

WELCOME



Montclair Center
 Business Improvement District

7 N. Willow Street
 Montclair, NJ 07042
 973.509.3820 phone
 973.509.3822 fax
 www.MontclairCenter.com

Welcome to Montclair Center!

Enclosed please find a copy of the BID’s Montclair Center Success Kit. Created for our downtown business and property owners, this guide is designed to help newcomers navigate some of the rules, regulations, and general responsibilities that come with being a part of our downtown community. Also included is a helpful reference of services and programs available to you as well as municipal and other pertinent contact information.

The BID looks forward to working with you as partners in a common effort towards making Montclair Center the region’s premier downtown for shopping, dining, entertainment and the arts. Please do not hesitate to contact our office with any questions or for additional information.

Best regards,



Thomas Lonergan
 Executive Director
 Montclair Center BID

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WHAT THE MONTCLAIR CENTER BID DOES FOR YOU

■ **Maintenance and Landscaping**

- BID Ambassador Team sidewalk sanitation services
- Streetscape upgrades
- Tree pit maintenance
- Seasonal landscaping
- Sidewalk powerwashing
- Graffiti removal

■ **Marketing**

- Extensive marketing & advertising for the Montclair Center shopping district
- Annual sidewalk sale and other special promotional events
- Free posting for your business at www.MontclairCenter.com
- Monthly BID e-newsletter / regular “e-Blast” notifications
- Holiday decorations

■ **Business Development**

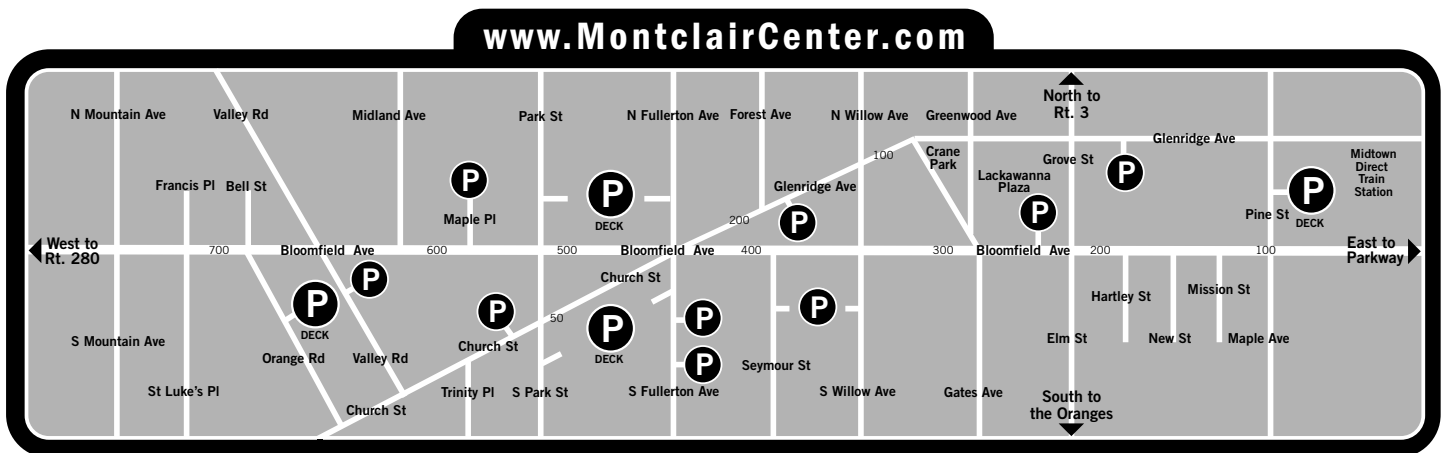
- Business retention and commercial vacancy reduction initiatives
- Grant research and general business assistance
- Downtown real estate directory
- Façade improvement grants
- Main Street NJ Program Services: website design, storefront design, marketing assistance (dependent upon state funding)

■ **Public Safety / Hospitality**

- Assistance with Code Enforcement
- Cooperation with Montclair Police Department for effective patrols
- Liaise between downtown business community and the township government/municipal dept’s.
- Visitor assistance
- Ambassador “Escort Service” for business owners making evening bank deposits

■ **Capital Improvements**

- Custom trash receptacles, public benches, and intersection signage
- Bus shelters
- Lamppost banners



The Montclair Center Business Improvement District (BID) is a public/private non-profit corporation in which property and business owners make a collective contribution to the maintenance, development and promotion of our commercial district.

Its purpose is to improve conditions for business in a specific area, attract and retain businesses, generate jobs and improve the quality of life for those who use the district. A BID enables stakeholders to decide which services to provide to meet our unique needs. Our BID’s services supplement the services already provided by the Township of Montclair.

GETTING STARTED

Quick Tips for a Successful Start in the BID:

- Contact the BID office to get your business listed on the Montclair Center website and within the Montclair Mile Shopping Guide. Also register your e-mail to join the downtown database for monthly e-newsletters and regular notifications from the BID office.
- Register your security alarm with the Montclair Police Department.
- While your storefront is vacant or under construction, please use an appropriate window dressing or cover to conceal interior. Promotional window banners are available to you from the BID at no cost to help advertise any vacant space you wish to market.
- Inform tenants that feeding parking meters all day long is not only bad for business, but it is also illegal. Permits for daily and overnight parking are available through the Montclair Parking Authority.
- Before beginning any work on your business/property, make sure that you receive all proper permits and certificates from the Montclair Historic Preservation Commission and the Township of Montclair Building Department.
- The black public trash receptacles located along the downtown sidewalks are not intended for household and/or business trash. Violators will be ticketed and face significant fines.
- Be sure to arrange for trash removal services for your tenants, as there is no municipal pick-up in the C-1 Business Zone. Please notify your tenants of when and where to appropriately place trash.
- Make sure that your prospective tenants are acceptable according to the C-1 Business Zone regulations (central or community zone, depending on the location of your property).
- Place your recycled goods in front of your business/property after 6PM Thursday evenings for Friday pick-up.
- No person shall operate a sidewalk café within the Township of Montclair without first obtaining a sidewalk café license.

REMEMBER!

Recycled goods go out **AFTER 6PM Thursday evenings for Friday pick-up.**

Black public trash receptacles located along the sidewalks are NOT intended for household and business trash.

Feeding parking meters all day long is not only bad for business, but is indeed ILLEGAL.

Sidewalk cafes need a sidewalk cafe license.

**Call 973.509.3820 with any questions.
The BID office is open 9-5 Monday through Friday to answer or clarify town ordinances and codes.**

ADVERTISING/ MARKETING OPPORTUNITIES

Some of the most popular print and online spots where local businesses prefer to advertise:

Online

Baristanet	www.baristanet.com
Jersey Tomato Press	www.thejerseytomatopress.com
Montclair Patch	www.montclair.patch.com
Shop Local Montclair	www.shoplocalmontclair.com

Print

Montclair Times	www.northjersey.com/towns/Montclair.html
Montclair Magazine	www.montclairmagazine.com
NJ Countryside Magazine	www.njcountryside.com
NJ Monthly Magazine	www.njmonthly.com
Park Place Magazine	www.parkplacemagazine.com
Star Ledger	www.nj.com/starledger
Suburban Essex Magazine	www.suburbanessexmagazine.com

CONTACTS

Montclair Center BID	973.509.3820	www.montclaircenter.com
Montclair Police Department	973.744.1234	www.to.montclair.nj.us
Montclair Fire Department	973.744.5000	www.to.montclair.nj.us/fire
Montclair Volunteer Ambulance	973.744.1234	
Department of Public Works	973.783.5600	www.to.montclair.nj.us/publicworks
Township Manager	973.509.4926	
Township Council	973.509.4928	
Montclair Parking Authority	973.509.4997	
Code Enforcement Division	973.783.5600	
Municipal Clerk	973.509.4900	www.to.montclair.nj.us/municipalclerk
Planning & Community Development	973.509.4954	www.to.montclair.nj.us/planning
Municipal Court	973.509.4774	www.to.montclair.nj.us/municipalcourt
Water Bureau	973.744.4600	
Construction Code / Building Department	973.509.4951	
Health & Human Services	973.509.4970	
Parks & Shade Tree Division	973.509.4912	

CONTACTS**Contacts**

Sanitation	973.509.5711
Tax Assessor	973.509.4918
Tax / Water Collector	973.509.4923
Mountainside Hospital	973.429-6000
Montclair Public Library	973.744.0500
Montclair Animal Shelter	973.746.5212
Channel 34	973.744.0500

Utilities (Call Before You Dig!):

PSE&G - Emergencies	800-350-PSEG
PSE&G - Other	800-436-PSEG
Verizon	800-483-4522
Comcast Cable	800-COMCAST

Public Transportation:

NJ Transit	800-772-2222
DeCamp Bus	800-631-1281

Additional Contacts for Organizations

Channel 34	www.to.montclair.nj.us/township/tv34.cfm
Montclair Art Museum	www.montclairartmuseum.org
Studio Montclair Inc	www.studiomontclair.org
YMCA	www.montclairymca.org
United Way of North Essex	www.uwne.org
Wellmont Theater	www.wellmonttheatre.com

SIGNAGE, BANNERS & AWNINGS**The following signs are permitted in the C-1 zone:**

Note: Any change in existing or addition of new signs requires a Certificate of Appropriateness from the Historic Preservation Commission.

Wall-mounted business signs, provided that:

- (1) Such signs shall not extend beyond the portion of the building occupied by the referenced business except for first-floor businesses which do not abut a wall facing a street.
- (2) Such signs shall be mounted flat on the building with no more than a six-inch projection facing a street or municipal parking lot. The painting of a sign directly on a building shall not be permitted.
- (3) The aggregate sign area for a first-floor business on any one store/office front shall not exceed one square foot for each foot of width of the respective store/office front.
- (4) Such sign shall not exceed 24 inches in height.
- (5) Such sign shall be placed within the building sign location band. The top and bottom of the band shall be 12 feet and eight feet, respectively, above the grade level.
- (6) Internal illumination of wall signs shall not be permitted. If externally illuminated, the intensity of surface illumination shall be a maximum of two footcandles directed toward the sign.
- (7) A business hours sign, painted on the glass storefront or affixed to the door and inscribed in a polygon no larger than 18 inches by 24 inches, shall be permitted.
- (8) Sign materials and design shall complement the building's architecture and shall not cover or intrude upon any specific architectural feature of the building. Multi-tenant buildings shall have uniform wall signage.

Window glass signs, provided that:

- (1) Such signs shall not extend beyond the portion of the building occupied by the referenced business.
- (2) Such signs shall be placed only in windows facing a street or municipal parking lot.
- (3) The maximum permitted sign area shall be 20% of the window area.
- (4) Neon signs are subject to the same requirements as window glass signs.
- (5) The only signs permitted above the first floor shall be a single sign for each business establishment, and said sign shall be painted on a single window in gold, black or white or a combination of the same. Each sign shall be limited to two lines, and each line shall be limited to six inches in height.

Awning and canopy signs, provided that:

- (1) Awnings and canopies conform to Montclair Code Chapter 292, Article V.
- (2) Sign text shall be painted on the area of the lowest 12 inches of an awning, and such text shall not be higher than six inches.
- (3) No illumination shall be directed on the awning sign.

Temporary business signs affixed to the interior of windows referencing sales and services, provided that:

- (1) Such signs shall not extend beyond the portion of the building occupied by the referenced business.
- (2) Such signs shall be placed only in windows facing a street or municipal parking lot.
- (3) The total sign area in any one window shall not exceed 20% of the window's area.
- (4) Temporary signs shall be removed within 30 days of the date of placement, and the message of such signs shall not be replaced for a period of at least 30 days.

SIGNAGE, BANNERS & AWNINGS**Wall-mounted business directory signs, provided that:**

- (1) Only one sign shall be permitted for each principal building entrance.
- (2) The maximum sign area shall be six square feet.
- (3) All listings shall be of a relatively uniform size and design.

Marquee signs, provided that:

- (1) Only one sign per principal building is permitted.
- (2) Such sign shall be located over the principal entrance to a theater or group of theaters and the sign area for each side shall not exceed 100 square feet.

Flags, provided that:

- (1) Only one flag shall be permitted for each business.
- (2) Such flag shall have maximum dimensions of four feet by six feet.
- (3) Such flag shall be mounted so as not to constitute a safety hazard.

Projecting signs, provided that:

- (1) Such signs are located in an Historic District designated pursuant to the Township Historic Preservation Ordinance;
- (2) One projecting sign is permitted for each retail business located on the street level;
- (3) All parts of such signs shall be located between eight feet and 12 feet above the road or sidewalk surface;
- (4) Such signs do not interfere with any pedestrian, vehicular, utility, or municipal use of the public right-of-way; and
- (5) Sign materials and design shall complement the building's architecture and shall not cover or intrude upon any specific architectural feature of the building.

Banners, provided that:

- (1) They are located in an Historic District designated pursuant to the Township Historic Preservation Ordinance;
- (2) Banners are permitted for street level commercial businesses only, and one banner may be affixed to each structural bay;
- (3) All parts of the banner shall be located at least eight feet above the sidewalk/grade;
- (4) Banners shall not interfere with any pedestrian, vehicular, utility, or municipal use of the public right-of-way; and
- (5) Sign materials and design shall complement the building's architecture and shall not cover or intrude upon any specific architectural feature of the building.

All signs, together with all their supports, shall be of substantial and sturdy construction, shall be kept in good repair and shall be painted, repainted or cleaned as often as necessary to maintain a clean, neat, legible, safe and orderly appearance. When lighting is provided, all lighting elements shall be kept in good working order. The area surrounding freestanding signs must be kept neat and clean. The owner of the property upon which a sign is located shall be responsible for maintaining the sign and the condition of the surrounding area.

SIGNAGE, BANNERS & AWNINGS

All signs are subject to the following general requirements:

Sign permits: It shall be unlawful for any person, firm or corporation to erect, paint, alter, locate or relocate, reconstruct or change in any manner by rewording or otherwise, any permanent sign or sign structure without first having obtained a sign permit from the Construction Official. Sign permits are not required for temporary signs.

Maintenance: All signs, together with all their supports, shall be of substantial and sturdy construction, shall be kept in good repair and shall be painted, repainted or cleaned as often as necessary to maintain a clean, neat, legible, safe and orderly appearance. When lighting is provided, all lighting elements shall be kept in good working order. The area surrounding freestanding signs must be kept neat and clean. The owner of the property upon which a sign is located shall be responsible for maintaining the sign and the condition of the surrounding area.

Conformance with Construction Code: All signs shall conform to the requirements of the New Jersey Uniform Construction Code.

Sign repairs: Signs may be repaired by repainting, replacement of exact lettering, wording and accompanying symbols and repairing structural supports. Such repairs shall not be considered alterations or changes to signs.

Removal of damaged signs: Any sign damaged, destroyed or deteriorated in any manner whatsoever shall be removed or reconstructed in accordance with the provisions of this article.

Abandoned signs: At the termination of any professional, commercial or industrial use of any premises, the permission to display signs associated with that use shall forthwith terminate, and all such signs shall be removed from the premises within 30 days from the date of termination of such use.

Awnings & Canopies

These uses may project into the public right-of-way, provided that such temporary structures comply with the following:

Retractable awnings: Retractable awnings within the public right-of-way shall have no part of the frame less than seven feet above the sidewalk and no part of the fabric covering or valance less than six feet nine inches above the sidewalk. Such structures shall extend no less than two feet, six inches and no more than six feet into the public right-of-way

Fixed awnings: Fixed awnings within the public right-of-way shall comply with the regulations for retractable awnings, except that such fixed structure shall extend no less than two feet, six inches and no more than four feet into the public right-of-way.

Canopies: Canopies within the public right-of-way shall be permitted only at the principal entrance of a theater, restaurant or other place of assembly having a seating occupancy of at least 50 persons or at the principal entrance of an apartment building having 50 or more dwelling units. Canopies shall have no part of the frame less than eight feet above the sidewalk and no part of the fabric covering or valance less than seven feet above the sidewalk. Such structures shall not project horizontally closer than two feet from the curb.

Retractable awnings within the public right-of-way shall have no part of the frame less than seven feet above the sidewalk and no part of the fabric covering or valance less than six feet nine inches above the sidewalk. Such structures shall extend no less than two feet, six inches and no more than six feet into the public right-of-way.

TRASH REMOVAL

- Collection from commercial sources shall be on Tuesdays and Fridays only, except where circumstances require more than two collections per week. When more than two collections per week are required, arrangements shall be made in advance and approved by the Director of Community Services (Section 292-27 B1)
- All businesses that sell food or beverages (including tobacco products, candy and other allied products which may be suitable for immediate consumption) shall be required to maintain, within 10 feet of each public entranceway, a permanent receptacle container of a type approved by the Township and in accordance with Township specifications (Section 292-27 C1)
- In accordance with N.J.S.A. 40:66-5.1, solid waste collection services for multifamily residential sources and commercial and institutional sources involving private haulers must be in writing, thereby demonstrating such person to be lawfully providing solid waste collection services within the Township of Montclair. Said contract shall contain a statement that the collection of solid waste generated at these premises shall be conducted in the manner provided for by this chapter (Section 292-27 D1)
- Collection of both solid waste and recyclable material by private haulers, subject to Subsection D(1) above, shall be made no earlier than 6:00 a.m. on the appropriate collection day. These specified operating hours are hereby included and are intended to preserve the peace and quiet in Township neighborhoods during the hours when most residents are asleep (Section 292-27 D1)
- Property owners, business operators, landlords and tenants of a property shall each have all the duties and responsibilities prescribed in this article; and no property owner, business operator, landlord or tenant shall be relieved from such duties or responsibilities by reason of the fact that the other of them or the occupant is also responsible therefor and in violation thereof (Section 292-32 A)
- Any person, firm, corporation or entity found guilty of violating any section of this article shall, upon conviction thereof, be fined not less than \$100 or more than \$1,000 or imprisoned for a period not to exceed 90 days, or both, for each violation of this article. Each day that such violation(s) shall continue shall be considered a separate violation (Section 292-33)

Trash can be placed on the sidewalk in front of your business/property AFTER 6PM the day preceding the scheduled collection day or not later than 7:00 a.m. on the scheduled collection day. All receptacles must be removed from the curb no later than 8:00 p.m. on the day of collection (292-23A)

Questions? Call the Department of Public Works at 973-783-5600.

RECYCLING**The following items are commingled recyclables and must be recycled:**

- Rinsed containers including: plastic containers marked 1 & 2 (no Styrofoam or bags) that contained beverages, bleach, laundry detergent, light cleaning product, health care product (lotion, shampoo, etc.) and food products are acceptable, aseptic packaging (i.e. single serving juice/drink boxes). Metal cans and glass bottles and/or jars that contained food or beverages are also accepted.

Unacceptable products:

- Window glass, ceramics, Pyrex®, mirrors, headlights, TV tubes, light bulbs, plate glass, drinking glasses, plastic cups, ceramic mugs or bottle tops, foil trays or pie pans, aluminum foil, Styrofoam food trays, siding, paint cans, gutters, oil cans, aerosol cans, pesticide containers, automotive product containers, toys, beverage cartons (accepted as mixed paper), pots and pans, plastic bags.

The following items are considered mixed paper and must be recycled:

- Newspaper; cardboard (except wax-coated cardboard boxes); magazines; catalogues; all office paper with or without staples; envelopes (with or without windows); poly-laminated paper beverage cartons (containing juice, drinks, or milk, etc.); paper bags; junk mail; post cards; greeting cards; math and composition paper; paperback books; hard cover books (hard covers removed); phone books; real estate books; coupons; sweepstakes mailings; and packing paper.

Unacceptable paper products:

- Pizza boxes; food contaminated paper and/or boxes; soiled paper; waxed paper, photographic paper; food wrappers; wax paper; box liners; napkins; paper towels; tissue paper; self-adhesive envelopes; carbon paper; hard covers from books; plasticized overnight letter envelopes; blueprint paper; construction paper; metallic wrapping paper; wax-coated cardboard.

How to place out for curbside collection:

- Cardboard boxes must be flattened and tied into bundles no larger than 3 ft. by 3 ft. Any non-paper packaging must be removed. All other paper may be placed in either a rigid plastic or metal container with handles, no larger than 35 gallons or tied with twine in bundles no larger than one (1) ft. high. No other method is acceptable.

Items for recycling must be placed in front of your property/business after 6PM Thursday afternoons for Friday pick-up

PROPERTY MAINTENANCE**Security Gates or Doors**

Rolling, swinging, sliding or accordion garage-type security gates or doors, whether solid or not solid, shall not be permitted on or in any building so as to be visible from a street or municipal parking area, except that such gates or doors may be used to cover the vehicular entrance to a building

Sidewalk Maintenance

Any sidewalk or curb on any public street which is out of line or grade or is broken or out of repair or is otherwise in need of reconstruction or repair shall be relaid to the approved line and grade, or the broken portions thereof shall be repaired or reconstructed by the owner of the land in front of which any such improvement, reconstruction or repair is to be made.

Snow & Ice Removal

The owner or occupant of premises abutting or bordering upon any street in the Township shall remove all snow and ice from the sidewalks of any such street within 12 hours of daylight after the same shall fall or be formed thereon or, in the case of ice which may be so frozen to the sidewalks as to make removal impracticable, shall cause the same to be thoroughly covered with sand or ashes within the same period.

Sidewalk Merchandise Displays

Merchandise customarily sold within that retail establishment may be displayed on the sidewalk within the display area, provided that there is a six-foot-wide pedestrian passageway remaining. At the close of business, the merchant shall cause to have removed from the display area all merchandise and related tables and structures used for display.

Sign Maintenance

All duly authorized signs and billboards shall be maintained in good repair. Any sign or billboard which has faded or weathered excessively or the paint on which has excessively peeled or cracked shall, with its supporting members, be put into a state of good repair or removed.

Window Displays

All windows exposed to public view shall be kept clean and free of marks and foreign substances. Except when necessary in the course of changing displays, no storage of materials, stock or inventory shall be permitted in window display areas ordinarily exposed to public view unless such areas are first screened by drapes, venetian blinds or other means. All screening of interiors shall be maintained in a clean and attractive manner and in a good state of repair.

It is still the responsibility of property and business owners to maintain and sweep sidewalks and remove snow and ice.

Security gates or doors, whether solid or not solid, shall not be permitted on or in any building so as to be visible from a street or municipal parking area.

PROPERTY MAINTENANCE**Removal of Signs and Advertisements**

Any temporary sign or other advertising material glued or otherwise attached to a window or otherwise exposed to public view shall be removed at the expiration of the event or sale for which it was erected or posted.

Landscaping

The landscaping of premises shall be maintained in an orderly state, with lawns and bushes trimmed and free from litter. Open area shall be graded to eliminate holes, depressions, gullies, mounds, accumulations of debris or other unsightly or unsafe conditions. All landscaped areas, including trees, ground covers and other plant material, shall be properly maintained in accordance with the design intent of any approved site plan. All trees, ground covers and other plant material which are shown on an approved site plan shall be replaced if dead or in an unhealthy or damaged condition.

Repair and Painting of Exteriors of Buildings

All storefronts and the exterior of every building, structure or appurtenance thereto shall be maintained in good repair, and all exterior surfaces thereof shall be kept painted or otherwise provided with a protective treatment where necessary for purposes of preservation and appearance, and maintained free from broken or cracked glass, loose shingles or siding or crumbling masonry, excessively peeling paint or other condition indicating deterioration or inadequate maintenance, to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the neighborhood protected from blighting influence.

Awnings and Marquees

Any duly authorized awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair, installed at a sufficient height and so maintained as not to constitute a nuisance or a safety hazard. In the event any such awning or marquee is made of cloth, plastic or of similar materials, said materials, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing or other deterioration.

Tree Pit Maintenance

Every operator of a property immediately adjacent to a sidewalk which includes a tree pit shall be responsible for maintaining the appearance of the tree pit, including, but not limited to, removal of any and all litter that may accumulate therein. In the event a tree pit is adjacent to more than one operator, then all of the operators adjacent to the tree pit shall be responsible to comply with this subsection.

Graffiti Removal

The occupant, lessee, sublessee, agent and/or landlord of any commercial or residential premises located within the Township of Montclair which has any form of graffiti on any building, structure or accessory structure or building shall be required to either restore the defaced surface by removing the graffiti or repaint the defaced surface using the same color paint as existed previously on a defaced surface within 10 days after written notice to the occupant, lessee, sublessee, agent or landlord by the Chief of Police or Township Manager (or designee) to remove the same.

QUALITY OF LIFE**Handbills & Posters**

No person shall place upon or attach to any tree or telegraph, telephone, electric light, traffic or street sign pole or post upon any street within the township any handbill, advertisement or written or printed or partly written or printed notice of any kind, except such notices as by law are required to be posted.

Displays of Obscene Materials

It shall be unlawful and a petty disorderly persons offense for a retailer to display or permit to be displayed in the window of his/her business premises any obscene material or obscene film, as defined in N.J.S.A. 2C:34-3, at a height of less than five feet and without a blinder or other covering placed or printed on the front of the material displayed.

Abandoned Shopping Carts

Shopping carts abandoned upon any sidewalk, street, public or private parking lot or other property, public or private, in the Township of Montclair, other than upon the premises of the commercial establishment which owns such shopping cart, shall constitute a violation of this chapter and shall be so cited and thereafter picked up by the Township of Montclair and returned to the owner thereof. There shall be a charge of \$10 per cart assessed against the owner for the return of these carts, and this charge shall be collected at the time the violation is adjudicated by the appropriate court or municipal officials. .

Pay Phones

No person, association, partnership or corporation may place or maintain any pay telephone on or above any public street or sidewalk without having first obtained a permit from the Township of Montclair Department of Community Services.

Loose Cigarettes

Sale or distribution of single cigarettes or any tobacco product in any form other than an original stamped factory-wrapped package is prohibited.

Peddling License

It is unlawful for any peddler, transient merchant, transient merchant-peddler, solicitor and non-profit-making vendor to sell or dispose of or to offer to sell or dispose of any goods, wares or merchandise within the township without first obtaining a license.

No person shall place upon or attach to any tree or telegraph, telephone, electric light, traffic or street sign pole or post upon any street within the township any handbill, advertisement or written or printed or partly written or printed notice of any kind, except such notices as by law are required to be posted.

Questions? Call the Code Enforcement Division at 973-509-5600.

C-1 BUSINESS ZONE**Center Area: St. Luke's Place to Grove Street/ Elm Street**

In the center area of the C-1 Central Business Zone, pedestrian-oriented, regional, specialized shopping opportunities in a downtown setting shall be encouraged. Uses which are automobile-oriented, or which have low customer turnover on the ground floor or which create gaps in retail store frontage shall be discouraged, except that appropriate retail, office and residential uses in all areas of the zone shall be encouraged above the ground floor.

Community Area: Grove Street/ Elm Street to Pine St.

In the community area of the C-1 Central Business Zone, a wide variety of both local and regional shopping opportunities which is pedestrian-oriented are encouraged. In this area a greater mix of uses on both the ground floor and on the upper floors is encouraged.

The following principal uses shall be permitted in all areas of the C-1 Central Business Zone:

- (1) Restaurants and eating and drinking establishments, but excluding drive-in or drive-through restaurants.
- (2) Commercial recreation facilities, such as theaters, movie theaters, museums, galleries and amusement centers.
- (3) Convenience retail establishments, such as supermarkets, food stores, liquor stores, bakeries, cosmetic stores, drugstores and video sales and rental stores.
- (4) Specialty retail establishments, such as antique stores, opticians, gift stores, clothing and shoe stores, toy stores, jewelry stores, sports and outdoor equipment stores, bicycle stores, furniture stores, hobby stores, photography stores, electronic and appliance stores, pet stores, stationery and office supply stores, record and book stores and hardware stores.
- (5) Service retail establishments, such as barbershops, beauty parlors, nail salons, dry-cleaning establishments, laundries, copy or printing establishments, tailors, household and electronic repair establishments, health clubs, gyms and travel agencies.
- (6) Banks.
- (7) Nonprofit institutional uses.
- (8) Educational play centers.

The following uses shall be prohibited in the C-1 Central Business Zone:

- A. Drive-in or drive-through restaurants.
- B. Adult entertainment.
- C. Tattoo parlors, including body piercing establishments.
- D. Used automobile sales, automobile service stations, automobile repair establishments and washing establishments.
- E. Manufacturing, research and development, wholesale trade or warehouse establishments and bus and truck depots.
- F. Storage establishments, including mini-storage warehouses.
- G. Pawn shops.
- H. Check-cashing shops.
- I. The retail or wholesale sale of weapons or firearms, as the same are defined in N.J.S.A. 2C:39-1.
- J. Drive-thru or drive-in banks

C-1 BUSINESS ZONE

The following principal uses are permitted in the community area of the C-1 Central Business Zone and on all but the first floor of the center area of the C-1 Central Business Zone:

- (1) Apartments.
- (2) Educational or quasi-educational establishments, such as ballet or dance schools, martial arts schools, nursery schools and business, vocational or technical schools.
- (3) General, business and professional offices, including medical offices, finance, insurance and real estate offices.
- (4) Municipal, county, state and federal government offices.
- (5) Senior citizen housing.

The following principal uses shall be permitted only in the community area of the C-1 Central Business Zone:

- (1) Bowling alleys and billiard or pool halls.
- (2) New automobile sales and automobile rental establishments and taxi stands.

The following principal uses shall be permitted as conditional uses in the C-1 Central Business Zone:

- (1) *Garden centers and building supply establishments, subject to the following conditions:*
 - (a) Such uses shall be permitted in the community area of the C-1 Central Business Zone only.
 - (b) Sufficient space shall be provided on the site for loading operations.
 - (c) Loading areas and outdoor storage areas shall be set back at least 25 feet from a residential zone boundary or an existing residential use, and separated from such areas by a buffer strip at least 15 feet in width with a screening at least six feet high comprised of a berm, fence or evergreen vegetation or a combination thereof.
 - (d) The facade of any building devoted to such uses which faces the street shall have the appearance of a commercial or residential building.
- (2) *Fast-food restaurants, bars and taverns, subject to the following conditions:*
 - (a) No fast-food restaurant or bar or tavern shall be located closer than 750 feet to property occupied by another such establishment in the C-1 Zone.
 - (b) Minimum on-site parking of one space per two seats or one space per (50) square feet of gross floor area, whichever is greater, shall be provided.
 - (c) Consumption of food and drink outdoors or in the accessory parking lot shall be prohibited.
 - (d) A buffer strip of at least (15) feet in width shall be established adjacent to any residential or office uses and to any residential zone boundary. The buffer strip shall be appropriately landscaped with evergreens supplemented by fencing to shield adjacent properties.
- (3) *Parking decks as a principal use, subject to the following conditions:*
 - (a) No parking decks shall have frontage on Bloomfield Avenue.
 - (b) No parking decks may exceed two stories or levels nor more than 40 feet in height.
 - (c) A setback of at least 15 feet shall be provided from all property lines. Within such setback areas, vegetative plantings shall be provided to screen the deck from adjacent properties and from the public street.
 - (d) The facade of the parking deck facing a public street or an adjacent residential use or zone boundary shall have an architectural finish in keeping with the commercial or residential character of the surrounding area.

C-1 BUSINESS ZONE

- (4) *Assisted-living facilities, permitted as a principal use, subject to the following conditions:*
- (a) The maximum density shall be 55 units per acre.
 - (b) Off-street parking shall be provided pursuant to § 347-101.
 - (c) Site plan approval shall be required.
 - (d) The maximum height shall be six stories or 67 feet, whichever is less.
 - (e) The minimum front yard setback shall be zero feet. The minimum side yard setback shall be zero feet. The minimum rear yard setback shall be 10 feet.
 - (f) The applicant shall provide evidence of a license issued by the New Jersey State Department of Health pursuant to N.J.A.C. 8:36-1 through 8:36-16.
 - (g) If located in the "center" area of the C1 Zone, the assisted-living facility shall not occupy the first floor.

HISTORIC PRESERVATION

As the entire footprint of the Montclair Center BID lies within the boundaries of the Town Center Historic District, many actions you may wish to take involving any landmark or any building, structure, site or object located within a landmark district may require the granting of a certificate of appropriateness by the Montclair Historic Preservation Commission:

§ 347-136. Actions Requiring Review

- A. *Actions requiring review.*** A certificate of appropriateness (hereinafter "C/A") issued by the Commission shall be required before a permit is issued for many of the following or in the event that no other type of permit is required before any work can commence on any of the activities listed below in this subsection involving any landmark or any building, structure, site or object located within a landmark district.
- (1) Demolition or improvement.
 - (2) Relocation.
 - (3) Change in the exterior elevation or any improvement by addition, alteration or replacement.
 - (4) Any new construction of a principal or accessory structure.
 - (5) Any change in existing, or addition of new, signs or exterior lighting.
- B. *Actions not requiring review.*** A certificate of appropriateness is not required for:
- (1) Changes to interiors.
 - (2) Changes not visible to the public other than relocation or demolition.
 - (3) Repair or exact replacement of any existing improvement, provided that the work does not alter the exterior appearance. The following activities are permitted as repairs:
 - (a) Identical replacement of existing windows and doors.
 - (b) Repairs of existing windows and doors and the installation of storm doors and windows that do not change their design, scale or appearance.
 - (c) Maintenance and repair of existing roofing materials involving no change in the design, scale or appearance of the structure.
 - (d) Structural repairs which do not alter the exterior appearance.
 - (e) Replacement of existing clapboards, shingles or other siding with identical material.
 - (f) Maintenance and repair of existing clapboards, shingles or other siding (including masonry) involving no change in the design, scale or appearance.
 - (g) Exterior or interior painting.
- C. *Emergency repairs.*** When a landmark or a building, structure, object or site located within a landmark district requires immediate repair to preserve its continued habitability and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with Township codes without first obtaining a certificate of appropriateness. Under such circumstances, the repairs performed shall be only such as are necessary to protect the health and safety of its occupants or others and/or to maintain habitability. A request for the Commission's review shall be made simultaneously with the onset of emergency work, and no work in addition to the emergency repairs shall be performed on the structure until an appropriate request for approval is made and approval is obtained in accordance with the procedures set forth in this article. All work done under this section shall conform to the standards for rehabilitation set forth in § 347-137 herein.
- D. *Informal review of concept plan for proposed undertakings.*** At the request of applicants considering action that may require Commission review, the Commission shall grant an informal review of a concept plan for the proposed undertaking. Neither the applicant nor the Commission shall be bound by any informal review.

§ 347-137. Standards for Review

A. General criteria for review. In reviewing an application for its effect on a landmark or a building, structure, object or site located within a landmark district, the following criteria shall be used by the Commission, the Planning Board, the Zoning Board of Adjustment, the Township Council and all other officials and agencies of the Township responsible for the administration of this article. The criteria set forth in this subsection relate to all projects affecting landmarks and any buildings, structures, objects and sites located within landmark districts and, with regard to such proposed projects, the following factors shall be considered:

- (1) The impact of the proposed change on the historic, architectural and/or cultural significance of the landmark or landmark district.
- (2) The importance of the landmark or the building, structure, object or site to the nation, state, region or municipality and the extent to which its historic or architectural interest would be adversely affected to the detriment of the public interest.
- (3) The use of any landmark or landmark district involved in the proposed change.
- (4) The extent to which the proposed action would adversely affect the public's view from the street of a landmark or building, structure, object or site located within a landmark district.
- (5) The impact the proposed change would have on the architectural or historic significance of the landmark or landmark district and the visual compatibility of the proposed change with adjacent buildings, structures, objects and sites in accordance with the requirements for design compatibility set forth in Subsection C of this section.

B. Rehabilitation of existing buildings, structures, objects and sites. In reviewing any application for a certificate of appropriateness, the Commission shall make its determination as to whether any application should be approved, approved with conditions or denied on the basis of the purposes of this section, the provisions of this article and the following standards for review, which are identical to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings:

- (1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, object or site and its environment or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All buildings, structures, objects and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be treated with sensitivity.
- (6) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

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- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (10) Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

C. Design criteria; new construction. In assessing the design of any proposed addition or new construction, the Commission shall consider the following design criteria in conjunction with the standards of rehabilitation and review criteria set forth above. These design criteria shall be used to analyze the appropriateness of new construction in the form of additions and alterations to landmarks or new construction, additions or alterations to buildings, structures, objects or sites located within landmark districts.

- (1) Height. The height of the proposed structure shall be visually compatible with adjacent buildings.
- (2) Proportion of the facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with adjacent buildings and places.
- (3) Proportion of the openings. The relationship of the width of windows to the height of windows in a building shall be visually compatible with adjacent buildings and places.
- (4) Rhythm of solids. The relationship of solids to voids in the facade of a building shall be visually compatible with adjacent buildings and places.
- (5) Rhythm of spacing. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with adjacent buildings and places.
- (6) Rhythm of entrances. The relationship of entrances and porches to the street shall be visually compatible to adjacent buildings and places.
- (7) Relationship of materials. The relationship of materials, texture and tone of the facade and roof of a building shall be visually compatible with the predominate materials used in adjacent buildings.
- (8) Roof. The roof shape of a building shall be visually compatible with adjacent buildings.
- (9) Continuity of walls. Walls and open fencing shall maintain visual compatibility with adjacent buildings and places.
- (10) Scale. The size of a building mass in relation to open spaces, window and door openings, porches and balconies shall be visually compatible with adjacent buildings and places.
- (11) Directional expression. A building shall be visually compatible with adjacent buildings and places in its directional character, whether this be vertical, horizontal or nondirectional.
- (12) Windows. The type of glazing and muntin used in windows and doors shall be visually compatible with adjacent buildings.

§ 347-138. Certificates of Appropriateness; Application Procedures

- A. The administrative officer shall refer all applications for permits pertaining to regulated activities involving landmarks or any buildings, structures, objects and sites located within landmark districts to the Commission for a written report on the application of the Zoning Ordinance provisions concerning historic preservation to any of those aspects of the changes proposed which were not determined by approval of an application for development by a municipal agency pursuant to the Municipal Land Use Law. Editor's Note: See N.J.S.A. 40:55D-1 et seq. A certificate of appropriateness (hereinafter "C/A") issued by the Commission in accordance with the procedures of this article is required prior to the commencement of any activities involving landmarks or properties within landmark districts which are governed by the provisions of this article.
- B. Applications shall be made on forms available in the office of the administrative officer in the Montclair Municipal Building. Completed applications shall be delivered or mailed to the administrative officer at the Montclair Municipal Building.

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- C. Upon receipt of an application for a certificate of appropriateness, the Commission shall schedule a hearing for the purpose of reviewing said application and shall advise the applicant(s), in writing, of the time, date and place of said hearing.
- (1) Applications shall include a completed application form which contains a precise written description of the proposed work or activity and any of the following as may be required by the Commission:
- (a) Photographs of the existing structure or lot.
 - (b) Scaled drawings showing site plan layout, facade elevations and specifications for materials.
 - (c) For new construction applications, a streetscape elevation drawn to scale, showing the new structure in the context of neighboring buildings, structures and sites.
 - (d) For large projects, working drawings.
- (2) The Commission may require the submission of additional information reasonably necessary to reach an informed decision on the application.

§ 347-139. Commission Review of Applications for Certificates of Appropriateness

- A. The Commission shall review applications for certificates of appropriateness at a public hearing. The applicant(s) shall not be required to appear or to be represented at any meeting of the Commission at which the Commission will consider his or her (their) application for a certificate of appropriateness, regardless of the ultimate findings and report of the Commission.
- B. As soon as possible, but no later than 45 days after the administrative officer has referred the application to the Commission, the Commission shall return to the administrative officer its written report granting or denying the application, which report may be stated in resolution form. The Commission shall file said report with the administrative officer, together with the certificate of appropriateness if granted, within 10 days of the Commission's decision on the application and, on the same date, shall forward a copy of the report and the certificate of appropriateness to the applicant by personal service or by certified mail, return receipt requested.
- C. If, within the above forty-five-day period, the Commission has denied the issuance of a certificate of appropriateness required for the issuance of a permit or recommended that conditions be met prior to the issuance of a permit, the administrative officer shall deny issuance of the permit or include the conditions in the permit, as the case may be.
- D. Failure of the Commission to report within the forty-five-day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit.
- E. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission.
- F. After a certificate of appropriateness has been issued by the Commission, the administrative officer shall, from time to time, inspect the work approved by the Commission and report to the Commission any work not in accordance with such resolution of approval and the corresponding certificate of appropriateness.
- G. A certificate of appropriateness shall be valid for a period of one year from the date of its issuance unless reasonable extensions are granted by the Commission.

§ 347-140. Grant or Denial of Certificates of Appropriateness

- A. Purposes. The purpose of this section is the furtherance of the purposes of this article by affording the Township, interested persons and historical societies or organizations the opportunity to acquire or to arrange for the preservation of landmarks or buildings, structures, objects or sites located within historic districts.
- B. Approval. Issuance of an approval of a permit shall be deemed to be final approval pursuant to this article. Such approval shall neither cause nor prevent the filing of any collateral application or other proceeding required by any other Township ordinance to be made prior to undertaking the action requested concerning landmarks or any buildings, structures, objects or sites located in a landmark district.
- C. Denial. Denial of a certificate of appropriateness shall be deemed to preclude the applicant from undertaking the activity applied for.