

§ 317-15. General requirements.

- A. This article sets forth the standards which shall be used by the Planning Board in reviewing applications for conditional uses. The uses to be considered conditional uses in each zoning district are set forth in this article and in the Schedule of Regulations in Article IV.¹ The procedure for review and approval of conditional uses by the Planning Board are set forth in Ordinance No. 361-77 of the City of Passaic,² and the Municipal Land Use Law (Chapter 291 of the Laws of 1975),³ including requirements for public notice, notice to all property owners within 200 feet of the subject property and a public hearing by the Planning Board. All conditional uses shall require site plan approval by the Planning Board according to the procedures and standards set forth in Article VIII, Site Plan Approval, and the Municipal Land Use Law (Chapter 291 of the Laws of 1975).
- B. The general standards for review of all conditional uses shall be:
- (1) That the Planning Board shall first determine that the proposed use shall not be detrimental to the health, safety and general welfare of the community.
 - (2) That the proposed use shall be reasonably necessary for the convenience of the community.
 - (3) That the proposed use shall not create a fire, traffic or safety hazard.
 - (4) That the proposed use or structure shall not have an adverse effect on the neighborhood in which it is proposed.
 - (5) ⁴The use shall provide safe and efficient vehicular and pedestrian circulation with access and egress designed to eliminate any traffic safety hazards entering and exiting the site and so designed as not to cause traffic congestion on abutting streets.

§ 317-16. All zones.

The following conditional uses shall be permitted in all zones:

- A. Houses of worship and related accessory uses:
- (1) Minimum lot area: 20,000 square feet.
 - (2) Minimum lot width: 100 feet.
 - (3) Minimum lot depth: 100 feet.
 - (4) Minimum front yard: 20 feet.
 - (5) Minimum side yard: 15 feet each; 20 feet if corner side yard.

1. Editor's Note: See also the Table of Conditional Uses included as an attachment to this chapter.

2. Editor's Note: See Ch. 29, Land Development Procedures, Part 1, Planning Board and Zoning Board of Adjustment.

3. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

4. Editor's Note: Former Subsection B(5), which concerned off-street parking and loading spaces, as well as Subsection B(6), which concerned buffer strips, were repealed 9-19-1987 by Ord. No. 990-87, which ordinance also redesignated former Subsection B(7) as B(5).

- (6) Minimum rear yard: 10 feet.
 - (7) Maximum building height: three stories or 35 feet.
 - (8) Maximum lot coverage: 35%.
- B. Railway passenger stations. The use shall comply with the general standards of this article.
- C. Transformer stations, sewage and water pumping stations or public utility installations.
- (1) The proposed installation shall meet the requirements of the Board of Public Utilities.
 - (2) The proposed installation shall harmonize with the character of the neighborhood in which it is proposed and shall have adequate fencing, safety devices, screening, landscaping and front, rear and side yard setbacks to protect adjoining properties.
 - (3) Adequate off-street parking shall be provided to serve all employees and service personnel visiting the installation.
 - (4) Access and egress shall be designed so as not to produce a traffic safety hazard and so as not to cause traffic congestion on the abutting streets.
- D. Public, private and parochial schools:
- (1) Minimum lot area: 20,000 feet.
 - (2) Minimum front yard: 20 feet.
 - (3) Minimum rear yard: 20 feet.
 - (4) Minimum side yards: 15 feet each; 20 feet if corner side yard.
 - (5) Maximum lot coverage: 35%.
 - (6) Maximum building height: as per height requirements of the zone.
- E. Public or quasi-public buildings:
- (1) Minimum lot area: 10,000 feet.
 - (2) Minimum front, rear and side yards: as per the most restrictive requirements of the zone. **[Amended 4-18-1985 by Ord. No. 842-85]**
 - (3) Maximum building height: as per the height requirements of the zone.
 - (4) Maximum lot coverage: 35%.
- F. Wireless telecommunications towers and antennas. **[Amended 4-6-1995 by Ord. No. 1323-95; 1-6-2003 by Ord. No. 1556-02]**
- (1) This subsection applies to all freestanding radio and television receiving and transmitting towers; roof towers exceeding a height of 15 feet above the roofline; satellite dishes larger than four feet in diameter in residential districts and satellite dishes larger than seven feet in commercial districts.

- (a) Freestanding installations must meet all setback requirements of the zone for accessory buildings and height limitations for principal buildings.
 - (b) The installation shall comply with the general standards of this article.
 - (c) Satellite dishes below above maximum diameter must obtain any necessary UCC approvals.
 - (d) Satellite dishes larger than four feet in diameter in residential districts shall be placed on a lot only in a rear yard and subject to the general setback requirements of this article; provided however, that on a preponderance of the evidence showing by an applicant that a reasonably satisfactory signal cannot be obtained in either the rear or side yard, the Planning Board may permit the satellite dish to be located on the roof of any principal or accessory building.
- (2) Cellular antennas and towers.
- (a) Purpose. The purpose of these regulations for the siting of wireless telecommunications towers and antennas related to the use of cellular telephones is to: protect residential areas and land uses from potential adverse impacts of towers and antennas; encourage the location of towers in appropriate locations; minimize the total number of towers throughout the community; strongly encourage the joint use of tower sites as a primary option rather than construction of single-use towers; encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; encourage users of towers and antennas to configure them in a way that minimizes the visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; consider the public health and safety of communications towers; and avoid potential damage to adjacent properties from tower failure.
 - (b) Antennas and towers permitted on City of Passaic property. Wireless communications towers and antennas which are located on property owned, leased or otherwise controlled by the City of Passaic and which are approved by the Council of the City of Passaic shall be deemed to be permitted as a municipality facility in any zone district.
 - (c) Cellular antenna and tower zone restrictions.
 - [1] Cellular antennas and towers are prohibited in the following zones: R-1, R-2, R-1A, R-3, PD-1, PD-2, PD-3, PD-4, O-R and C-R.
 - [2] Cellular antennas shall be permitted in the following zones: C, M-1 and M-2.
 - [3] Notwithstanding the provisions of Subsections F(2)(c)[1] and [2] herein, no cellular antenna shall be permitted within a two-hundred-foot radius of any school, hospital or nursing home.

G. Accessory dwelling unit. [Added 3-19-2024 by Ord. No. 2435-24]

- (1) The residence for which the permit is sought shall be a one-family or two-family residence.
- (2) In no case shall an accessory unit eliminate any of the existing on-site parking on the lot.
- (3) The accessory dwelling must be located in an attic, basement, ground floor below the primary unit, and/or above a garage.
- (4) In no case shall the ADU be more than 50% of the living area of a principal dwelling unit, but no less than 300 square feet, nor have more than three bedrooms.
- (5) The accessory dwelling may not be situated or contained within a cellar.
- (6) There shall be no more than one accessory dwelling unit per lot.
- (7) An accessory dwelling unit that is attached to the principal single-family and/or two-family dwelling shall utilize the same exterior materials and colors as the principal dwelling. The ADU shall preserve the physical housing stock and the architectural and landscaping character of residential neighborhoods.
- (8) The accessory dwelling unit shall be used only for residential purposes.
- (9) Every accessory dwelling unit must contain a twenty-year deed restricted affordability period:
 - (a) Tenants for each accessory unit cannot exceed the maximum income limits as established annually by the U.S. Department of Housing and Urban Development (HUD).
 - (b) Rents for each accessory unit cannot exceed the rental limits as established annually by the U.S. Department of Housing and Urban Development (HUD).
- (10) No accessory structure may be built on any lot on which there is no principal building or structure.
- (11) Accessory structures shall not exceed the maximum height permitted in the zone for a one- and/or two-family structure.

§ 317-23. M-1 and M-2 Zones.

The following conditional uses shall be permitted in the M-1 and M-2 Zones:

- A. (Reserved)⁵
- B. Parking areas required to meet the minimum requirements and located on a lot other than a lot on which the principal use is located.

5. Editor's Note: Former Subsection A, regarding multifamily apartments of four stories or more, was repealed 10-21-2003 by Ord. No. 1594-03.

(1) Same as in the C Zone and subject to the same requirements.

C. ⁶Live/work loft. [**Added 11-9-2010 by Ord. No. 1849-10**]

(1) The definition of "live/work loft" in § 317-10 must be met and preliminary approval obtained from the Zoning Department.

(2) Live/work lofts must be on the upper floors and must not be proposed on the ground floor of a development.

(3) Live/work businesses must be registered and valid in the State of New Jersey.

(4) Live/work businesses must obtain a certificate of occupancy from the City of Passaic Code Enforcement Department under § 100-1 subsequent to site plan approval being granted.

(5) All tenants must be registered under § 185-3 subsequent to site plan approval being granted.

D. ⁷Work and live artist studio (WALAS). [**Added 11-9-2010 by Ord. No. 1849-10**]

(1) The definitions of "artist" and "WALAS"⁸ in § 317-10 must be met.

(2) Any individual residing in a WALAS must be a Planning Board certified artist. Certifications are valid for five years. Perennial certifications are allowed. This shall apply to all original and subsequent occupants of a WALAS.

(3) Up to three nonartist family members can reside with the certified artist. The nonartists shall be included in the artist certification application and subject to the same requirements.

E. Cannabis business.⁹ [**Added 5-13-2021 by Ord. No. 2296-21**]

(1) Must be a licensed "cannabis business" under Chapter 232 of the City Code, and all conditions/requirements of Chapter 232 must be met.

(2) No part of the lot shall be situated within 1,000 feet, measured along the street or highway on which located, of a public facility, park or athletic field and/or public or private school.

(3) May also be located in any preexisting industrial use within 1,000 feet (measured along the street or highway) of an M-1 or M-2 Zone.

F. Gasoline stations, auto or truck rental establishments, used car lots, vehicle repair garages and car washes. [**Amended 4-18-1985 by Ord. No. 842-85; 10-21-2003 by Ord. No.**

6. Editor's Note: Former Subsection C, regarding any permitted use containing more than 50,000 square feet of floor area, was repealed 10-21-2003 by Ord. No. 1594-03.

7. Editor's Note: Former Subsection D, regarding any permitted use having drive-in facilities, was repealed 10-21-2003 by Ord. No. 1594-03.

8. Editor's Note: See the definition of "work and live artist studio (WALAS)" in § 317-10.

9. Editor's Note: Former Subsection E, regarding any permitted use having parking for more than 100 cars, was repealed 10-21-2003 by Ord. No. 1594-03.

1594-03]

- (1) No part of the lot shall be situated within 1,000 feet, measured along the street or highway on which located, of a lot occupied by any of the following uses:
 - (a) A public or private school or school playground.
 - (b) A private or public hospital maintaining at least 15 beds.
 - (c) A church.
 - (d) A theater containing at least 100 seats.
 - (e) Any place of public assemblage with a seating capacity of 100 persons or more.
 - (f) Athletic field or park.
 - (g) A firehouse.
 - (h) Any existing gasoline station, auto or truck rental establishment, car wash or repair garage. **[Amended 4-18-1985 by Ord. No. 842-85]**
 - (2) Minimum lot area: 10,000 square feet.
 - (3) Where such use adjoins a residential use, the residence shall be screened by an eight-foot-high hedge of evergreens on the nonresidential lot or a decorative six-foot-high fence, or both, at the discretion of the reviewing board.
 - (4) Other bulk requirements as per the applicable zone.
- G. (Reserved)¹⁰
- H. (Reserved)¹¹
- I. (Reserved)¹²
- J. (Reserved)¹³
- K. Tennis courts, racquetball courts, squash courts, roller-skating rinks, ice-skating rinks and health spas in buildings used only for such purpose.
- (1) Same as in the C Zone and subject to the same requirements.
- L. (Reserved)¹⁴
- M. Automobile sales. **[Added 9-17-1987 by Ord. No. 990-87]**

10. Editor's Note: Former Subsection G, regarding truck terminals and transfer stations, was repealed 10-21-2003 by Ord. No. 1594-03.

11. Editor's Note: Former Subsection H, regarding advertising signs, was repealed 10-21-2003 by Ord. No. 1594-03.

12. Editor's Note: Former Subsection I, regarding rooftop business signs, was repealed 10-21-2003 by Ord. No. 1594-03.

13. Editor's Note: Former Subsection J, regarding bowling alleys, was repealed 10-21-2003 by Ord. No. 1594-03.

14. Editor's Note: Former Subsection L, regarding commercial breeding, boarding, care or treatment of dogs and cats, was repealed 10-21-2003 by Ord. No. 1594-03.

- (1) Minimum lot area: 20,000 square feet.
 - (2) Minimum lot width: 200 feet.
 - (3) Minimum lot dimensions: as per applicable zone.
 - (4) All repairs are to be conducted indoors.
 - (5) Where such use adjoins a residential use, the residence shall be screened by a six-foot-high (at time of planting) solid hedge of evergreens planted on the nonresidential lot or a decorative six-foot-high fence on both at the discretion of the reviewing board. See § 317-51F for additional buffer requirements.
 - (6) No outside storage other than automobiles shall be permitted.
 - (7) Automobiles shall not be stored or displayed within 10 feet of the front property line. Said ten-foot area is to be treated with curbs and brick pavers or some other physical demarcation acceptable to the reviewing board.
 - (8) Any proposed used automobile sales shall be conducted on the same site as the new sales.
- N. Limousine and charter bus depots. **[Added 9-17-1987 by Ord. No. 990-87]**
- (1) The use shall comply with the bulk requirements of the applicable zone.¹⁵
- O. Body piercing establishments subject to the following conditions: **[Added 5-16-2006 by Ord. No. 1688-06]**
- (1) Minimum lot area of 5,000 square feet; and
 - (2) No body art establishment shall be located within 500 feet of another body art establishment, church or other religious institution, a public or private school or any residentially zoned area.

15. Editor's Note: Former Subsection O, regarding recycling centers, added 9-17-1987 by Ord. No. 990-87, which subsection immediately followed this subsection, was repealed 10-21-2003 by Ord. No. 1594-03.