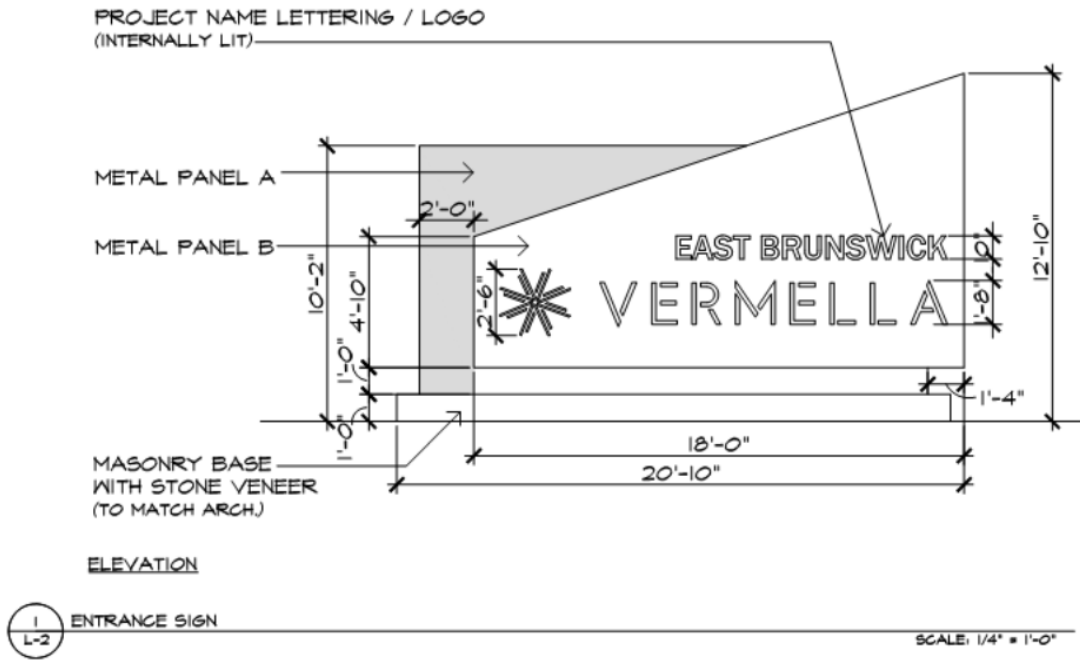
- D. Projecting signs for non-residential uses shall be permitted subject to the following regulations.
1. **Number:** One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
  2. **Area:** Each sign shall have a maximum area of twelve (12) sq. ft. per sign face.
  3. **Height:** Signs shall have a maximum height equal to the eaveline or the bottom of the second story windowsill, whichever is lower.
  4. **Illumination:** The following illumination types shall be permitted subject to the regulations in “Sign Illumination”.
    - a. External illumination, lit from above
- E. Window signs for non-residential uses shall be permitted subject to the following regulations.
1. **Area:** A maximum of 15% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or otherwise permanently affixed to the window. A maximum of 25% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
  2. **Illumination:** The following illumination types shall be permitted subject to the regulations in 17.06.060.F Sign Illumination.
    - a. None
- F. Upper-level building identification signs for mixed-use or non-residential buildings shall be permitted subject to the following regulations in the Sears Redevelopment District.
1. **Number:** One (1) sign per building.
  2. **Area:** Each sign shall have a maximum area of 200 sq. ft.
  3. **Height:** Signs shall have a maximum height of thirty (36) feet and shall not extend vertically beyond the eaveline.
  4. **Location:** Signs shall be limited to buildings at least three (3) stories in height and shall be located only on the top floor of such buildings.
  5. **Illumination:** The following illumination types shall be permitted subject to the regulations in 17.06.060.F Sign Illumination.
    - a. Internal illumination
    - b. External illumination, lit from above
    - c. Halo illumination or back-lit letters

- G. Marquee signs shall be permitted subject to “Regulations by Sign Type: On-Premise Signs” and the following regulations.
1. Number: One (1) sign per building.
  2. Area: Each sign shall have a maximum area of 200 sq. ft.
  3. Height: Signs shall have a maximum height of ten (10) feet and shall not extend vertically beyond the eaveline.
  4. Location: Signs shall be limited to buildings at least three (3) stories in height and shall be located only on the top floor of such buildings.
  5. Illumination: The following illumination types shall be permitted subject to the regulations in 17.06.060.F Sign Illumination.
    - a. Internal illumination
    - b. External illumination, lit from above
    - c. Halo illumination or back-lit letters
- H. Wall/Awning or Projecting signs for residential developments or apartment buildings containing more than twenty-four units shall be permitted subject to the following regulations.
1. Number: One (1) sign per street frontage.
  2. Area: Each sign shall have a maximum area of 15 sq. ft. per sign face.
  3. Height: Canopy/Projecting signs shall not exceed the eave level or second story windowsill.
  4. Illumination: The following illumination types shall be permitted subject to the regulations in 17.06.060.F “Sign Illumination”:
    - a. External illumination
- I. Freestanding signs for residential developments or apartment buildings on lots in excess of one (1) acre shall be permitted subject to the following regulations: (See concept on page 40)
1. Number: Two (2) sign per street frontage.
  2. Area: Each sign shall have a maximum area of 250 sq. ft. per sign face.
  3. Height: Signs shall have a maximum height of twelve (12) feet.
  4. Illumination: The following illumination types shall be permitted subject to the regulations in 17.06.060.F Sign Illumination.
    - a. External illumination
    - b. Internal illumination
    - c. Halo-illumination or back-lit letters

Pylon signs shall be permitted for the mixed-use component of the project and shall be located only in in the S-MI zone of this plan and subject to the following regulations: (See concept on page 41)

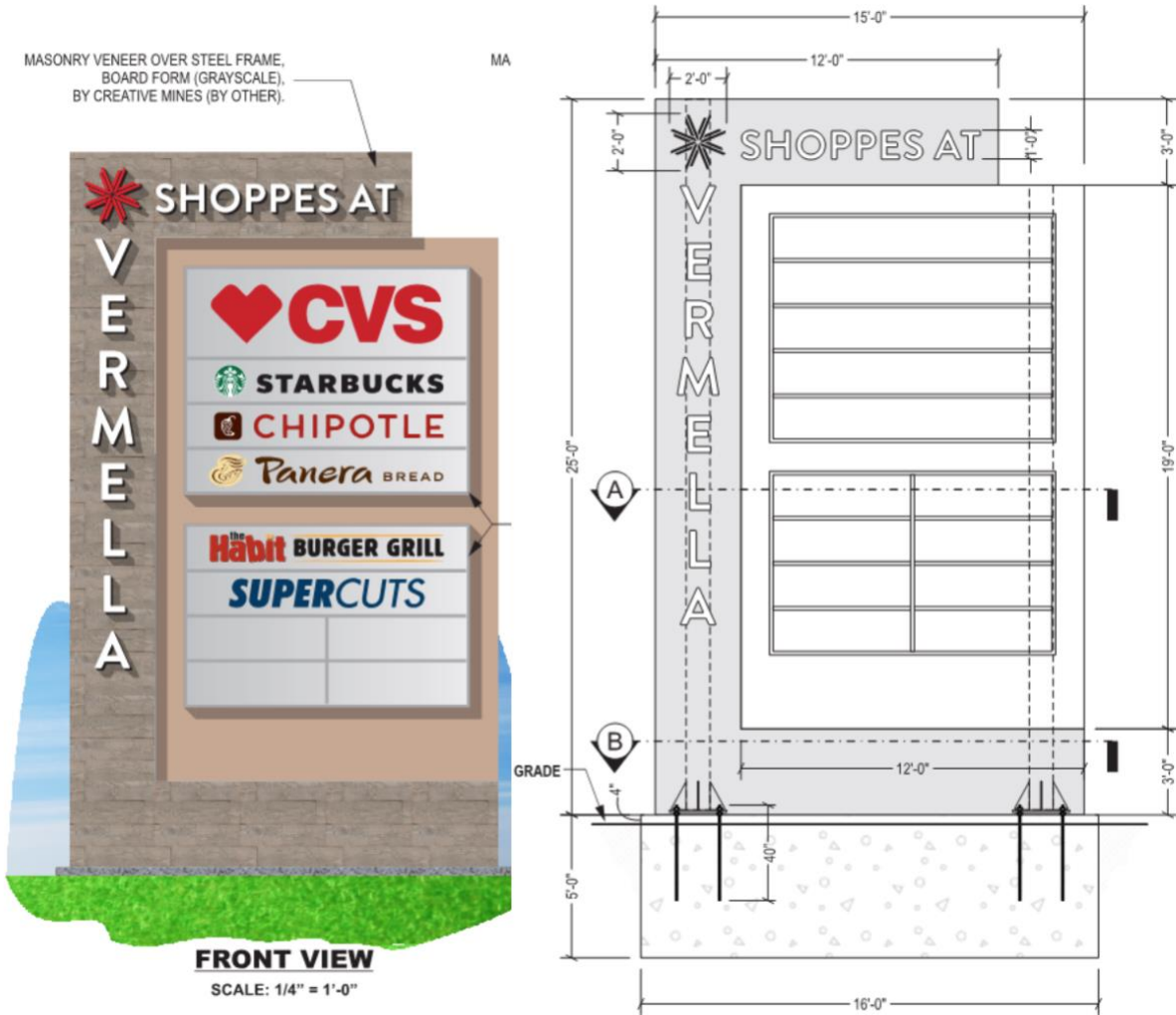
1. Number: One (1)
  2. Area: Each sign shall have a maximum area of 500 sq. ft. per sign face.
  3. Height: Signs shall have a maximum height of thirty (30) feet.
  4. Illumination: The following illumination types shall be permitted subject to the regulations in 17.06.060.F Sign Illumination.
    - a. External illumination
    - b. Internal illumination
    - c. Halo-illumination or back-lit letters
- J. No signs except for those providing directional, informational, emergency, or circulation information may be oriented such that they can be seen from properties in the nearby R-6, R-2, or R-1B zones.
- K. All internally illuminated signs permitted in this plan must not be visible from nearby R-6, R-2, or R-1B zones.

\*Freestanding Sign Concept From Other Development Sites\*





\*Pylon Sign Concept From Other Development Sites\*



**Regulations by Sign Type: On-Premises Signs**

A. Wall Signs.

1. No portion of a wall sign shall be mounted less than eight (8) feet above the finished grade or extend out more than twelve (12) inches from the building wall on which it is affixed. If the wall sign projects less than three (3) inches from the building wall on which it is affixed, the eight-foot height requirement need not be met.

B. Canopy or Awning Signs.

1. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
2. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
3. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
4. Sign Placement.
  - a. Logos, letters or numerals may be located on the front and side vertical faces or the front angled face of the awning or canopy.
5. Sign Height.
  - a. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
6. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
7. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

C. Projecting Signs.

1. No portion of a projecting signs shall project more than four (4) feet from the face of the building.
2. The outermost portion of a projecting sign shall project no closer than five (5) feet from a curb line or shoulder of a public street.
3. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.

D. Window Signs.

1. Incidental window signs shall be excluded from area calculations for window signs.

E. Marquee Signs.

1. Such signs shall be located only above the principal public entrance of a theater or hotel building facing a public street or parking lot.
2. No marquee shall be wider than the entrance it serves, plus two (2) feet on each side thereof.
3. No marquee shall extend closer to the curb than three (3) feet.

4. Sign Height.
  - a. No portion of a marquee sign shall extend vertically above the eaveline.
  - b. The lowest edge of the marquee sign shall be at least ten (10) feet above the finished grade.

F. Freestanding Signs.

1. The lowest edge of any freestanding pole sign shall be either less than four (4) feet or greater than eight (8) feet above the ground.
2. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape.
3. Sign Placement.
  - a. All freestanding signs shall be set back five (5) feet from the right-of-way, except for official traffic signs and government/regulatory signs.
  - b. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane easement, cartway of the right-of-way or other areas required to remain unobstructed.

G. Manual Changeable Copy Signs: Manual changeable copy signs are permitted only when integrated into a freestanding, marquee, wall, or portable sign.

### Regulations for Sign Illumination:

- A. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
1. *Location.* The summary table below provides detailed information about what types of illumination are permitted in each zoning district.
  2. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
  3. No more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.
  4. *Hours of Operation:*
  5. Signs on non-residential properties may be illuminated from 5 am until 11 pm, or ½ hour past the close of business of the facility being identified or advertised, whichever is later. Signs shall provide an automatic timer to comply with the intent of this Section.
  6. *Message Duration:* The minimum length of time each message may be displayed on a message center sign, digital display, or Tri-Vision Board sign is ten (10) seconds.
- B. Types of Illumination: Where permitted, illumination may be:
1. *External:* Externally illuminated signs, where permitted, are subject to the following regulations:
    - a. The source of the light must be concealed by translucent covers.
    - b. External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.
  2. *Internal:* Internally illuminated signs, where permitted, are subject to the following regulations:
    - a. Internal illumination, including neon lighting, must be static in intensity and color.
    - b. Message center signs are permitted in accordance with the regulations contained in this section
    - c. Digital displays are permitted in accordance with the regulations contained in this section.

- C. Message center signs are subject to the following regulations, in addition to all other illumination requirements established in this Section.
1. *Sign Type:* Message center signs are permitted in the form of monument, and wall signs in accordance with the regulations for such sign type.
  2. *Height:* A message center sign shall have the same height limits as other permitted signs of the same type and location.
  3. *Area:*
    - a. When used as an on-premises sign, message center signs shall not exceed 50% of the sign area for any one sign, and shall not exceed more than 30% of the total area for all signs permitted on a property.
  4. *Maximum Number:* Where permitted, one (1) message center sign is permitted per street frontage, up to a maximum of two (2) message center signs per property.
  5. *Message Display:*
    - a. No message center sign may contain text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
    - b. The content of a message center sign must transition by changing instantly (*e.g.*, no fade-out or fade-in).
    - c. *Default Design:* The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
    - d. The addition of any message center sign to a nonconforming sign is prohibited.
  6. *Public Service Announcements:* The owner of every message center sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

- D. Digital display signs are subject to the following regulations in addition to all other requirements established in this Section.
1. *Sign Type:* Digital displays are permitted in the form of monument, and wall signs
  2. *Height:* A digital display shall have the same height limits as for other permitted signs of the same type and location.
  3. *Area:*
    - a. When used as an on-premises sign, digital displays shall not exceed more than 30% of the total sign area permitted on the site.
  4. *Maximum Number per Property:* Where permitted, one (1) digital display sign is permitted per property
  5. *Message Display:*
    - a. Any Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
    - b. One message/display may be brighter than another, but each individual message/display must be static in intensity.
    - c. The content of a digital display must transition by changing instantly, with no transition graphics (*e.g.*, no fade-out or fade-in).
    - d. *Default Design:* The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
  6. Conversion of a permitted non-digital sign to a digital sign requires the issuance of a permit pursuant to 17.06.220 Permits & Applications.
  7. The addition of any digital display to a nonconforming sign is prohibited.
  8. *Public Service Announcements:* The owner of every digital sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- E. Glare Control: Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

F. Illumination Standards

Use	Illumination Type				Hours of Illumination	Motion Limitation	Size Limitation		
	Internal	Message Center Sign	Digital Display	External			Digital Displays and Message Center Signs	Digital Display Signs as a Max % of Total Sign Area on Site	Message Center Signs as a Max % of Sign Area
Non-Residential	Y (if located facing US Highway 1 only)				Y	5 am to 11 pm or 1/2 hour past close of business	10 secs between sign changes	30%	30%
Residential	Y (if located facing US Highway 1 only)	N	N	Y	24 hr	N/A	N/A	N/A	

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## *Other Requirements*

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### **Street Light and Streetscape Standards:**

A coordinated streetscape design for street lighting, bus stops, benches, trash/recycling receptacles, bike racks, wayfinding signage and other similar street furniture items shall be used throughout the redevelopment area. The streetscape design palette shall be reviewed and approved by the City's Technical Advisory Committee prior to the submission of any site plan applications by a designated redeveloper.

### **Affordable Housing:**

NJSA 40A:12A-7(a)6 and NJSA 40A:12A-7(a)7 require that *“as of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, that are to be removed as a result of implementation of the Redevelopment Plan, whether as a result of subsidies or market conditions”* and that *“a plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the Redevelopment Plan.”*

Since there is no “Area in Need of Redevelopment” the above is inapplicable. Additionally, this Redevelopment Plan Area contains no existing housing units, either market-rate or affordable housing. Consequently, there is no requirement for a plan for replacing lost housing units.

### **Landscaping:**

All open areas and parking areas shall be attractively and appropriately screened or landscaped. All setback areas shall be landscaped.

All landscaping shall preferably be done via xeriscaping techniques.

### **Fire Escapes:**

Fire escapes are prohibited on the street facing facades of a building. They may be permitted on the side or rear if not in conflict with zoning, property ownership or code requirements.

### **Security Gates:**

Exterior security gates are prohibited. Interior security gates are only permitted provided the storefront or area to be secured remains visible. Solid security gates and exterior doors (roll-ups) are prohibited. “Panelized” gates of an open design that will correspond to individual window or door openings or will break up a large storefront window into small increments, are permitted. Existing security gates and doors, to be retained in a project



renovation, shall be painted in accordance with the color standards specified within New Brunswick Zoning Ordinance. Existing solid security gates and exterior doors (roll-ups) are not permitted during any repair or renovation.

**Awnings, Canopies and Marquees:**

- A. Marquees are prohibited on buildings with less than 40,000 square feet.
- B. No awning shall extend more than four feet (4') into the public right-of-way; no awning shall be less than eight feet (8') above grade.
- C. Awnings shall not be placed so as to conceal or disfigure an architectural feature or detail.

Awnings shall be coordinated, in terms of design, color and height, with awnings on adjacent buildings.

## Design Guidelines:

### (8) General Provisions

#### (a) Overall Design Concept:

All new buildings should be related harmoniously to existing buildings and other substantial structures in the vicinity that have a visual relationship to the proposed building or buildings. The achievement of such a relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and/or the creation of focal points with respect to avenues of approach, terrain features or other buildings.

#### (b) Area Design Features:

New buildings should, where appropriate, strengthen the particular urban design features of its locale by, for example, framing a view corridor, enclosing an open space area, or continuing a particular design feature of statement. New construction should respect the existing street pattern to preserve the circulation plan or add to it and reinforce it where possible and appropriate.

#### (c) Building Design Elements:

The selection of building design elements, for example, in the use of materials, fenestration, color, texture, etc., should ensure that such treatment is compatible with that prevalent in the area, where such prevalence exists and where such compatibility is desired. The building facades should “reflect” the size, scale and setbacks of adjacent buildings and those across the street.

#### (d) Building Orientation:

New buildings should be oriented to the natural environment; for example, the design and location of pedestrian areas and plazas, with respect to building orientation, should be based on use in all weather conditions at all times of the year. Appropriate uses of outdoor space related to buildings, such as outdoor cafes are encouraged if they conform to all other ordinance requirements.

#### (e) Building Additions:

Building additions should be designed to reflect the existing building in terms of scale, materials, fenestration and color. A change in scale, for example, may require a transitional design element between the addition and the existing building. Additions are encouraged that are sympathetic to the original building yet contemporary in spirit.

#### (f) Building Height and Setting:

The intention of the Redevelopment Plan is to develop the permitted mix of uses at densities appropriate for a mixed-use, mid-rise residential development near and integrated to a transit-oriented downtown. Due to the plan area location near

to train and bus hubs, near major employers and in a highly walkable downtown grid, it is expected that some building will have substantial height. While these buildings may be substantially higher than adjacent buildings, the new buildings' design should complement or enhance nearby existing buildings, particularly for portions of the new buildings that are at the same or lesser heights of the adjacent buildings. New buildings may have similar design elements as existing buildings or have different design elements. In either case, the design elements should complement or enhance the urban fabric. The development setting is encouraged to have buildings with a mix of heights so as to create architectural interest and to preserve, to the extent practicable, light and views of existing building

- (g) The particular location of new buildings on a site should provide an appropriate harmonious relationship to existing area structures, land forms and water bodies, in terms of height, setback, view preservation and related aspects of its urban context. In particular areas, building height and orientation may have to be adjusted in order to maintain such relationships or to preserve visual access to community focal points either nature, e.g., river, or manmade, e.g. cultural institutions, churches, etc. Where the site slopes, a new building's design should fit within an envelope that follows the lands contours. Stepped designs are appropriate to preserve light, views, and to reinforce the scale of a particular site or an assemblage of lots, the heights, massing and siting of buildings need special care to reinforce existing relationships.
  
- (h) **Side and Rear Elevations:**  
Appearance of the side and rear elevations of buildings is important in commercial districts, especially if parking is provided next to the buildings. It may be desirable to develop alternate entries. Other guidelines for fronts of buildings shall also apply to the rear and sides.
  
- (i) **Façade Composition:**  
Commercial buildings generally consist of a base, tower and top. The base is generally more open and accessible than the upper areas of the building. Stability, proportion and visual interest are established by buildings with clear vertical organization.
  
- (j) **Massing:**  
Large, horizontal buildings of limited height in the commercial zone should be broken down into segments having vertical orientation (bays). Repetition of bays

and traditional façade elements creates patterns which help establish a sense of scale while allowing individual to identify for each storefront.

(k) **Character of Primary Facades:**

Buildings with expansive blank walls are prohibited. Blank walls and curtain wall buildings have no relationship to the overall design character of the area and undermine the qualities of human scale that the traditional commercial and residential structures have established.

(l) **Roof Forms:**

In commercial areas, buildings should be designed to be “wall dominated” in that the roofs are visually less dominant in the total design. Roof forms should be similar to those predominantly found on adjacent buildings.

(m) **Scale:**

A human scale should be achieved at ground level and along street frontages and entryways through the use of such elements as windows, doors, transoms, sidelines, columns, awnings, stoops, bulkheads, and areaways. The rhythm of entrances and windows on the street contributes to visual continuity and is encouraged on all commercial and residential buildings. Recessed entries on commercial buildings identify the entrance, provide shelter and are also encouraged.

(n) **Building Height:**

The actual and perceived height of buildings is important. Buildings that are perceived from the pedestrian perspective as departing greatly from the height of their established neighbors can visually disrupt the sense of pedestrian scale.

(o) **Proportion of Openings:**

The relationship of the width to the height of window proportions on the front elevation shall be visually compatible with the buildings and places to which it is related.

(p) **Rhythm of Solid (Wall) to Void (Window and Door):**

The use of vertically proportioned windows is generally encouraged as they reinforce established rhythms. The distinction between upper and lower floor windows should be maintained. The first floor is primarily transparent, whereas the upper floor facades are more traditionally solid with smaller window openings. New construction shall use windows of similar sizes and shapes or incorporate other façade elements that establish the same pattern of other buildings in its content.

- (q) **Rhythm:**  
Rhythms which carry through a block such as window spacing, entrances, canopies or awnings, etc., should be incorporated into new or renovated facades.
- (r) **Parking Design:**  
The development of the plan area is to encourage the use of transit, walking and cycling over the use of personal cars for travelling to and from the area. However, many users of the development to be constructed in the plan area will need or prefer to use a car to access the area. It is the design intention of the plan to de-emphasize the visibility of any car parking areas as such areas detract from the liveliness of the area and interfere with the flow of the retail areas and streetscape.

Development of parking facilities should adhere to a preferred hierarchy of parking types.

- Underground parking is to be preferred to the extent that it is practical to develop. It is recognized that underground parking is more costly and that a limited number of parking levels can be feasibly constructed below ground.
- Structured, above ground parking complying with the structured parking design guidelines is the second preference for parking facilities.
- Surface parking areas are the least preferred parking facilities. If the construction of surface parking facilities is necessary, such facilities should comply with the surface parking design guidelines of this plan.

#### **STRUCTURED PARKING DESIGN GUIDELINES:**

Future parking structures should be constructed with the understanding that required parking spaces for an area should be shared over the course of a day to maximize efficiency.

While the construction of new parking garages will be critical to accommodate future vehicles in the redevelopment plan area, it is important to establish parking ratios that promote the use of public transportation and encourage development that generates less traffic. New parking facilities must be designed in such a way that does not adversely affect their surroundings.

Monotonous and unadorned parking structure elevations are prohibite. No blank walls or exposed parking levels should face directly onto primary streets. To the extent practicable, the ground floor of parking structures should be “wrapped” with commercial uses, residential uses, or amenities that serve the residential users to screen the parking structure from view on the fronting street. Attempts should be made to reduce the overall visual mass of the parking garage through the architectural expression of stair towers, canopies, and screening devices.

Parking garage elevations shall be screened from view with the incorporation of lightweight design elements that add visual interest to the elevations (such as trellis panels) and filter the view to parked cars. When possible, building edges that face primary streets should incorporate programmable spaces into the ground floor of the parking structure (such

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*Section 3 -- Right-Of-Way, Traffic, Transit and Utility Adjustment and/or Improvements*

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**Right-Of-Way Changes:**

None.

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***Section 4 -- Relationship of Redevelopment Plan to Local Objectives***

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- a. This plan is in substantial conformance with the approved Master Plan of the City of New Brunswick, and any and all parts thereof; and provides an outline for replanning, developing/redeveloping and rehabilitating the Redevelopment Area, and is sufficiently complete to indicate its relationship to defined local objectives as to appropriate land uses, density of population and improved traffic, public transportation, public utilities, recreation and community facilities and other public improvements.

The New Brunswick Master Plan's Vision and Goals chapter states that the goals of the Housing Plan include "(p)reservation of the character and stability of established residential neighborhoods" and "(m)aintenance and continued improvement of the City's existing housing stock". (p. I-14)

The properties proposed for redevelopment are proposed to be redeveloped consistent with the existing zoning and master plan standards for the property.

- b. No privately-owned land is subject to taking via the redevelopment process as all privately-owned land is located in the area designated as an area-in-need-of-rehabilitation. Any use of eminent domain for the acquisition of properties would be done outside of the redevelopment process using the powers granted in the Abandoned Property Rehabilitation Act (NJSA 55:19-54 et seq. and 55:19-78 et seq) or the Eminent Domain Act (NJSA 20:3-1 et seq) .

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*Section 5 -- Provisions to Meet Other State and Local Objectives*

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The Redevelopment Plan supports the goals and policies of the 2001 New Jersey State Development and Redevelopment Plan.

New Brunswick is one of eight designated urban centers in New Jersey and is located in a Metropolitan Planning Area. Metropolitan Planning Areas are “envisioned as cooperative, sustainable regions comprised of a cohesive system of vibrant Urban Centers that serve as employment, governmental, cultural and transportation anchors.” (State Plan p. 156).

The Redevelopment Plan supports the three key goals of the State Master Plan:

- Encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services or facilities and to discourage development where it may impair or destroy natural resources or environmental qualities.
- Reduce sprawl.
- Promote development and redevelopment in a manner consistent with sound planning and where infrastructure can be provided at private expense or with reasonable expenditures of public funds. (2001 New Jersey State Development and Redevelopment Plan, p. 24)

The Redevelopment Plan proposes to rehabilitate existing structures in abandoned conditions to prevent deterioration of existing neighborhoods and use existing infrastructure.

The proposed development will support increased use of mass transit and alternative transit, the use existing public infrastructure as New Brunswick is a compactly developed urban area with appropriate densities to support mass and alternate transit. As the developer intends to provide a shuttle to the New Brunswick Train Station.

The redevelopment area is well suited with respect to present and anticipated public facilities. Redevelopment within the already highly developed New Brunswick and minimizes negative impacts on and impairments of natural resources and environmental quality by using existing infrastructure, promoting access to mass and alternative transit.

The proposed redevelopment is consistent with sound planning as it promotes a compact development pattern. The compact development pattern reduces sprawl, relies on existing infrastructure, and helps support the viability of the existing business and residential communities. It will support the creation of new jobs and new housing in an appropriate location.

The State Plan sets forth economic development objectives for Metropolitan Planning Areas (2001 NJSDRP, p. 191). These policies include strategic land assembly, infill



development, public/private partnerships that support an identified role for the community within the regional marketplace. The Redevelopment Plan supports these policies by promoting the rehabilitation of structures on infill lots that allows for coordinated infill development within the existing built environment of New Brunswick. The Redevelopment Plan promotes the use of public/private partnerships between the City of New Brunswick and private development interests to carry out the Redevelopment Plan in a manner that is economically attractive to the private sector and which will support sound planning on the part of the public sector.

The State Plan objectives also include the support of development at sufficient intensities to support transit, a broad range of uses, efficient use of infrastructure and that encourages the use of public transit and walking (2001 NJSDRP, p.191). Redevelopment Plan supports these objectives. As previously cited, New Brunswick is compactly developed, with many neighborhoods within walking distance to both rail and bus transit and within walking distance to major employment centers such as Johnson and Johnson, the downtown medical campus, and Rutgers University and within walking distance of cultural institutions such as the State Theater.

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### *Section 6 – Parks, Recreation, and Open Space*

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The development of the plan area will reinvigorate the existing buffer space between the R-2 zoned neighborhood to the north of the site. The buffer shall be densely vegetated to maximize buffer effectiveness and shall be vegetated with only New Jersey native plants.

Exceptions may be granted if non-native plantings better effectuate the buffer, but invasive plants shall not be permitted.

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*Section 7 --*

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*Section 8 -- Acquisition*

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As a Redevelopment Plan for an Area in Need of Rehabilitation, eminent domain may not be used as an acquisition tool to further the goals of this plan, except such that it be enabled under a different statute than 40A-12A-1 et seq.

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*Section 9 -- Displacement and Relocation of Families, Individuals and Businesses*

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No families or individuals live within the parcels that are a part of this Redevelopment Plan. No displacement or relocation of families, individuals or business will be undertaken by the Redevelopment Agency.

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*Section 10 -- Clearance of Acquired Property*

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Any property privately acquired by the designated redeveloper that requires clearance will be cleared by the designated redeveloper.

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***Section 11 -- Redeveloper Designation, Other Controls and Obligations and Non-Discrimination***

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In order to assure that the vision, goals and public purposes of the Redevelopment Plan are implemented in a comprehensive and timely manner, the Redevelopment Plan shall only be implemented by a designated redeveloper(s). Designation of a prospective redeveloper(s) shall be made by the City of New Brunswick's designated redevelopment agency, the New Brunswick Housing and Urban Development Authority, or any successor agency. The Redevelopment Agency shall consider both solicited and unsolicited proposals for designation of a redeveloper. All designated redevelopers are required to enter into a Redevelopment Agreement with and satisfactory to the Redevelopment Agency.

The designated redeveloper shall be responsible for carrying out this Redevelopment Plan and will obtain all necessary approvals from the City Council, Planning Board, Zoning Board, City agencies and outside agencies to legally effectuate and carry out the Redevelopment Plan, including but not limited to zoning changes, easements, permits, licenses, or approvals, and any and all street vacation proceedings.

The various elements of this Redevelopment Plan are in compliance with the requirements of all applicable state and local laws and regulations and there are no additional requirements with respect to a Redevelopment Plan which have not been complied with.

**Redeveloper Designation:**

In order to be considered for designation as a redeveloper, a prospective redeveloper will submit the following information and materials to the Redevelopment Agency:

- Preliminary plans sufficient in scope to demonstrate compliance with the design standards and guidelines of the Redevelopment Plan.
- Documentation evidencing the financial responsibility and capability of the proposed redeveloper to carry out the proposed redevelopment project, including: comparable projects completed, financing plan, disclosure of ownership interests in the proposed redeveloper including general and limited partners, financial profile of the proposed redeveloper and its parent, if applicable.
- Estimated total development cost for the proposed redevelopment project.
- Estimated timeline for the start and completion of development.

**Other Redeveloper Requirements:**

The estimates referred to above shall be finalized by the designated Redeveloper(s) at the time of execution of the Redeveloper Agreement. Prior to the commencement of construction of any improvements on Redevelopment Area land, final plans and specifications must be submitted to the Redevelopment Agency by the Redeveloper for approval to insure material conformance with the approved submission.

The Redeveloper(s) will be obligated to carry out certain specified improvements in accordance with the Redevelopment Plan.

The Redeveloper(s) and its successors or assigns shall devote land to the use(s) specified in this Redevelopment Plan for such area for the period of the duration of the Redevelopment Plan and shall not devote such land to any other use(s).

The Redeveloper(s) shall begin and complete the development of said land for the use(s) required in this Redevelopment Plan within a reasonable time as determined by the Redevelopment Agency.

The Redevelopment Agency shall consent to the disposition of all or any part of the Redeveloper's interest in the Redevelopment Area, such consent to be effective upon the completion by the Redeveloper(s) of all the improvements, rebuilding and redevelopment work required. The Redeveloper(s) will not be permitted to dispose of property until the improvements are completed without the prior written consent of the Redevelopment Agency, which consent will not be granted except under conditions that will prevent speculation and protect the interests of the City of New Brunswick.

**Land Use Board Review:**

The redevelopment projects are subject to normal site plan and variance review pursuant to the Municipal Land Use Law, NJSA 40:55D-1 et seq. The Planning Board may consider variances pursuant to NJSA 40:55D-70 c for the redevelopment project, as well as waivers and exceptions from the applicable provisions of the Redevelopment Plan.

Additionally, the Planning Board shall consider a site plan for the redevelopment project incomplete unless the Redevelopment Agency has found the proposed project to be consistent with the Redevelopment Plan and submitted such finding as part of the site plan application.

**Regulation Conflicts:**

In the event that any of the standards, controls or requirements of the Redevelopment Plan are found to be in conflict with Zoning Ordinance or Land Development Ordinance of the City of New Brunswick, the standards, controls or requirements of the Redevelopment Plan shall apply. If a standard of the Zoning Ordinance or Land Development Ordinance is not addressed in the Redevelopment Plan, the standard, control or requirement of the Zoning Ordinance or Land Development Ordinance shall apply.

**Certificate of Completion**

After completion of the redevelopment project and upon inspection, verification and approval by the Redevelopment Agency that all obligations under the Redevelopment Agreement have been satisfactorily complied with, the redeveloper shall be entitled to the issuance of a certificate of completion. After issuance of the certificate of completion, the redeveloped parcel shall no longer be deemed in need of redevelopment or rehabilitation.

**Temporary Land Uses:**

Permitted temporary land use(s) shall be for public recreation, public parking or other use of benefit to the public, including uses by or sponsored by non-profit organizations, e.g., farm markets or community concerts. Such use(s) shall be permitted in cleared land areas or unoccupied buildings until such time as the land is needed for redevelopment.

Temporary uses shall be subject to other appropriate provisions in the City of New Brunswick Zoning Ordinance, including temporary use permits and/or land disposition instruments.

**Non-Discrimination:**

No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the City of New Brunswick or its Redevelopment Agency or by purchasers or lessees from them or by any successors in interest of such purchasers or lessees, by which land in the Redevelopment Area is restricted as to sale, lease or occupancy upon the basis of race, color, creed, religion, ancestry, national origin, sex or marital status.

Neither the City of New Brunswick nor its Redevelopment Agency nor any of their assigns nor any purchasers or lessees from them nor any successors in interest to any such purchasers or lessees shall discriminate upon the basis of race, color, creed, religion, ancestry, national origin, sex or marital status in the sale, lease or rental or in the use and occupancy of land or improvements erected or to be erected thereon, or any part thereof, in the Redevelopment Area. Furthermore, no covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the City of New Brunswick nor its Redevelopment Agency nor by any purchaser or lessee from them or by any successor in interest of such a purchaser or lessee, whereby land in the Redevelopment Area to be used for residential purposes is restricted in occupancy to persons who have or do not have children in their household. The foregoing restrictions shall be implemented by appropriate covenants or other provisions in disposition instruments.

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***Section 12 -- Procedures for Amendment of Redevelopment Plan***

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Upon compliance with the requirements of applicable law, the City Council, subject to study and recommendation of the Planning Board of the City of New Brunswick, may amend, revise or modify this Redevelopment Plan at any time, provided that, in respect to any land in the Redevelopment Area previously disposed of, for redevelopment in accordance with the provisions of the Redevelopment Plan, the City Council must first receive the written consent of such purchaser(s), or lessee(s) or their successor(s) in interest(s), whose land(s) in the sole opinion of the Redevelopment Agency would be adversely affected by amendment, revision or modification of the Redevelopment Plan.

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***Section 13 -- Termination of Redevelopment Plan:***

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This Redevelopment Plan and amendments, revisions or modifications thereof shall be in full force and effect for a period of thirty (30) years from the date of approval of this Redevelopment Plan by the City Council. The termination of this Redevelopment Plan under the provision shall not affect the provision of Section 9.b hereof.

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***Section 14 -- Severability***

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The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.