

NEW JERSEY APPLESEED  
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PLANEWARK, BUTTON FACTORY	: SUPERIOR COURT OF NEW
CONDOMINIUM ASSOCIATION, INC.,	: JERSEY LAW DIVISION: ESSEX
ALEIX MARTINEZ, MADELINE RUIZ,	: COUNTY
LISA SANDERS	: DOCKET NO. ESX-L-008631-17
	:
Plaintiffs,	:
	:
-vs.-	: CIVIL ACTION
	:
MUNICIPAL COUNCIL OF THE CITY	:
OF NEWARK, NEWARK CENTRAL	: <b>CERTIFICATION OF</b>
PLANNING BOARD, KENNETH LOUIS,	: <b>JEROME L. EBEN, FAIA, PP</b>
in his official capacity as	:
City Clerk for the City of	:
Newark	:
	:
Defendants.	
_____	X

JEROME L. EBEN, FAIA, PP of full age, hereby certifies as follows:

1. I am a New Jersey Licensed (No. 3147) professional planner since 1984. My base registration as a licensed architect (No. 8883) in New Jersey is just one of many held across the nation.

2. As a consulting professional planner, I am familiar with the planning and zoning processes in New Jersey pursuant to the Municipal Land Use Law, (MLUL) N.J.S.A. 40:55D-1 et. seq.

3. In my practice and as a community member of a local Planning Board, I have worked on the Master Plans, Plan Amendments, re-examination reports and amendments to development ordinances.

4. I have, as an expert witness, testified in Superior Court as well as in front of a Congressional Sub-Committee in Washington, DC on several occasions defending ordinance amendments as well as challenging the integrity of zoning ordinance amendments that I believe are categorically wrong for specific projects.

5. I have been requested by the Plaintiffs to review City of Newark Ordinance 17-1437 as well as certain companion municipal documents secured by me and provided to me by the Plaintiffs. The companion documents include, but are not limited to, the Newark Zoning and Land Use Regulations, as adopted in February 2015; the 2012 Newark Master Plan; the transcripts from the June 26, 2017 and July 24, 2017 Newark Central Planning Board hearings; and the Complaint in Lieu of Prerogative Writs prepared by the Plaintiffs.

6. In enabling municipalities to exercise zoning controls, the Municipal Land Use Law requires that zoning

ordinances and amendments thereto have a rational basis. The power to zone is contingent upon the adoption of a master plan by a municipality's planning board having certain mandatory components, one of which is as a land use plan element. The Municipal Land Use Law requires that prior to a governing body's adoption of an amendment to a zoning ordinance, the proposed amendment be transmitted to the planning board for a determination as to whether the proposed amendment is "substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements," (N.J.S.A. 40:55D-62a) and, regardless of such substantial consistency, for a recommendation as to adoption by the governing body. Where a proposed amendment is not substantially consistent with the master plan, the governing body is required to adopt an explanatory resolution justifying the adoption of a zoning amendment that is not substantially consistent with the master plan.

7. Where a proposed zoning amendment is found to be substantially consistent with the master plan, the master plan constitutes the rational basis for the zoning amendment. Where an amendment is not substantially consistent with the master plan, the explanatory resolution serves as an expression of the rationale for the amendment despite its inconsistency with the master plan.

8. It is noted that the requirement of substantial consistency under the Municipal Land Use Law involves a comparison of the proposed zoning amendment with the municipality's land use element of the master plan which is adopted under N.J.S.A. 40:55D-28.

#### NEWARK'S 2012 MASTER PLAN

9. The Newark Central Planning Board adopted the city's current Master Plan on September 24, 2012, including a revised land use element. The Master Plan contains several "elements" which take into account the various "systems" or layers" of the City in order to achieve the enumerated goals for future land use and development throughout the City of Newark. (2012 Master Plan, Vol. 1, p. 10) (Ex. A).

10. The Land Use Element of the 2012 Master Plan includes a Future Land Use Plan and associated map which, "provided a framework for development in Newark over the next 10 to 20 years and serves as the basis for any amendments to Newark's Zoning Ordinance and other development regulations. The recommendations contained in the Plan were based upon an analysis of existing land use and zoning patterns, consideration of demographic and development trends, discussions with City staff and agencies, review of community input, and coordination with the other Master Plan Elements' recommendations." (2012 Master Plan, Vol. 2, p. 23, emphasis added) (Ex. A). The Future Land Use Plan "is



intended to further the overall goals and objectives of this new Master Plan" (2012 Master Plan, Vol. 1, p. 12) (Ex. A). As such, the Future Land Use Plan sets forth the zoning basis for implementing the goals and objectives of the Master Plan.

11. The Future Land Use Plan establishes three districts for large(r) multi-family uses (i.e. residential buildings larger than townhomes): the R-LM (Low-Rise Multifamily Residential), the R-MM (Mid-Rise Multifamily Residential), and the R-HM (High-Rise Multifamily Residential). The R-LM recommends permitting 4 stories maximum, the R-MM recommends permitting 8 stories maximum, and the R-HM recommends permitting 20 stories, maximum. The R-HM recommends allowing all uses permitted in the R-MM and one additional use: "High-rise apartment buildings (nine stories or more): permitted by conditional use" (2012 Master Plan, Vol. 2, p.28) (Ex. A).

12. The Future Land Use Plan recommends the designation of certain blocks located within the Ironbound north of Green Street and west of McWhorter Street, and part of a block north of Hamilton Street and west of Union Street as multi-family Mid-rise Residential ("R-MM"). (2012 Master Plan, Vol. 2, p. 24) (Ex. A).

13. Further, the Master Plan explains that the R-MM designation was mapped in "a few select locations in the vicinity of transit stations. Its purpose is to promote more

intense residential development within walking distance of transit and other services - but in locations not suited for high-rise residential." (2012 Master Plan, Vol II, p. 27) (Ex. A).

14. The Future Land Use Plan lists different uses to be permitted outright or permitted as conditional uses in the R-MM zone. In addition to Mid-Rise Apartment Buildings, the plan lists Ground floor retail, service, and offices uses; uses permitted in all districts (municipal uses, public parks, etc.); and uses permitted in all residential districts (e.g. primary and secondary schools). (2012 Master Plan, Vol. 2, p. 28) (Ex. A).

15. The Neighborhood Element of the 2012 Master Plan specifically recommends preserving "the physical character and vitality of the Ironbound neighborhood by establishing and enforcing strong design and planning standards." It further recommends controlling "transitions between downtown and the Ironbound to prevent encroachment on the neighborhood." Moreover, it recommends retaining "the neighborhood's historic flavor" "wherever possible." (2012 Master Plan, Vol. II, p. 192, emphasis added) (Ex. A).

16. The Urban Design Element of the 2012 Master Plan establishes design standards for building types. For each building type, it is recommended that "The area of transparent

windows and doorways on the primary front façades of the building should be maximized.” (2012 Master Plan, Vol. II, p. 66). It also recommended that Mid-rise multifamily buildings not exceed eight stories. (2012 Master Plan, Vol. II, pg. 65). (Ex. A).

17. High-rise development is currently allowed in the area adjacent to Penn Station within the Downtown Core Redevelopment Plan and the Living Downtown Redevelopment Plan. These areas lie directly west of the train station and are not considered part of the Ironbound neighborhood. These redevelopment plans were recommended for adoption in the 2012 Master Plan (2012 Master Plan, Vol II, p. 33-34) (Ex. A).

#### NEWARK ZONING & LAND USE REGULATIONS

18. The City of Newark adopted the Newark Zoning & Land Use Regulations as Title XLI (“NZLUR”) in February of 2015. This comprehensive Zoning Ordinance implemented the recommendations of the 2012 Newark Master Plan, and in particular, implemented its Future Land Use Plan of the Land Use Element.

19. The NZLUR created three residential districts, which correspond to the R-LM, R-MM, and R-HM. These are the R-4 (Low-Rise Multifamily Residential) district, the R-5 (Mid-Rise Multifamily Residential) district, and the R-6 (High-Rise Multifamily Residential) district, respectively. All three zones

permit a mix of uses beyond residential uses, including but not limited to office space, primary and secondary schools, and retail establishments. (NZLUR, 40:4-1, p. 78, 82) (Ex. B).

20. The NZLUR also created three large residential only building types (building types larger than townhouses): the Low-rise Multifamily, the Mid-rise Multifamily, and the High-rise Multifamily Building Type (NZLUR, 40:5-1, p. 98) (Ex. B). The Mid-rise Multifamily Building Type permits a maximum of 8 stories, and the High-rise Multifamily Building Type permits a maximum of 20 stories. All three of these building types requires a minimum 50% transparency on all street-facing facades (NZLUR, 40:5-3, p. 100, 104-107) (Ex. B).

21. The largest permitted Building Type in the R-5 zone was the "Mid-rise Multifamily," which, in addition to the 8-story maximum height, also requires 60 percent maximum lot coverage, and a minimum lot area per dwelling unit of 350 SF. The "High-rise Multifamily" Building Type is not permitted in the R-5 zone (NZLUR, 40:5-3, p. 104-105) (Ex. B).

22. In adopting the NZLUR and in particular, adopting the R-5 district directly east of Penn Station, the Municipal Council implemented the recommendations of the Master Plan.

#### THE MX-3 ORDINANCE

23. Ordinance No. 17-1131 was introduced by the Newark Municipal Council (the "Council") on June 21, 2017, and was referred to the Newark Central Planning Board (the "Planning Board") for a consistency review. The Planning Board held a public hearing with respect to the proposed Ordinance on June 26, 2017. There was no resolution as to the consistency of the proposed Ordinance at this hearing; instead, a motion to defer the matter was entertained so that a community meeting with the Newark Department of Economic Development could be held. (Scorsolini Cert., ¶10) The matter was not heard again until July 24, 2017, 33 days after introduction by the Municipal Council.

24. A Memorialization Resolution was produced by the Planning Board, and it was certified by Paul L. Oliver, Co-Chair of the Planning Board, the same evening of the hearing on July 24, 2017. This Resolution recommends that a number of adjustments be made to the proposed Ordinance before adoption stating, "the Board . . . recommends that the Council revise aspects of the Ordinance as described above" (Resolution, p. 7) (Ex. C).

25. The Memorialization Resolution specifies that "there are a number goals, objectives, policy statements, and strategies within the Master Plan that promote increased density of development in proximity to transit stations." Goals listed

to support increased density of the MX-3 include, 'Safe and Healthy Neighborhoods (p.24 Vol 1),' 'Business and Industry' (p. 56-58, Vol. 1), and 'Mobility Strategies' (including Strategy 1.2, 8.1, and 8.1.1)." This resolution also acknowledges that "the area proposed for rezoning as MX-3 was not assigned the more dense designation of High-Rise Multifamily Residential at the time of the preparation of the Master Plan in 2012," and that "[w]hile the MX-3 Zone ordinance may advance portions of the Master Plan, it is proposing a development density, height, and mix of uses that differ in some ways from the vision put forth in the Plan's Land Use Element" (Resolution, p. 3, 4, emphasis added) (Ex. C).

26. After receiving this Resolution and making adjustments to the legislation, the Council reintroduced the proposed amendment as Ordinance No. 17-1437 at a regular Municipal Council meeting on August 2, 2017. This was advanced after first reading. This version of the MX-3 Reclassification Ordinance was officially adopted by the Council on October 4, 2017, and signed by the Mayor on October 10, 2017 (Ordinance 17-1437) (Ex. D).

27. The stated purpose of this Ordinance is to "create an MX-3 zone, which will allow a blend of high density residential and commercial uses" (Ordinance 17-1437, p. 1) (Ex. D). Exhibit B (Map 2: Existing Zoning) and Exhibit C (Map 3: Proposed Zoning)

of the Ordinance indicate that the entirety of the R-5 zone mapped in the Ironbound neighborhood is to be replaced with the newly created MX-3 zone (Ex. E).

28. In contrast to the R-5 zone, the MX-3 zone permits the "High-rise Multifamily" Building Type (Ordinance 17-1437, p. 6) (Ex. D). This Building Type permits a maximum of 20 stories in height and a minimum lot area per dwelling unit of 300 SF. The minimum building transparency for the primary facade for this Building Type is generally set at 50 percent in other parts of the City, but is set as 40 percent specifically in the MX-3 zone (Ordinance 17-1437, p. 7,9) (Ex. D).

29. In addition, the new Ordinance reduces restrictions for bulk and design standards for the "Ground Floor Commercial with Commercial or Residential above" Building Type. Buildings of this type specifically in the MX-3 zone are permitted a maximum of 12 stories, and a minimum lot area per dwelling unit of 130 SF. In addition, as I note in the previous paragraph, the minimum primary front facade transparency is reduced to 40 percent only for buildings in the MX-3 zone, and maximum lot coverage for such Building Type has increased to 85% from 80%. Mid-Rise residential buildings that had been permitted only 60% lot coverage, are now permitted 85% lot coverage if some retail space is placed on the ground floor (Ordinance 17-1437, p. 8) (Ex. D).

30. The new Ordinance permits many additional uses in the MX-3 zone which are not permitted in the R-5 zone of the 2015 NZLUR. Some of these uses include Breweries, Data Centers, Light Manufacturing, and Research and Development (Ordinance 17-1437, p. 4-5) (Ex. D).

#### CENTRAL PLANNING BOARD HEARING AND FINDINGS

31. As noted above the Planning Board held a public hearing on June 26, 2017, with respect to Ordinance No 17-1131. On July 24, 2017, the Planning Board held a second hearing at which time only the Planning Board's consultant Planner Fred Heyer, PP, AICP, was permitted to testify.

32. The Planner testified that certain changes to the ordinance should be considered since they "have been made in response to legitimate concerns about the ordinance." In addition, he stated: "We believe that with those changes, specifically the reduction in height, the possibility for open space, the reduced principal building coverage and clearly acknowledging that Ferry Street-- that height should be kept down within 100 feet of Ferry Street [--] . . . that particular proposal would be consistent with the master plan" (Planning Board Hearing, July 24, 2017) (Ex. F). It is unclear whether he thought that all the revisions would render the proposed Ordinance consistent with the Master Plan, or he was referring only to the reduction in height within 100 feet of Ferry Street.



### ANALYSIS OF INCONSISTENCIES

33. In my expert professional opinion, Ordinance 17-1437 is substantially inconsistent with Newark's Master Plan. The main purpose of the Ordinance is to replace the former R-5 zone mapped within the Ironbound neighborhood with a new MX-3 zone. The new zone allows additional building types, greater height limits, less facade transparency, and a greater number of uses than previously permitted. These changes to the zoning regulation governing the area at issue herein constitute significant inconsistencies with the Master Plan, which was not acknowledged by the Municipal Council.

34. While the Planning Board's Memorialization Resolution recognizes that the 2015 NZLUR was adopted "to implement the recommendations of the Land Use Element of the 2012 Master Plan," (Resolution, p. 3) (Ex. C) there is no acknowledgement of this fact in the review of the goals and objectives of the 2012 Master Plan. For example, the recommendation in the Master Plan that density around train stations be increased was already addressed in the increased density provided by in the R-5 district. This recommendation cannot again be used to justify increasing the density further by changing the R-5 to the MX-3 zone. Subsequent intensifications of the land use in this area cannot be supported by the goals of the Master Plan that have already been effectuated.

35. The blocks located east of Penn Station represent the largest cluster of blocks with the R-MM designation throughout the entire Future Land Use Plan included in the 2012 Master Plan. These lots comprise 55% of the land area of the total R-MM designated land area. This is almost 3 times larger than the next largest cluster of R-MM designated lots. This indicates that this area was carefully considered and deliberately designated as having different use and bulk standards than other Residential or Mixed-Use zones in the City.

36. In contrast to the R-5 zoning designation, the MX-3 zone allows additional Building Types including "High-rise Multifamily" buildings. This alone is a substantial change in the character of the zone that is inconsistent with the Master Plan. The Master Plan specifically limits heights within the R-MM zone to eight-stories and excludes High-rise Multifamily buildings from the R-MM zone. The new MX-3 zone permits buildings of up to 20 stories in height, which is substantially inconsistent with the Master Plan's recommendations.

37. The Planning Board's consultant Planner failed to acknowledge that the 2012 Master Plan specifically marked out the area around Penn Station in the Ironbound neighborhood as not suitable for high-rise development over eight stories in height. The recommendation made during that testimony, and eventually adopted in ordinance 17-1437, was a maximum height

limit of 12-stories for commercial buildings with residential or commercial units on upper floors. In addition, the final ordinance permits buildings within the MX-3 zone at a maximum height of 20-stories for "High-Rise Multifamily" buildings. By permitting buildings that exceed eight-stories, Ordinance 17-1437 is permitting in this area buildings that meet the 2012 Master Plan definition of "High-Rise Apartment Buildings." This use was explicitly declared by the 2012 Master Plan as neither suitable nor appropriate for this area, and thus these provisions are substantially inconsistent with the Master Plan.

38. In Ordinance 17-1437, the minimum lot area per dwelling unit is 350 SF for "Mid-rise multifamily," 300 SF for "High-rise multifamily," and as little as 130 SF for the "Ground-Floor Commercial with Commercial or Residential Above." The Planning Board's Memorialization Resolution acknowledges these density requirements differ from those incorporated in the 2015 NZLUR. This change is also inconsistent with the Master Plan. While no specific value is attributed to the residential density in the R-MM district specified in the Master Plan, the R-HM district states that "New mid-rise apartments would be permitted at a density of 100 units per acre" (2012 Master Plan, Vol. 2, p. 28) (Ex. A). This is equivalent to 435.6 SF of lot area per dwelling unit. As an example, a 10,000 SF lot in the R-MM zone defined by Newark's Master Plan would permit up to 23

dwelling units while the same lot in the new MX-3 zone may permit up to 77 dwelling units. This new maximum number of units per lot area is greater than three times that recommended in Newark's Master Plan for Mid-Rise buildings. As such, the Ordinance is inconsistent with that Master Plan.

39. Additionally, the Ordinance reduces the transparency requirements within the MX-3 Zone of the "High-rise Residential" and "Ground-Floor Commercial with Residential or Commercial above" building types from 50 percent to 40 percent on street facing facades above the ground floor. Since the Master Plan calls for maximizing facade transparency, this reduction is inherently inconsistent with the goals of the Master Plan.

40. Finally, the Ordinance permits a number of uses in the MX-3 zone that were previously not included in the R-5 zone nor listed in the Master Plan. All the uses envisioned in the Master Plan for the R-MM zone (e.g. mid-rise multifamily dwellings, ground floor retail, municipal uses, and office) were incorporated into the R-5 zone contained in the 2015 NZLUR. By contrast, the new MX-3 zone includes many additional uses that are incompatible with the Master Plan's vision for a dense residential neighborhood in the Ironbound. For example, Data Centers and Light Manufacturing are uses that belong more appropriately in Commercial or Industrial zones. Mr. Heyer's assertions that these additional uses are compatible generally

with a residential neighborhood are incorrect. These additional permitted uses are inconsistent with the goals of the Master Plan.

41. At the Planning Board hearing on July 24, 2017, The Planning Board does not discuss nor acknowledge the consistency or inconsistency of Ordinance 17-1131, with or without revisions, with the Master Plan. Instead, it simply decided to refer the matter to the Council, with recommended changes. Upon adoption, the Council failed in its duty to acknowledge the inconsistency of Ordinance 17-1437 with the Master Plan, as it is required to do.

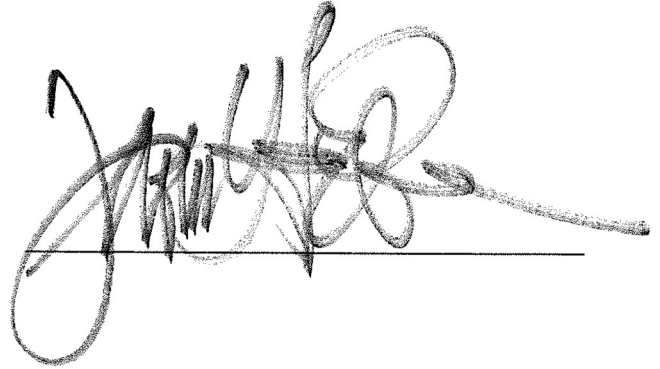
42. Upon review of these facts, I conclude for all the reasons above that Ordinance 17-1437 is not substantially consistent with the land use element of the 2012 Newark Master Plan.

43. The consequences of these conclusions are that the Municipal Land Use Law mandates that an explanatory resolution be adopted by the Council at the time of the adoption of Ordinance 17-1437 giving its reasons for the adoption of an ordinance substantially inconsistent with the Land Use Element of the Master Plan. The Council failed to follow these procedures and may have been under the false impression that Ordinance 17-1437 was substantially consistent with the Newark Master Plan.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 23, 2018

Jerome Leslie Eben, FAIA, PP

A handwritten signature in dark ink, appearing to read 'Jerome Eben', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

## **Exhibit A**

# Newark's Master Plan



**Our City  
Our Future**

**Newark will set a national standard for urban transformation by marshalling its tremendous resources to achieve security, economic abundance, and an environment that is nurturing and empowering for families.**

## **Volume 1**

ADOPTED BY THE NEWARK CENTRAL  
PLANNING BOARD ON SEPTEMBER 24, 2012



Newark's Master Plan was developed in partnership with Newark's communities. The process for developing the various Master Plan elements included collaborations with City leadership and agencies working each day to make Newark a healthy, prosperous, and livable city. Experts, from community members to practicing professionals, provided a wealth of knowledge to ensure the viability of the actions within the Master Plan. We heard from residents, business owners, community organizations, and many dedicated citizens who care about Newark and participated in neighborhood workshops to share their ideas and goals for Newark's future.

## A Comprehensive Strategy for Newark

This Master Plan has been prepared to comply with the New Jersey Municipal Land Use Law (MLUL), which requires that municipalities update and adopt a new master plan every 10 years. It represents the first comprehensive revision of all the elements of a master plan in Newark in more than two decades.

In recent years, the City has made significant progress in its efforts to develop a shared vision about growth and development. In 2004, the City updated the Land Use Element to align with current conditions, but the process did not lead to the adoption or implementation of necessary zoning code changes. In 2009, it completed a Master Plan Re-Examination – titled Shifting Forward 2025 – of previous master plan documents. In addition to providing a comprehensive assessment of Newark's planning, zoning, and land development issues, the Re-Examination also established broad principles to be considered in the preparation of this Master Plan.

## Our City, Our Future

Newark's new Master Plan will serve as a comprehensive regulatory document that guides the city's land use, development, preservation, sustainability, and neighborhood revitalization activities through the year 2025. It will also serve as a tool – a living document – that drives real world actions taken by elected officials and citizens in achieving measurable and agreed upon goals. This includes the prioritization, budgeting, management, and implementation of investments throughout the city.

Finally, this document will lead to the adoption of a new Zoning Ordinance for Newark. A Zoning Ordinance helps guide development and growth by stating what land uses and building types are allowed in different parts of the city. Newark's Ordinance

**This is Newark's Master Plan. It belongs to us. It's about us. It's a road map to our city, our future.**

in its current form was adopted in the 1950s, and much of it is out of touch with today's development patterns. Over the past several years, the City has made progress in amending different aspects of the Ordinance to promote things like design quality, walkability, and compatibility between adjacent and mixed uses. The City also adopted several major redevelopment plans that apply to certain areas of the city, such as the downtown and riverfront; these plans have their own development regulation regulations that supersede the underlying Zoning Ordinance.

The new Ordinance will build on recent planning efforts and incorporate other needed amendments to facilitate appropriate redevelopment activities (with respect to land use and urban design) that are consistent with the goals of this Master Plan. The Ordinance will also be reorganized to make it easier for property owners and the development community to understand and utilize.

In compliance with the MLUL, the Newark Central Planning Board is responsible for approving the new Master Plan and any subsequent amendments. The revised Zoning Ordinance will ultimately be adopted by the Municipal Council.

## A Culture of Engagement

In revising the Master Plan, the City worked with community stakeholders to establish a formal process for proactive, citizen-centered planning and engagement. Throughout the process, the City placed the highest priority on government transparency and accessibility to ensure that all community voices and values are respected and considered. Community engagement and consultation manifested itself on a number of different levels:

### Citizens Advisory Board

Early in the process, the City convened a Citizens Advisory Board (CAB) made up of local community leaders to guide the development of the master plan and ensure appropriate levels and the quality of consultation with residents and other stakeholders. The CAB also played a critical role in reviewing draft elements of the Master Plan.

### Public Meetings

The City engaged community members at a total of 20 public meetings held at various locations throughout Newark.

#### Round 1

At nine meetings in July 2011, the City worked with residents to identify critical assets, issues, and opportunities in each neighborhood. One major outcome of these sessions was a formal inventory of neighborhood-level information and analysis, which helped inform the development of immediate actions and long-term planning priorities.

#### Round 2

At two open house-style meetings in December 2011, the City presented for public review and comment: (1) outcomes from the first round in July; (2) draft goals, objectives, strategies, and actions for each Master Plan element; and (3) a draft land use plan and future land use map of the entire city.

#### Round 3

In May 2012, the City held another nine meetings in Newark's neighborhoods. The goal of the third round of meetings was to present final drafts of all Master Plan elements, as well as introduce key components of the revised Zoning Ordinance, for public review and comment.

### Stakeholder Presentations and Reviews

Throughout the process, the City engaged with a broad range of public and private stakeholders. Meetings were formatted as one-on-one interviews, group work sessions, and presentations. Entities consulted include affordable housing developers, university leaders, public planning and development authorities, community-based and citywide non-profit organizations, and arts and cultural institutions, among others.

## A User-Friendly Manual

The Master Plan was designed to be a user-friendly manual that can be utilized by municipal officials every day and is accessible to citizens whenever they want to learn more about the development of their city. It includes policy objectives, a comprehensive assessment

### A Systems Approach to Planning

A city is a system consisting of various elements that work together to make it healthy or unhealthy. Think of the human body and all the parts that work collectively to keep it alive. The more we understand how these elements interact with and depend on each other, the better we are at identifying solutions that keep the system, as a whole, healthy. That is why city employees and elected officials must collaborate across disciplines and departments in order to make competent decisions about physical and human development: decisions about not only “bricks and mortar” but also housing, education, healthcare, transportation, employment, and other human needs.

The organization of this Master Plan reflects this “systems thinking” approach to planning for and accomplishing our goals by viewing the “physical elements” of the city as part of an overall system.

of Newark's “physical elements,” and recommendations for implementation, which are briefly described below.

### Chapter 02 Vision & Policy Goals

The Master Plan uses a systems approach to achieve overarching policy goals in three main areas, which are described and discussed:

- Economic Development
- Healthy and Safe Neighborhoods
- A City of Choice

This chapter also highlights key high-level objectives from each of the “physical elements,” described below, that contribute to Newark's ability to achieve each of its larger goals. In doing so, the city's critical issues, challenges, and assets are also characterized.

### Chapters 03-09 Physical Elements

The “physical elements” of the city are the things we see, touch, and experience every day. These are the different systems or layers of the city that make up a complex urban environment – and which can combine to achieve the city's overarching goals. The Master

Plan identifies and is organized around seven physical elements, as follows:

- Business & Industry
- Housing
- Mobility
- Parks & Natural Resources
- Utilities & Infrastructure
- Community, Cultural & Educational Resources
- Historic Resources

Each element is presented in a separate chapter that sets forth a series of specific goals, objectives, strategies, and actions for addressing critical issues. These chapters also serve as overarching policy and action plans for the various branches of municipal government that are responsible for overseeing the respective element(s) of the city. Each chapter is organized as follows:

**Goal Statement**

States the element-specific goal(s).

**Objectives**

Lists more targeted, desired outcomes by sub-element area.

**Strategies and Actions**

Describes policies and interventions to accomplish objectives.

**Critical Data/Narrative**

Characterizes the issues to be addressed, discusses the implementation of a policy or intervention, and identifies measurable performance indicators.

**Chapter 10 Implementation**

The Master Plan includes a simple reference matrix listing strategies and action items, the agency responsible for implementation, key milestones, and other implementation information. This is a tool to keep governmental agencies on track and for residents to hold public officials accountable to a specific plan of action. Recognizing

**FIG 1.1:** Household Characteristics  
Newark, NJ, 2000-2010

	2000	2010	Change
Total Population	273,546	277,140	1.0%
Households	91,382	94,542	4.0%
Average Household Size	2.9	2.8	-3.2%

**Sustainability and the Newark Master Plan**

The Newark Master Plan contains a range of goals, objectives, strategies, and actions that speak to and advance sustainability. As with the three overarching policy goals, sustainability objectives and top priorities are addressed throughout this document – in every chapter – because planning for and achieving these involves coordination and collaboration across complex, interrelated systems.

that the implementation of the Master Plan will be phased, actions are also assigned an implementation year. Determinations are based on priority, feasibility, and the availability of resources, as follows:

**Building Blocks: 1 - 5 years**

These actions are important to implement in the near term, such as policy or zoning code amendments, projects that drive new markets or are first movers, or development planning that lays the foundation to achieve longer term goals.

**Priority Planning: 5 - 10 years**

Projects that require continued planning and analysis, will take longer to achieve, or will need significant capital investment are listed under this category.

**Vision Planning: 10 - 15 years**

These projects and initiatives require sustained municipal commitment, state and regional planning, and long-term capital planning.

**Chapter 11 Land Use**

The Land Use Element provides the basis for any changes to Newark’s Zoning Ordinance, consistent with the requirements of the MLUL. It takes stock of existing conditions, including population and development trends, and provides a framework for future development. This element builds upon Newark’s 2004 Land Use Element and 2009 Master Plan Re-Examination, and it is intended to further the overall goals and objectives of this new Master Plan.

**Chapter 12 Urban Design**

The Urban Design Element outlines a framework for the growth of the city and articulates key design standards and guidelines that



will regulate future development -- whether through the Zoning Ordinance or as a matter of policy. Designed to be as user friendly as possible, this chapter will be utilized by property owners, developers, and public agencies to ensure that Newark's essential qualities are preserved and enhanced as the city grows.

### Chapter 13 Neighborhoods

The City has identified the need for a more formal process for proactive, citizen-centered planning that promotes direct connections between neighborhood planning, capital budgeting, and resource allocation, as well as land use and quality of life. The Neighborhoods Element lays the foundation for neighborhood planning and investment in Newark. On one level, it prioritizes

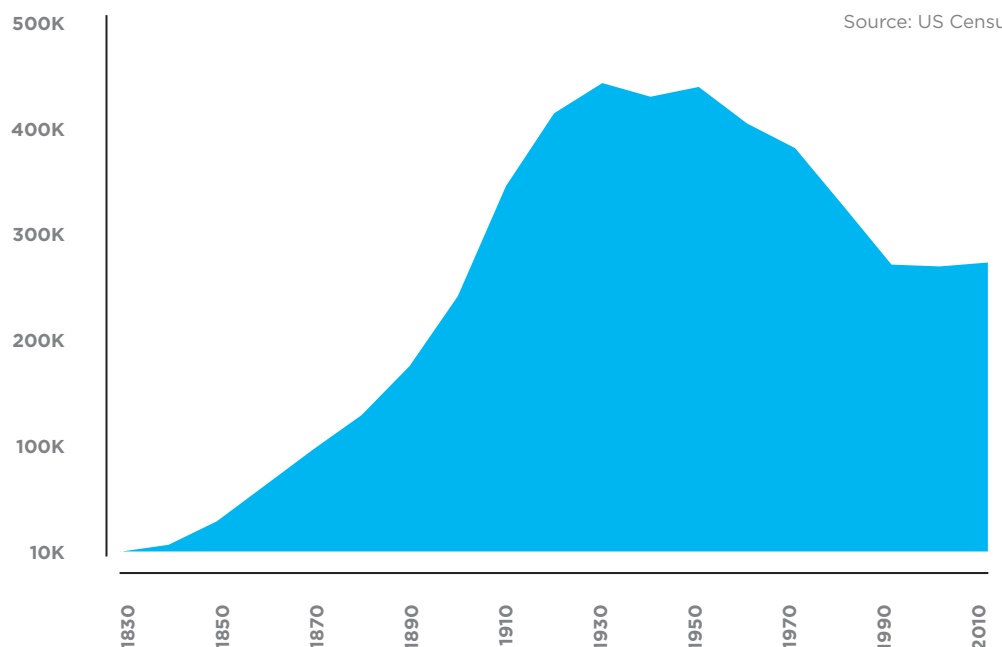
public and neighborhood actions contained in the physical elements for implementation at the local level. On another, it serves as a tool for communities to ensure that projects and initiatives are consistent with self-expressed needs and desires.

### Chapter 14 Relationship to Other Plans

The MLUL requires a master plan to include a specific policy statement indicating the relationship of the proposed development of the municipality, as defined in this Master Plan, to the master plans of contiguous municipalities, the county master plan and solid waste management plan, and the State Plan. This chapter discusses how Newark's Master Plan relates to these various documents.

**FIG 1.2:** Historical Population  
Newark, NJ, 1830-2010

— Newark Population



Source: US Census

# Newark's Master Plan



**Our City  
Our Future**

**Newark will set a national standard for urban transformation by marshalling its tremendous resources to achieve security, economic abundance, and an environment that is nurturing and empowering for families.**

## **Volume 2**

ADOPTED BY THE NEWARK CENTRAL  
PLANNING BOARD ON SEPTEMBER 24, 2012



Newark's Zoning Ordinance – the set of regulations that establish the type and amount of development that is permissible in different areas of the city – dates to the 1950s and has not been comprehensively revised since that time. As a result, it is out of touch with today's market forces and public interests.

Over the past three decades, most development projects in Newark have been undertaken through redevelopment plans or variances – i.e., processes that circumvent the Ordinance. This has led to uncertainty and dissatisfaction for residents and investors. The continued absence of an updated Ordinance, especially at a time when Newark is experiencing development and growth, will only result in irreversible and harmful land use decisions that undermine Newark's vision and goals.

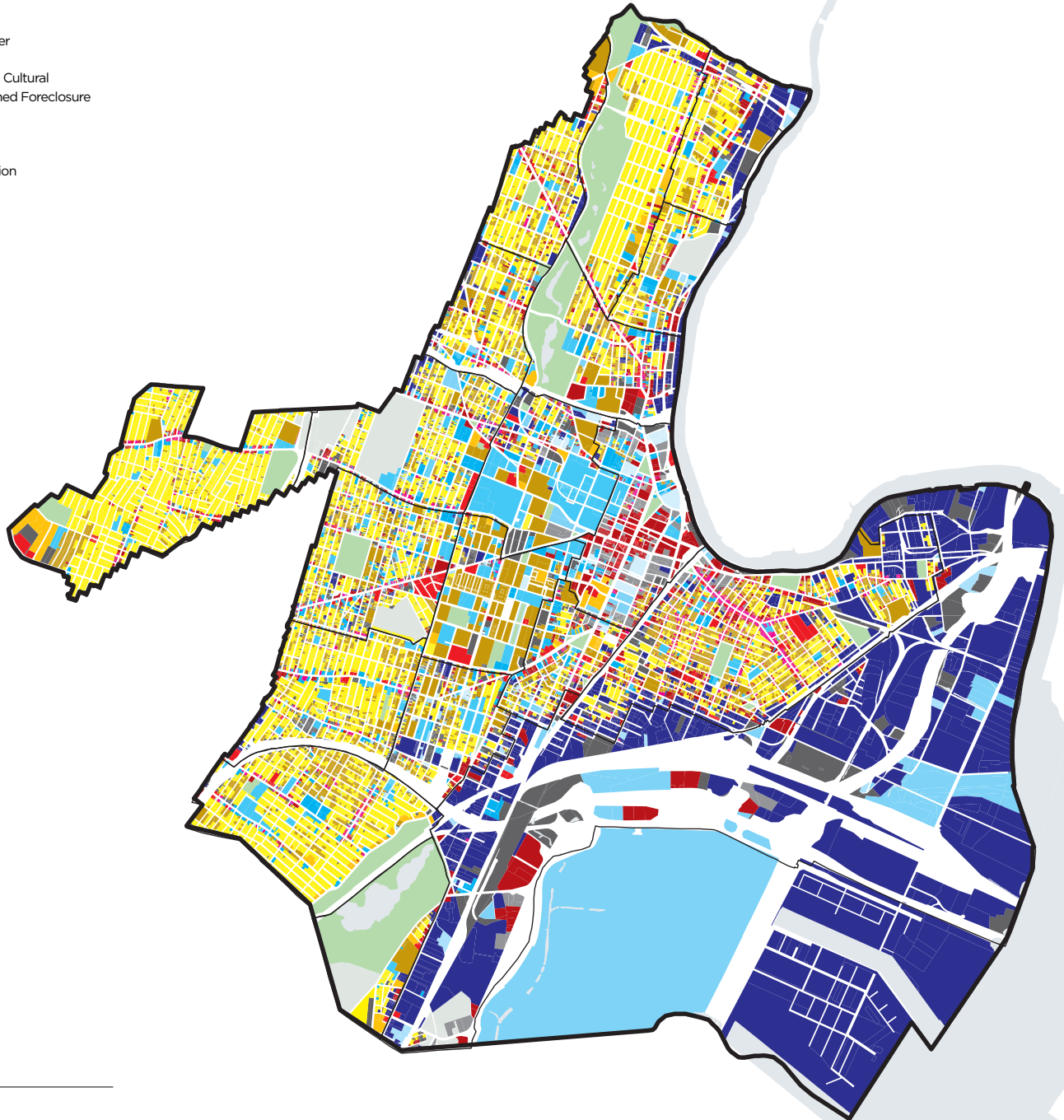
The Land Use Element is the document that provides the basis for any changes to the current Zoning Ordinance, consistent with the requirements of the Municipal Land Use Law (MLUL). It builds upon recent planning efforts and is intended to further the goals and objectives of this Master Plan. More specifically, the Land Use Element recommends numerous changes to the Zoning Ordinance and other development regulations in support of these objectives, including sweeping reform in the use of redevelopment plans to regulate development.

The Land Use Element consists of four main parts: (1) an analysis of key development and demographic trends; (2) a thorough overview of existing land uses throughout the city; (3) a summary of existing development regulations; and (4) a Future Land Use Plan with recommendations for implementation.

**Over the past three decades, most development projects in Newark have been undertaken through redevelopment plans or variances – processes that circumvent the Zoning Ordinance**

**FIG 11.4:** Existing Land Uses

Newark, NJ, 2011



Source: City of Newark

Orientation

Scale



0 1 mi.

## 04. Future Land Use Plan

The Future Land Use Plan and accompanying Map provide a framework for development in Newark over the next 10 to 20 years and serve as the basis for any amendments to Newark's Zoning Ordinance and other development regulations. The recommendations contained in the Plan are based upon an analysis of existing land use and zoning patterns, consideration of demographic and development trends, discussions with City staff and agencies, review of community input, and coordination with the other Master Plan Elements' recommendations.

The Future Land Use Plan has five general categories of land use designations: Residential, Commercial, Industrial, Downtown, and Other, which are shown on the Future Land Use Map (Figure 11.6). Overlay land use designations are shown on Figure 11.8. In all, there are 27 separate recommended land use designations that are proposed for implementation by modifying the City's Zoning Ordinance and Map. Figure 11.7 provides a side-by-side comparison of existing and proposed zoning districts at a summary level.

The following section includes general categories of recommended uses and bulk standards for each land use designation. The implementing zoning will include more detailed regulations for use and bulk for each zoning district. Uses recommended to be permitted in all zoning districts are municipal uses and public parks, playgrounds, gardens, and open space.

*For Future Land Use Maps at the scale of each neighborhood, please refer to the Neighborhoods Element.*

### Residential Land Use Designations

Six separate residential land use designations are recommended, whereas Newark's current Ordinance has only four residential zoning districts. The intent in adding two additional designations is to recognize and differentiate between the varied types of housing that exist or are being built in Newark. Permitted uses and major bulk standards recommended for each of the land use designations are listed after the description of each category.

It is recognized that there is some overlap between the categories, as residential uses are permitted in a few non-residential districts,

and a few non-residential uses are permitted in residential districts. However, the land use categories described in this section are primarily residential. Uses recommended to be permitted in all residential land use designations include primary and secondary schools, community gardens, and community facilities, which are supportive of and compatible with residential uses. Supplemental zoning regulations for such uses are recommended to ensure their compatibility with residential uses and to mitigate potential impacts, and thus such uses may be permitted only as conditional uses in accordance with certain specified standards. Appropriate parking regulations and building and site design standards should be provided in the zoning that implements these recommendations.

Home-based occupations should be permitted in all residential districts and subject to strict standards to ensure they will not be visible from the exterior. (Home-based occupations are occupations carried out entirely within the home by the resident of the home only, where there is no visible sign of such occupation from the exterior, no excessive fumes or noise, no additional traffic or parking generated, and no additional employees.) In certain districts, and confined to major roads where access and parking are available, home professional offices should be permitted. (A home professional office is the ancillary use of an owner-occupied single-family residence as the owner's professional office.)

Finally, while one of the most important objectives of adopting new and clearly articulated regulations for different housing types in various land use designations is to protect the existing character of stable and developed areas from illegal conversions, the only method whereby such conversions can be prevented is through thorough and diligent enforcement of the City's new zoning laws, and a toughening of land use policies towards variance applications and rezoning requests. This Land Use Element strongly recommends such enforcement, and discourages actions that might undermine its intent and purpose.

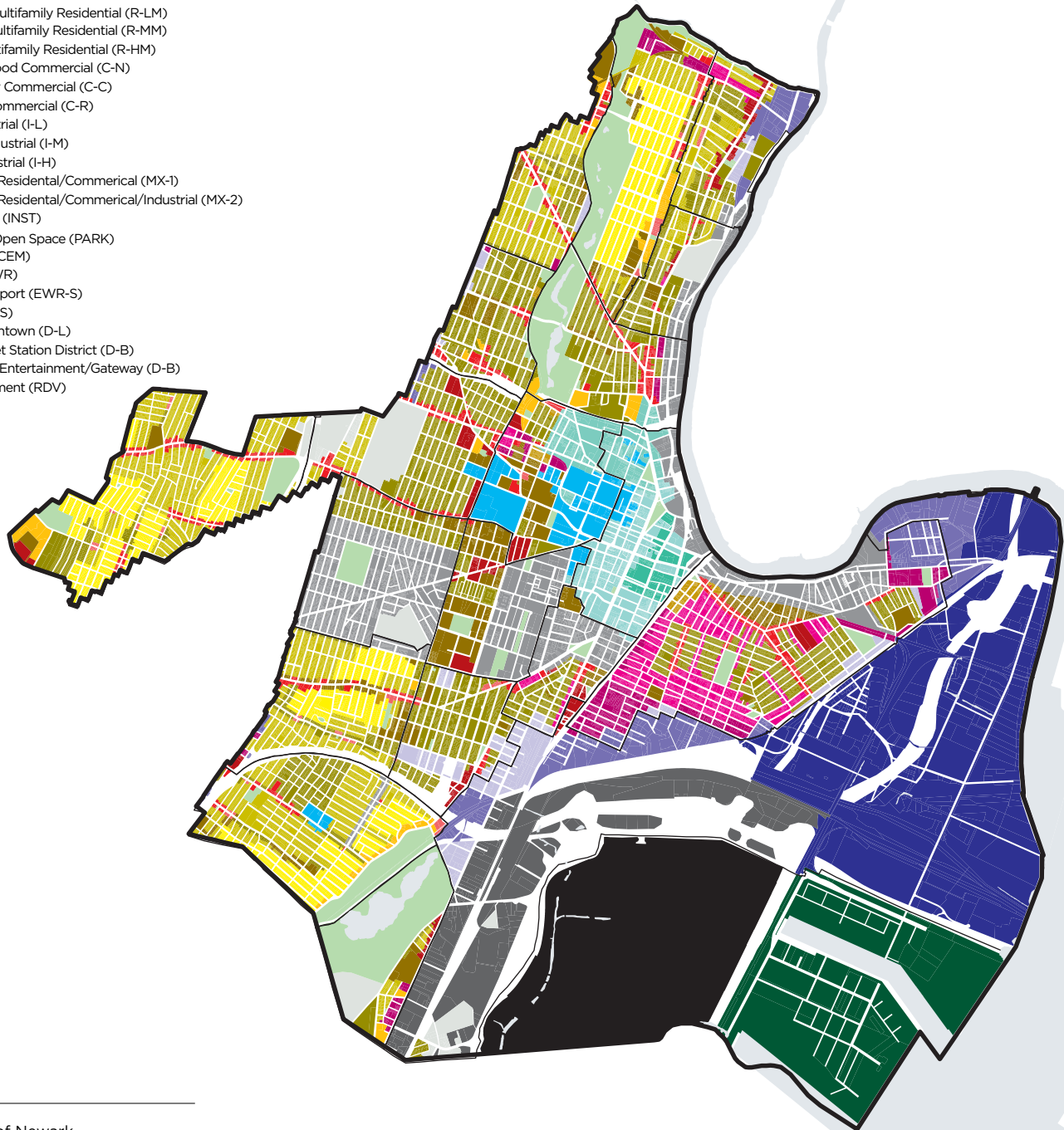
#### R-1F Detached Single-Family Residential

The purpose of this designation is to recognize Newark's established single-family residential neighborhoods and to protect those areas from inappropriate intrusions. With a diminishing supply of truly detached single-family homes, the City will work to stabilize and



**FIG 11.6:** Future Land Use Plan  
Newark, NJ, 2011

- Detached Single-Family Residential (R-1F)
- Single- and Two-Family Residential (R-2F)
- One- to Three-Family and Townhouse Residential (R-2F)
- Low-Rise Multifamily Residential (R-LM)
- Mid-Rise Multifamily Residential (R-MM)
- Hi-Rise Multifamily Residential (R-HM)
- Neighborhood Commercial (C-N)
- Community Commercial (C-C)
- Regional Commercial (C-R)
- Light Industrial (I-L)
- Medium Industrial (I-M)
- Heavy Industrial (I-H)
- Mixed Use, Residential/Commercial (MX-1)
- Mixed Use, Residential/Commercial/Industrial (MX-2)
- Institutional (INST)
- Parks and Open Space (PARK)
- Cemetery (CEM)
- Airport (EWR)
- Airport Support (EWR-S)
- Port (EWR-S)
- Living Downtown (D-L)
- Broad Street Station District (D-B)
- Downtown Entertainment/Gateway (D-B)
- Redevelopment (RDV)



Source: City of Newark

Orientation

Scale



0 1 mi.

**FIG 11.7** Comparison of Existing and Proposed Zoning Districts  
Newark, NJ, 2012

Category	Existing Zoning Districts	Proposed Zoning Districts
<b>Residential</b>	R1 First Residential R2 Second Residential R3 Third Residential R4 Fourth Residential	R-1F Detached Single-Family Residential R-2F Single- and Two-Family Residential R-3F One- to Three-Family and Townhouse Residential R-LM Low-Rise Multifamily Residential R-MM Mid-Rise Multifamily Residential R-HM High-Rise Multifamily Residential
<b>Commercial</b>	B1 First Business B2 Second Business B3 Third Business B4 Fourth Business	C-N Neighborhood Commercial C-C Community Commercial C-R Regional Commercial
<b>Industrial</b>	I1 First Industrial I2 Second Industrial I3 Third Industrial	I-L Light Industrial I-M Medium Industrial I-H Heavy Industrial
<b>Downtown</b>		D-L Living Downtown D-B Broad Street Station District D-E Downtown Entertainment/Gateway
<b>Other</b>	H Hospital	RDV Redevelopment MX-1 Mixed Use, Residential/Commercial MX-2 Mixed Use, Residential/Commercial/Industrial INST Institutional EWR Airport EWR-S Airport Support PORT Port PARK Parks and Open Space CEM Cemeteries
<b>Overlays</b>	Downtown Family Restaurant and Entertainment Overlay	O-A Airport Safety Overlay O-H Historic District Overlay O-E Entertainment Overlay

three-family homes would only be permitted on preexisting lots of 3,500 square feet. For new lots created through land subdivision, the minimum lot size would be 3,500 square feet for detached single-, two-, and three-family dwellings. For attached units, whether single-, two-, or three-family (or row houses or townhouses) the maximum permitted density for new development would be in the range of 15 units per acre for single-family units and 40 units per acre for three-family units. Heights of three stories or 35 feet would be permitted.

While existing residential buildings with more than three stories and/or more than three units are not permitted in this district, the Master Plan recognizes their value in serving the housing needs of the community, and that their retention could be consistent with the overall goals and objectives of the Master Plan for the purposes of evaluating variances.

The R-3F designation is provided in all wards of the city and in every neighborhood except for the downtown and the Newark Industrial District. Significant concentrations are located in Mount Pleasant and Upper Broadway in the North Ward; Belmont, Lower Broadway, Lower Roseville, University Heights, and West Side in the Central Ward; Fairmount, Lower Roseville, and Vailsburg in the West Ward; Lower Clinton Hill, Upper Clinton Hill, and Weequahic in the South Ward; and the Ironbound and Lincoln Park in the East Ward.

#### Permitted Uses

- Detached single-, two-, and three-family dwellings
- Attached single-, two-, and three-family units, row houses, and townhouses

- Community centers as a conditional use
- Daycare facilities as a conditional use
- Places of worship as a conditional use
- Urban farms as a conditional use
- Uses permitted in all districts (municipal uses, public parks, playgrounds, gardens, and open space)
- Uses permitted in all residential districts (home-based occupations, primary and secondary schools, community gardens)

#### Key Bulk and Design Standards

- Minimum lot area, detached single- and two-family: 2,500 square feet (on preexisting lots) and 3,500 square feet (on new lots created by subdivision)
- Minimum lot area, detached three-family homes: 3,500 square feet (on existing or new lots)
- Maximum building height: three stories or 35 feet
- Parking: one space per residential unit, but parking is not required if the site is within 1,200 feet of Broad Street, Penn, or Newark Light Rail stations, or if the lot has area of less than 5,000 square feet and has frontage exclusively on a collector or arterial street

### R-LM Low-Rise Multifamily Residential

This land use category permits a range of housing types and sizes, with larger buildings permitted on more sizable lots. It is mapped in locations where more intense residential development can be accommodated, yet where building heights should be kept relatively low. This designation is applied to those areas of Newark that have been developed with multifamily residential developments of four stories or less, and where such development is recommended to occur. There are historically different types of structures that have been developed in Newark that fall within this category. The first are small structures on individual lots – sometimes freestanding and sometimes attached to a similar building on the adjacent lot – in which there are two or more apartments per floor. These buildings tend to be brick or masonry with flat roofs and built at the street line. The second type are garden apartments comprised of a series of individual buildings or linked buildings containing two or three stories with a pitched roof; these are typically set back from the street and side lot lines and are surrounded by open space. The third type consists of more modern apartments, typically brick or masonry with flat or pitched roofs, which were built by the Newark Housing Authority or non-profit groups. Some of the subsidized housing being built in Newark today is in the form of low-rise multifamily apartments, and sites where this housing is to be located also fall within this designation.

Standards for detached and attached one-, two-, and three-family dwellings and for row houses and townhouses would be the same as indicated for the R-3F designation. New multifamily apartment buildings within this designation would permit a building height of four stories and a density of 60 units per acre. In addition, home professional offices, nursing homes and assisted living residences would be permitted in this designation as conditional uses. Conditional use standards will be designed to allow such uses only in appropriate locations and to limit their impacts on residential uses, such as through stricter requirements for home professional offices for medical and dental practitioners than for other professions.

Areas where there are significant concentrations of land designated R-LM include the Belmont and University Heights neighborhoods in the Central Ward, as well as the northern part of the Ironbound. Other sites also exist in the Dayton, Fairmount, Forest Hill, Lower Broadway, Lower Clinton Hill, Mount Pleasant, Upper Clinton Hill, Upper Roseville, Vailsburg, Weequahic and West Side neighborhoods.

#### Permitted Uses

- All permitted uses in R-3F
- Low-rise apartment buildings
- Ground-floor retail, service, and office uses permitted as conditional uses
- Home professional offices as a conditional use
- Nursing homes and assisted living as conditional uses

#### Key Bulk and Design Standards

- Maximum building height: four stories
- Parking: one space per residential unit, but parking is not required if the site is within 1,200 feet of Broad Street, Penn, or Newark Light Rail stations, except in developments with more than 50 units

### R-MM Mid-Rise Multifamily Residential

This designation is mapped in a few select locations in the vicinity of transit stations. Its purpose is to promote more intense residential development within walking distance of transit and other services – but in locations not suited for high-rise residential. In addition, this designation is mapped in one location in Upper Clinton Hill where mid-rise residential already exists. While the primary focus of development in this designation is mid-rise residential with a height limitation of eight stories, office, retail, and supportive service establishments (such as gyms and health clubs) would be permitted on the ground floor. In addition, live-work space would also be permitted, along with certain other uses as conditional uses.

In designating the mid-rise and high-rise residential designations, the Master Plan recognizes the importance of locating higher density residential development close to public transit facilities, wherever appropriate. As with all of the residential designations, parking is not required to be provided for developments located proximate to transit stations, except in projects over a certain size. Any parking that is provided should be appropriately screened, whether a surface parking lot or located within a building.

#### Permitted Uses

- Low-rise apartment buildings
- Mid-rise apartment buildings
- Live-work space
- Daycare facilities as a conditional use
- Ground-floor retail, service, and office uses permitted as conditional uses
- Home professional offices as a conditional use
- Nursing homes and assisted living as conditional uses
- Places of worship as a conditional use
- Uses permitted in all districts (municipal uses, public parks, playgrounds, gardens, and open space)
- Uses permitted in all residential districts (primary and secondary schools, community gardens)

#### Key Bulk and Design Standards

- Maximum building height: eight stories
- Parking: one space per residential unit, but parking is not required if the site is within 1,200 feet of Broad Street, Penn, or Newark Light Rail stations, except in developments with more than 50 units

#### R-HM High-Rise Multifamily Residential

This designation provides for existing and new mid- and high-rise residential development in locations appropriate for higher densities, such as in the vicinity of transit stations and on heavily traveled roads. This designation is applied primarily to individual parcels where mid- or high-rise housing exists, or areas where mid- or high-rise housing is the predominant form of housing. Mid-rise multifamily housing (i.e., apartment buildings of five to eight stories in height) are permitted as-of-right in this designation. High-rise multifamily housing (i.e., buildings over eight stories in height) would be permitted by conditional use in this designation, with a limit of 20 stories. While the intent of the designation is to allow mid- and high-rise housing, low-rise housing is also permitted, as in some cases taller buildings may not be feasible.

Minimum lot size standards for attached and detached one-, two-, and three-family dwellings, row houses, and townhouses would be the same as those permitted in the R-LM designation. New mid-rise apartments would be permitted at a density of 100

units per acre, with a maximum height of eight stories. High-rise apartment buildings of nine stories or more would only be permitted by conditional use, with a maximum permitted height of 20 stories. As with all of the residential designations, parking is not required to be provided for developments located proximate to transit stations, except in projects over a certain size. Any parking that is provided should be appropriately screened, whether a surface lot or located within a building.

This designation is applied to areas located in Lower Roseville, Upper Fairmont, and Vailsburg in the West Ward; Forest Hill, North Broadway, and Upper Roseville in the North Ward; Lower Broadway and University Heights in the Central Ward; and Dayton and Weequahic in the South Ward.

#### Permitted Uses

- All permitted uses in R-MM
- High-rise apartment buildings (nine stories or more): permitted by conditional use

#### Key Bulk and Design Standards

- Maximum building height: eight stories, except high-rise apartments permitted as conditional use; maximum height of up to 20 stories depending on lot size
- Parking: one space per residential unit, but parking not required if the site is within 1,200 feet of Broad Street, Penn, or Newark Light Rail stations, except in developments with more than 50 units

## Commercial Land Use Designations

Three separate commercial land use designations are provided for in the Future Land Use Plan. Newark's current Zoning Ordinance has four business zone districts, which includes the downtown. The Future Land Use Plan places the downtown in a separate category, as it is covered by various existing redevelopment plans. The intent under the Future Land Use Plan is to reorganize the commercial designations to be more in keeping with not only the distinct characteristics of the predominantly retail areas that have historically developed in Newark but also those which are currently being developed. The amount of land included in the three commercial land use categories has been significantly reduced from the existing zoning. The purpose of this reduction is to focus retail development in a smaller number of stronger commercial areas.

The three commercial designations – Neighborhood Commercial (C-N), Community Commercial (C-C), and Regional Commercial (C-R) – are essentially retail designations. While all three would



also permit other non-retail development, such as residential or office development above ground floors, the intent is to provide retail establishments to serve the residential populations in the neighborhoods of which they are part, or motorists traveling through the city. The development intensities vary in these three designations.

There are differences between the designations in terms of retail uses permitted within each district. For example, auto-related retail (e.g., gas stations, service and repair facilities, automotive sales, etc.) would only be allowed in the C-R designation and would not be permitted in any of the other designations. At the same time, some retail uses, such as convenience stores, would be permitted in all designations since they serve residents in the neighborhood, passing motorists, and downtown employees and visitors.

Each of the commercial designations is intended to promote a different physical form. The C-N designation is applied to clusters of small retail establishments typically found at the corners of collector roads in the midst of residential areas. The C-C and C-R designations are found in linear form along portions of the major arterial roadways originating in the downtown and passing through Newark's neighborhoods to join with communities beyond Newark, particularly on larger sites.

The commercial designations also encourage non-retail uses, particularly residential and office uses above ground floors. Civic, cultural, and entertainment uses are also permitted in most designations. It should be noted that whereas cultural and entertainment uses are to be encouraged in several of the commercial designations, certain types of uses that have the potential to disturb adjacent residential districts, including nightclubs, bars, and taverns, must be strictly controlled. This would require their being permitted as conditional uses only with stringent requirements relating to noise, parking, outdoor use, and hours of operation. Other commercial uses that have the potential to disrupt the quality of life or stability of a residential or commercial neighborhood, such as liquor stores, check-cashing establishments, and labor pool dispatching operations, would also be strictly controlled through conditional use regulations. Deviations from these conditional use standards through variances are to be strongly discouraged.

### **C-N Neighborhood Commercial**

The purpose of this designation is to allow for convenience retail and service commercial uses to serve the population of the immediate surrounding area. This designation is applied to isolated, small-scale, and local convenience-oriented retail clusters serving local neighborhoods within predominantly residential areas. These

types of establishments are typically located on the corners of the intersections of collector streets or clustered in small groups along such collectors. The intent is to retain, strengthen, and consolidate such neighborhood-oriented shopping areas by restricting the extent of the commercial designations to a "node" rather than a "corridor" in the midst of, and accessible to, residential areas.

Uses permitted under this designation would be restricted to convenience-type retail establishments – such as those providing goods or services needed by residents on a daily basis – where proximity to housing is key. In physical form, development to the streetline is permitted and attached buildings (i.e., no side yard set backs) would be permitted. Up to four stories would be permitted to allow the upper floors to be utilized for small office uses or as residential apartments. Since trips are of short duration, parking would be provided on the street; no off-street parking would be required for these retail uses.

The C-N designation is confined primarily to small nodes in portions of neighborhoods not served by the two more intense commercial designations, C-C and C-R.

#### **Permitted Uses**

- Convenience retail/service commercial establishments on the ground floor only
- Residential and office uses above commercial
- Row houses, low-rise apartment buildings, primary and secondary schools, community centers, and private clubs and fraternal organizations are among uses permitted in all commercial zones
- Uses permitted in all districts (municipal uses, public parks, playgrounds, gardens, and open space)

#### **Key Bulk and Design Standards**

- No minimum front or side yards required
- Maximum building height: four stories
- Parking would be provided on-street; no off-street parking required for retail uses

### **C-C Community Commercial**

This designation provides for a broader range of commercial uses serving a larger trade area than neighborhood commercial uses, while restricting uses that require high volumes of vehicular traffic. This designation covers the predominantly convenience-oriented shopping corridors that have developed along Newark's major radial arterials emanating from the downtown. A broad range of commercial uses, including both convenience and specialty retail, are permitted in the C-C designation. However, auto-related retail uses – such as gas stations, automobile service and repair stations,

automobile body shops, automotive sales, and automotive rentals – are not permitted in this designation. This difference in permitted uses is a key distinction between the C-C designation and the C-R designation, which also encompasses some of the same commercial corridors.

The distinction is important for a number of reasons. First, these community commercial corridors tend to have a continuous street wall – shops which are attached to one another and are built out to the street line. This encourages pedestrian traffic, with people either walking from nearby residential areas or parking on the street and visiting multiple stores along these continuous shopping areas. Second, auto-related uses often tend to drive higher-quality retail uses from the area. Third, auto-related uses are typically single-story uses without upper-floor uses, and thus are not conducive to creating a residential presence that can enliven and strengthen a shopping area.

The areas designated for C-C uses will reduce the extent of the linear corridors that currently permit retail uses. This will help to focus, consolidate, and strengthen these areas in nodes rather than continuous commercial corridors, while at the same time allowing for residential infill uses to provide a more mixed-use orientation. Office uses are recommended to be permitted on both the ground and upper floors in the C-C designation.

The corridors that have portions designated for C-C uses include Bloomfield Avenue, Broadway, Mount Prospect Avenue, and North 6th Street in the North Ward; 18th Avenue, Central Avenue, Orange Street, Sandford Avenue, and South Orange Avenue in the West Ward; Bloomfield Avenue, Broad Street, Broadway, and Park Avenue in the Central Ward; Chancellor Avenue, Clinton Avenue, Elizabeth Avenue, and Lyons Avenue in the South Ward; and Ferry Street, Pacific Street, Pulaski Street, and Wilson Avenue in the East Ward.

#### Permitted Uses

- All permitted uses in C-N
- Specialty retail uses
- Medical and professional offices
- Certain more intense commercial uses (e.g., printers, commercial bakeries) as conditional uses

#### Key Bulk and Design Standards

- No minimum front or side yards required
- Maximum building height: five stories
- Parking would be provided predominantly on-street; off-street parking would be required for developments over a certain size, except within 1,200 feet of Broad Street, Penn, or

Newark Light Rail stations; a maximum parking requirement should be provided

### C-R Regional Commercial

This designation allows for a wide range of commercial uses, which may be of a larger scale and greater intensity than the other commercial designations. This designation would apply to portions of some of the same linear retail corridors identified for C-C designation – but only to sections of those corridors where automotive uses, in addition to convenience and specialty retail, have previously been permitted. The intent is to accommodate automotive uses along with other forms of retail development where they already exist, rather than permitting them to intrude in corridors of the city where they are presently absent (e.g., areas designated as C-C). Aside from automotive retail uses, the remaining types of retail and non-residential uses permitted would be the same as the C-C designation.

The C-R designation also includes parcels that have been developed or are proposed to be redeveloped as shopping centers, or which would be appropriate for such uses. The intent is to recognize and allow for shopping centers to be developed to meet the needs of Newark residents and to stem the leakage of retail dollars from Newark to other communities where residents now shop.

The retail mix in this land use designation would include all types of retail uses found in shopping centers, including movie theaters, and which have a more regional rather than neighborhood orientation. On-site parking would be required under this designation. While other uses, such as office and residential, would be permitted above the ground-level retail floor, in most cases it is anticipated that shopping centers would be single-story and single-use. As in the C-C designation, buildings devoted exclusively to commercial offices would be permitted in the C-R designation.

Areas containing this designation include portions of Broadway in the North Broadway neighborhood of the North Ward; two large parcels, as well as an existing retail strip, in Fairmount and an existing shopping center and adjacent property at the west end of Vailsburg in the West Ward; certain properties in Belmont and University Heights, as well as existing shopping centers in Belmont and Lower Broadway, in the Central Ward; the westerly frontage of McCarter Highway in Lincoln Park and the Newark Industrial District and an existing shopping center in the Ironbound in the East Ward; portions of Frelinghuysen Avenue in Weequahic, parcels in the vicinity of the I-78 ramps in Lower Clinton Hill, and a property on the west side of I-78 and north side of Chancellor Avenue in the South Ward.

## Downtown Land Use Designations

Downtown Newark differs from other areas of the city. It has a mix of uses, greater development intensity, and is home to a number of regional attractions. It is well served by transit, highways, and arterial roads. There has also been extensive planning undertaken for the area: it is guided by a number of recently adopted redevelopment plans, which supersede the Fourth Business District zoning that formerly applied to most of the area.

There are three land use designations for the downtown, which include five existing redevelopment plans described below. These designations cover Newark's existing central business district and are more mixed-use, high-density development designations than primarily retail designations. The intent is to continue to promote a high-density central urban environment with ground-floor pedestrian-oriented retail stores along the major streets running through the downtown, with office and residential uses above ground floors. Taller buildings are permitted and encouraged in most locations. In addition, educational, cultural, sports, and entertainment uses (e.g., museums, galleries, performing arts theaters, movie theaters, sports arenas and stadiums, clubs, and restaurants) and parks and open space are recommended to be permitted. Uses and development designs that do not promote pedestrian activity are not recommended.

Off-street parking should generally be permitted only in structures. Surface parking lots should not be permitted, particularly in locations adjacent to and visible from streets.

One general recommendation is to align use types permitted in some or all redevelopment plans with the use categories in the Zoning Ordinance. This measure would provide for greater consistency between implementation documents and make these documents more user-friendly for residents, property owners, and developers.

Generally, the downtown land use designations encompass all of the area from I-280 in the north down to West Kinney Street in the south, and from McCarter Highway and the Amtrak/NJ Transit railroad in the east to University Avenue and Martin Luther King Jr. Boulevard to the west. They also include all of the Broad Street Station District Redevelopment Area, which encompasses some lands north of I-280 and west to Norfolk Street. Portions of the existing downtown redevelopment areas have been superseded by the recently adopted Riverfront Public Access and Redevelopment Plan

### D-L Living Downtown

The Living Downtown Plan was adopted in 2008. This plan covers a substantial portion of the downtown located generally along Broad and Washington Streets between I-280 and West Kinney Street, but excludes areas included in the Broad Street Station District, Downtown Core District, and Lincoln Park Redevelopment Plans, as well as the Education Center, Newark College Expansion, and Newark Plaza Urban Renewal Plans. This designation includes areas under jurisdiction of the existing Living Downtown Redevelopment Plan, as well as other properties that are recommended be included within expanded redevelopment plan boundaries or have similar development regulations. (Some areas that were covered by the Living Downtown plan have been placed in the jurisdiction of the Riverfront Public Access and Redevelopment Plan.) The regulations of the Living Downtown redevelopment plan should remain in effect, except as noted below.

#### Permitted Uses

- Retail sales of goods
- Beauty salons, barber shops, nail salons
- Restaurants
- Museums, theaters, and art galleries
- Bars, night clubs, dance halls, banquet halls, and recording studios, all with sound proofing insulation installed to ensure compliance with local and state noise regulations
- Building lobbies
- Hotels and hotel lobbies
- Retail banking institutions (without drive-through facilities)
- Parking garages (ground floor retail requirement on certain streets)
- Offices
- Conference facilities
- Residential
- Artist studios
- Live-work spaces that only include permitted uses in the Living Downtown Plan
- Colleges, universities, and educational facilities
- Fitness and health clubs
- Parks and recreation areas

#### Key Bulk and Design Standards

- Most of the regulations of the existing redevelopment plan should remain intact
- One recommended change is to impose a limit on building height, with additional height allowed in exchange for provision of certain community amenities

## D-B Broad Street Station District

This designation includes areas under the jurisdiction of the existing Broad Street Station District Redevelopment Plan, which was adopted in 2009 and includes seven sub-districts with varying regulations. This designation covers the northern end of the downtown and portions of Lower Broadway and University Heights. It is generally located between McCarter Highway, I-280, Norfolk Street, and Central Avenue, with additional lands flanking Broad Street north of I-280 and an area between Raymond Boulevard, Warren Street, and Colden Street adjacent to the NJIT campus. The regulations of this redevelopment plan should remain in effect.

### Permitted Uses

- Retail sales of goods
- Beauty salons, barber shops, nail salons
- Restaurants
- Museums, theaters, and art galleries
- Bars, night clubs, dance halls, banquet halls, and recording studios, all with sound proofing insulation installed to ensure compliance with local and state noise regulations
- Building lobbies, including but not limited to, lobbies for office, residential, or hotels
- Retail banking institutions (without drive-through facilities)
- Parking garages (active ground floor use requirements on certain streets)
- Offices
- Conference facilities
- Residential buildings
- Artist studios
- Live-work spaces that only include permitted uses in the Broad Street Station District Plan
- Colleges, universities, and educational facilities
- Fitness and health clubs
- See redevelopment plan for the full list of permitted uses in each sub-district

### Key Bulk and Design Standards

- See existing redevelopment plan for regulations

## D-E Downtown - Entertainment/Gateway

This designation includes the areas currently within the jurisdiction of the Downtown Core District Redevelopment Plan and the Education Center and Newark Plaza Urban Renewal Plans. (Some parcels in the downtown area that were included in these plans were recently placed in the jurisdiction of the Riverfront Public Access and Redevelopment Plan.) The Downtown Core plan was adopted in 2004 and is focused on the area that includes the

Prudential Center arena and nearby parcels. The original adoption dates of the Education Center and Newark Plaza plans were 1964 and 1963, respectively, although both have been amended in recent years. These plans include the New Jersey Performing Arts Center (NJPAC) and Gateway Center, among other properties.

As these plans provide the statutory basis for the development of three of Newark's major anchors, they should remain in place. However, over time these plans should be updated or even phased out in order to promote planning concepts espoused in the Living Downtown and Broad Street Station District Redevelopment Plans, such as the promotion of pedestrian-friendly streetscapes and mixed-use buildings. Features that detract from active sidewalks, such as skywalks and large blank walls, should be discouraged or prohibited.

### Permitted Uses

- Those uses currently permitted by the existing redevelopment and urban renewal plans
- In the future, uses that do not promote pedestrian activity are not recommended

### Key Bulk and Design Standards

- See existing redevelopment and urban renewal plans for regulations
- In the future, development designs that do not promote pedestrian activity are not recommended

## Other Land Use Designations

Newark's current Zoning Ordinance and Map have only traditional "single purpose" type districts: residential, business (commercial), and industrial. However, there are areas that do not fit into those categories. In addition to the downtown, these include areas with a mix of small-scale residential, retail, and industrial activities, and large educational institutions on whose campuses are buildings devoted to instruction, administration, residency, shopping, and recreation. In many areas of the city, the zoning is superseded by redevelopment plans. Newark also has a large inventory of parks and cemeteries located under several different land use designations. These various other land use designations are described below.

### RDV Redevelopment

Newark currently has over 100 redevelopment areas, which have their own redevelopment or urban renewal plans. These redevelopment areas range from individual lots to many acres. The plans for these areas also vary in terms of how long ago they



**The goal of this Urban Design Element is to outline a framework for the growth of the city and articulate the design standards and guidelines that will regulate future development – in order to ensure that Newark’s essential qualities are preserved and enhanced**

The practice of urban design endeavors to improve the connection between the public and private parts of a city. Cities are a complex mix of public and private pieces. Houses, offices, yards, and stores are generally private, and the diverse appearances of these places reflect their diverse ownership. At the same time, the spaces between these private places – streets, parks, sidewalks, plazas, and transit – are public. The public and private pieces of a city depend on one another to look good and function well.

This Urban Design Element, the first ever prepared for the City of Newark, looks at the types of private structures in Newark – from houses and apartment buildings to grocery stores and office towers – and how they connect with the public spaces of the city. Instead of deciding how specific buildings must look, it establishes a physical framework for private and public development that ensures Newark’s essential qualities will be preserved and enhanced as the city grows. Many of these rules will be implemented through the Zoning Ordinance. Others – including those addressing the design of public works, such as streets and community facilities – will be or are already being implemented as a matter of policy.

The creation of new urban design regulations is a slow process that must take many facts and interests into account. Especially in old cities like Newark, where the physical fabric of buildings and open spaces has evolved over centuries, the challenge is to create rules that preserve the character of a place while allowing new development to help it evolve and shine. Because the challenge of improving the urban design of a city cannot be “solved” once and for all, this Element aims to provoke and support an ongoing discussion between Newark residents and City government about how to improve Newark’s built environment.

impacts of congestion and air pollution on adjacent residential neighborhoods

- Local road improvements should strengthen pedestrian, bicycle, and public transit connections to the District and link residents to employment areas
- Strategic transit planning should enhance connections between Newark neighborhoods and job destinations in the District

**Policy 2.4:** Develop sustainable development guidelines

- Promote green industrial development standards for the District, including but not limited to: industrial ecologies, building and site materials, permeable parking and road surfaces, pedestrian and transportation access, energy generation, waste management, and stormwater management

### Policy 3

## Riverfront

**Redevelop the Passaic River waterfront as a regional recreational amenity with a diverse mix of new development and strong, active street connections to Newark's neighborhoods**

*For more on the below policies, refer to Newark's River: A Public Access and Redevelopment Plan*

**Policy 3.1:** Support riverfront redevelopment to include new housing, offices, retail, industry, and open space in appropriate locations

**Policy 3.2:** Support water-related activities near the river

- Provide water access amenities, new park spaces, and pedestrian connections to the riverfront

**Policy 3.3:** Connect existing neighborhoods to the riverfront through harmonious and walkable development and a safe and welcoming public realm

**Policy 3.4:** Develop design guidelines to protect view corridors and create appropriate setbacks from the river's edge

**Policy 3.5:** Ensure the inclusion of public riverfront access in private redevelopment projects

### Policy 4

## Corridors

**Develop pedestrian-friendly corridors that are the primary visual connections between Newark neighborhoods and support shopping and employment opportunities for residents**

**Policy 4.1:** Support and expand existing nodes of commercial activity on major city corridors by focusing new development in these areas

- New development should support walkable pedestrian areas with ground-floor activity and create a continuous street edge based on building orientation, height, setback, parking, and landscaping standards
- Develop guidelines for short-term uses and infill on oddly shaped and triangular lots on major city corridors that disrupt the street wall and ground-floor activity

**Policy 4.2:** Leverage regional transit for high-density development on corridors

- Locate high-density, mixed-use development near commuter and light rail stations in the downtown and University Heights

**Policy 4.3:** Promote economic growth and job opportunities for Newark residents

- Develop standards for large-format regional retail development on appropriate sites on Springfield, Bloomfield, and South Orange Avenues, as well as South Broad Street, among other places

**Policy 4.4:** Create vibrant, safe, and engaging pedestrian environments

- Develop "complete streets" guidelines for corridors that provide standards for traffic volumes and vehicular speed, street and sidewalk dimensions, lighting, signage, exterior furnishings, bicycle infrastructure, landscaping, and materials
- Consider green infrastructure along key corridors to promote larger regional connections and sustainability practices

**Policy 5****Neighborhoods**

**Provide Newark residents with safe, healthy, and well-connected neighborhoods that they can take pride in and support raising a family**

**Policy 5.1:** Promote safety and healthy living in the built environment

- Provide adequate lighting in public areas and sidewalks
- Direct trucks and other heavy vehicles away from residential streets to minimize exposure to air pollution and accidents
- Create an adequate sidewalk public realm and traffic calming infrastructure to reduce hazards to pedestrians and cyclists
- Develop standards for industrial and manufacturing uses located near residential areas
- Design public realm, transit, and recreation facilities to promote active lifestyles

**Policy 5.2:** Develop active and comfortable neighborhood streets

- Create residential street guidelines that promote human scale in the design of streets and sidewalks and include standards for lighting, landscaping, and materials
- Policy 5.3: Encourage high quality residential development
- Support high quality design for new housing at low, medium, and high densities
- Preserve and promote historic residential buildings
- Policy 5.4: Promote walkable neighborhoods with convenient connections to shopping and safe connections to schools and transit
- Emphasize connections from residential areas to city corridors and smaller scale mixed-use nodes through streetscape improvements and lighting
- Promote safe connections to schools, especially from public transit to schools and from schools to community and recreational facilities

**Policy 5.5:** Beautify the public realm through landscaping

- Plant and maintain trees on every residential street
- Develop planting requirements for different building types

**Policy 5.6:** Create safety from traffic as well as crime by providing adequate lighting in neighborhoods

- Install street lamps at public spaces, pedestrian intersections, along corridors, and on important neighborhood streets, including connections to parks and schools

**Policy 5.7:** Reinforce community and recreational facilities as centers of neighborhood life

- Develop standards for public facilities that promote active street life and are focal points in communities

**Policy 5.8:** Promote a high quality public realm by addressing visual gaps in the built environment

- Develop design standards for parking lots and signage in commercial and residential developments
- Develop guidelines for homeowners for fencing and parking
- Support community efforts to clean up and activate vacant lots.

**Policy 5.9:** Support community initiatives to manage and improve the built environment of neighborhoods, including their relationship to open spaces

- Protect community gardens and urban agriculture
- Support the creation of art in public spaces

**Policy 6****Gateways**

**Promote pride in Newark and enhance development opportunities by creating distinctive visual gateway elements**

**Policy 6.1:** Create public art, such as murals and lighting, at Newark municipal boundaries along major corridors

**Policy 6.2:** Emphasize important views, such as the downtown skyline and the riverfront, at important entrances to the city as seen from:

- National, regional, and local trains
- Regional highway corridors (e.g., I-78, I-95, I-280, US 1&9, NJ 21, and NJ 22)

**Policy 6.3:** Provide information about Newark at kiosks in airport terminals and train stations

**Policy 7****Barriers**

**Develop a more interconnected city street network by addressing barriers created by land uses, infrastructure, parking lots, and vacant land in order to create continuous and active ground-level streets in neighborhoods, to connect neighborhoods to the downtown, and to link the city to the riverfront**

**Policy 7.1:** Ensure new riverfront development includes public access to the Passaic River through upland pedestrian connections and a waterfront walkway

**Policy 7.2:** Develop uses for open green space that is isolated by infrastructure, such as interstate highway ramps, and otherwise not viable for development; uses could include recreation space, gateway elements, or stormwater management (i.e., green infrastructure)

**Policy 7.3:** Improve pedestrian crossings where light rail creates a divide in residential areas and where it forms a barrier between neighborhoods and open space

**Policy 7.4:** Promote development that creates small-scale blocks or reduces the scale of existing superblocks; discourage development that closes streets to create gated cul-de-sacs

**Policy 7.5:** Encourage infill development in areas where more than 50% of the land area is parking

**Policy 8****Environment / Open Space**

**Enhance Newark's park system as a source of pride and a healthy lifestyle for residents by making parks safe, convenient to access, and well-programmed**

**Policy 8.1:** Strengthen pedestrian and bicycle connections to City, County, and regional open space systems

**Policy 8.2:** Encourage new development around parks to enhance the quality of existing and new open spaces through appropriate scale, setback, and height and a high quality of design; encourage the private sector to invest in park development

**Policy 8.3:** Increase the amount of neighborhood open space through the redevelopment of vacant lots as small parks, community gardens, and playgrounds

**Policy 8.4:** Promote the management of public spaces and parks through innovative partnerships with community organizations

**Policy 8.5:** Integrate sustainability policy into the design and management of parks and public spaces to address the heat island effect, stormwater management, and energy-efficient construction, as well as reduce automobile use, among other things

# Building- and District-Specific

## 04. Guidelines and Regulations

### Residential Development

#### General Guidelines

The following guidelines apply to all residential development.

#### Parking

**Goals:** Encourage pedestrian-friendly streets

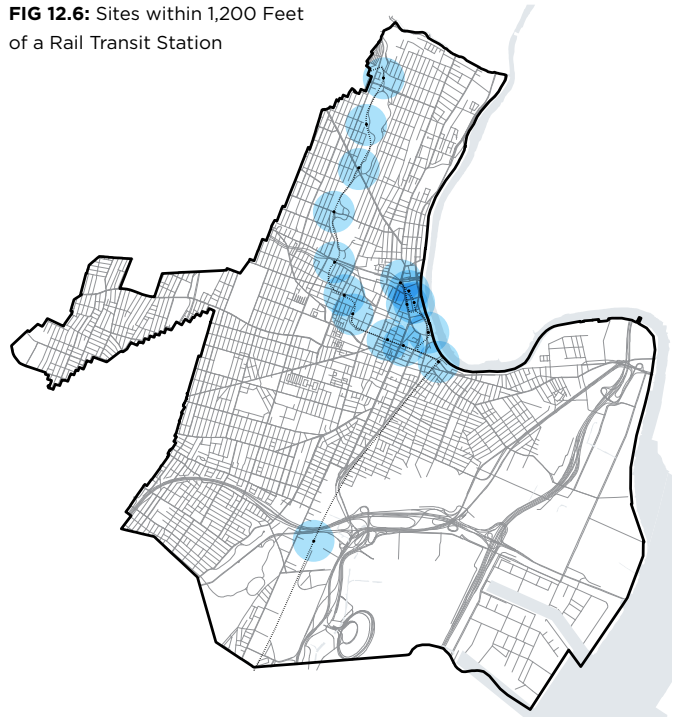
Decrease off-street parking in front of buildings

Maintain a balanced supply of on- and off-street parking

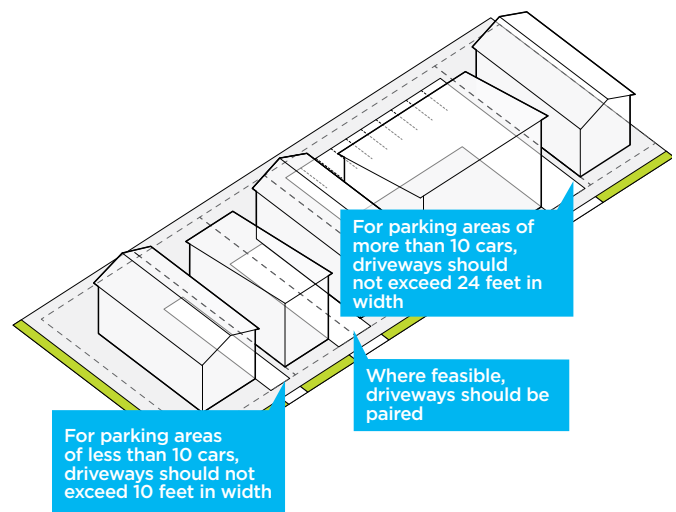
Encourage the use of public transportation

- In order to promote a more affordable and walkable city, parking requirements should be reduced for:
  - » Small sites
  - » Sites along commercial corridors
  - » Sites within a 1,200-foot radius of a rail transit station
- To reduce the impact of parking on the quality of the pedestrian streetscape:
  - » Parking is not recommended in front of or forward of a street-facing façade
  - » Driveway openings on commercial or arterial streets are not recommended for small lots
  - » Driveways should be paired where feasible
  - » Driveways should not exceed 10 feet in width at the front lot line and for its full length in the front yard; driveways for parking areas with 10 or more parking spaces should not exceed 24 feet in width

**FIG 12.6:** Sites within 1,200 Feet of a Rail Transit Station



**FIG 12.7:** Parking and Driveways





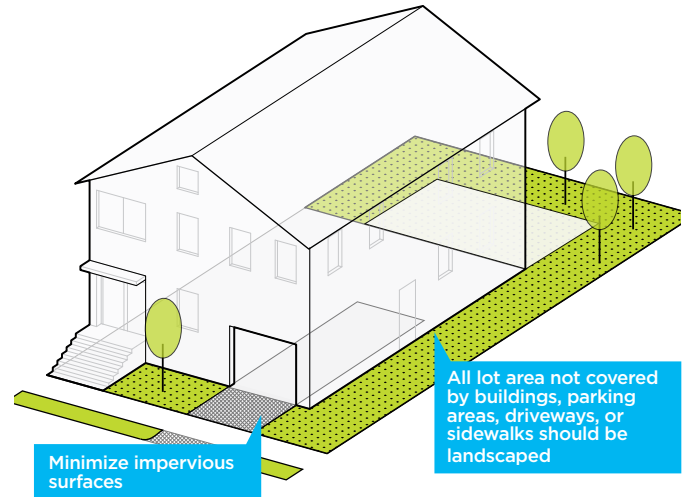
## Landscaping

**Goals:** Encourage greening and the visual enhancement of Newark's streets

Contribute to an ecologically sustainable city through the reduction of paved surfaces and the increased use of planted materials

- All of the lot area not covered by buildings, parking areas, driveways, sidewalks and other impervious surfaces should be landscaped with vegetative land cover, including appropriate plant material, trees, and open areas covered with grass and/or vegetation
- Street trees should be planted for all new development accordance with Newark Division of Traffic and Signals requirements (see Complete Streets guidelines for details)

**FIG 12.8:** Landscaping



## Fencing

**Goals:** Encourage pedestrian-friendly streets

- Fencing should not obstruct views to and from a given property
- Fencing material should be consistent with surrounding buildings and be constructed of wrought iron, picket wood, or tubular metal fencing, brick, stucco, decorative concrete, natural stone, or other similar decorative material
  - » No solid fencing or chain-link fence should be permitted along a public right of way line or in a front yard
- No razor wire, barbed wire, or sharp projections should be permitted in residential, business districts, or industrial districts
- Gates in fencing at walkways and driveways should either:
  - Swing inside private property, or
  - Slide along the property line

**FIG 12.9:**

Fencing

Fencing should not obstruct views to/from a given property

Wrought iron fencing is encouraged, among other materials



1

No barbed wire fencing should be permitted



2

## Architectural Details

### Goals: Encourage high quality architecture and façade compositions

- Local models should be considered in building form, window spacing, architectural detailing, and façade composition
- Building walls should have perceivable thickness, visual interest, and character
  - » A selection of architectural details – such as vertical and horizontal recesses and projections, changes in height, floor levels, roof forms, parapets, cornice treatments, belt courses, pilasters, window reveals, forms, and color – as appropriate to each site can create shadows and texture and add to the character of a building
- Columns and piers should be spaced no further apart than they are tall
- False window mullions should be avoided
- Reflective glass is strongly discouraged
- Entries should be identifiable and prominent
- Balconies should be of sufficient width to be usable
- Balconies facing onto streets should be designed to prevent their use as storage spaces
  - » Railings should be designed to screen the view from the street onto the balconies
  - » Materials should be compatible with materials used throughout the surrounding community
- Ironwork detailing of railings, planters, façade color variations, and streetscape vegetation can create a quality pedestrian realm
- Corner buildings should appropriately treat both street facades
- Corner buildings should be architecturally memorable and distinctive and are encouraged to incorporate towers, corner bays, and/or gables
- All rooftop and ground-level mechanical equipment should be totally screened from view, both from the street and existing or planned neighboring buildings

**FIG 12.10:**  
Architectural  
Details

Corner  
buildings should  
appropriately  
treat both street  
facades



3

Architectural  
details, such  
as vertical  
and horizontal  
recesses, can  
add to the  
character of a  
building

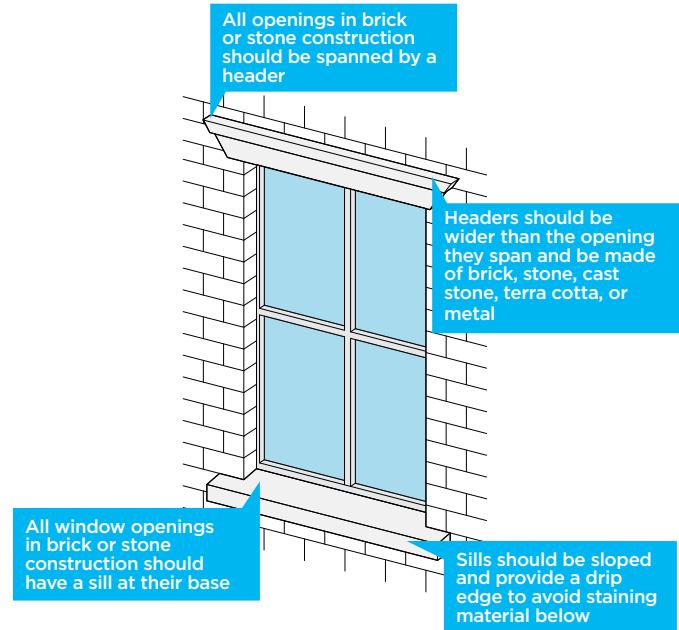


## Materials

### Goals: Encourage high quality architectural details

- Where more than one material is used, traditionally heavier materials (e.g., stone, brick, concrete with stucco, etc.) should be located below lighter materials (e.g., wood, fiber cement board, siding, etc.)
  - » The change in material should occur along a horizontal line, preferably at the floor level
- Veneer finishes should be configured in a way that corresponds with the material's traditional load-bearing configuration
- Buildings should use materials that are durable, economically maintained, and of a quality that will retain their appearance over time
- All openings in brick or stone construction should be spanned by a header
- All headers should:
  - » Use materials with regard to their traditional structural capacity (e.g., veneer finishes should be configured in a way that corresponds with the material's traditional load-bearing configuration);
  - » Be wider than the opening they span;
  - » Be made of brick, stone, cast stone, terra cotta, or metal;
  - » Be in one of the following forms: lintel, arch, and jack arch
- All window openings in brick or stone construction should have a sill at their base, which should:
  - » Be wider than the window opening;
  - » Be generally rectangular in form and sloped slightly away from the window opening to shed water;
  - » Provide a drip edge to avoid staining materials below, and
  - » Be made of brick, stone, cast stone, or terra cotta
- All brick structures should contain a cap, which:
  - » Protects the tops of all brick structures exposed to the weather, including garden walls, stair treads, planter edges, and freestanding brick piers;
  - » Is made of stone, cast stone, terra cotta, or slate;
  - » Provide a drip edge to avoid staining material below, and
  - » Is rectangular or more highly detailed on the edges
- Where side façades are built of a different material than the front façade, the front façade material should extend around

FIG 12.11: Materials



Changes in material should occur along a horizontal line, preferably at the floor level





the corner and along the side façade for a minimum of 18 inches, or where visible from a public street

- Exposed foundation walls (i.e., below the first floor elevation) should be concrete (painted and/or stuccoed concrete block system [CBS]), brick, or natural or manufactured stone
- All chimneys should be finished with brick, stucco, or natural or manufactured stone
- Synthetic stucco (EIFS) and vinyl siding should not be used on visible elements
- Downspouts should match gutters in materials and finish

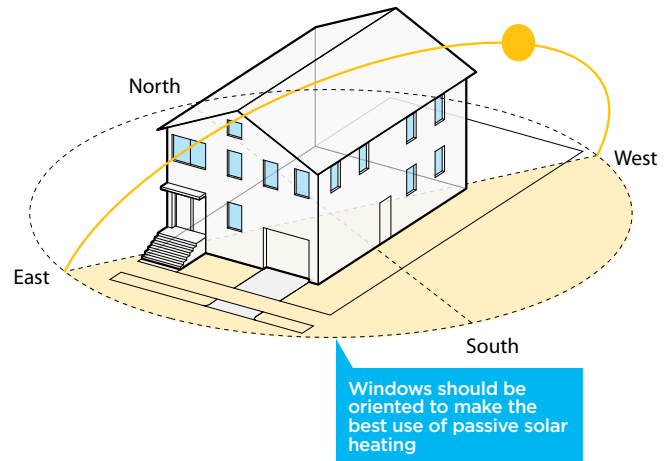
## Sustainability

**Goals:** Encourage environmentally friendly construction

Promote on-site stormwater retention

- The massing of all buildings should be considerate of solar access to neighboring properties, particularly allowing sun during winter months to properties immediately to the north
- Windows should be oriented to make the best use of passive solar heating
- All windows should be operable
- Impervious surfaces in the front and rear of each building should be minimized
- Permeable pavers are encouraged in all paved areas

**FIG 12.12:**Sustainability



Permeable pavers are encouraged in all paved areas



## Mid- and High-Rise Multifamily Residential

The following guidelines apply only to mid- and high-rise multifamily residential buildings in R-MM, R-HM, and D-L land use designations.

### Front Yard

**Goals:** Respect historic city patterns and discourage excessively deep setbacks

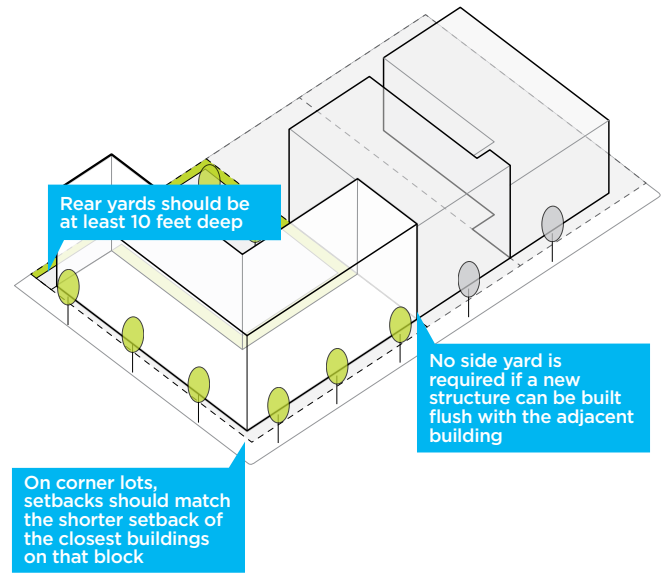
- Front yard setback standards should be measured to the structural front walls of applicable buildings and should not be based on the locations of open or enclosed porches, balconies, or bay windows
  - » Some elements of the façade may be recessed deeper than the required setback to allow for architectural interest
- The front setback of the new structure should match the shorter front setback of the two closest principal buildings on either side of the project site
- Bay windows balconies, stoops, and porches should be permitted to encroach into the front setback area
- For through lots, the street frontage where the closest principal buildings on each side of the lot have the lesser setback should be considered the front yard
- For corner lots, one of the setbacks of the new structure should match the lesser front setback of the closest principal building on that block

### Side Yard

**Goals:** Respect historic city patterns and discourage side yards that are unusable and difficult to maintain

- Buildings should be permitted without side setbacks if the closest building on the adjacent lot is set back at least three feet from the common lot line or if the closest building on the adjacent lot has zero setback from the common lot line and the new structure's wall can be built flush with the adjacent building's wall
- On commercial streets, no side setback is recommended, and the new structure's wall should be flush with any adjacent building walls present

**FIG 12.24:** Front, Side, and Rear Yards



**FIG 12.25:**  
Design

Articulating features modulate the scale of multi-story buildings



Variation in building form should relate to the scale of individual building units or rooms



- No new construction should encroach within three feet of another building's windows or other fenestrations, or block emergency access to those fenestrations
  - » In cases where the side yard setback is to be zero, the setback from the adjacent building's fenestrations should only extend from the location of the fenestration to the rear of the new structure

### Rear yard

**Goals:** Preserve the possibility of a usable and comfortable rear yard

- It is recommended that all lots have a 10-foot minimum rear yard setback

### Height / Massing

**Goals:** Respect the existing heights in higher density neighborhoods

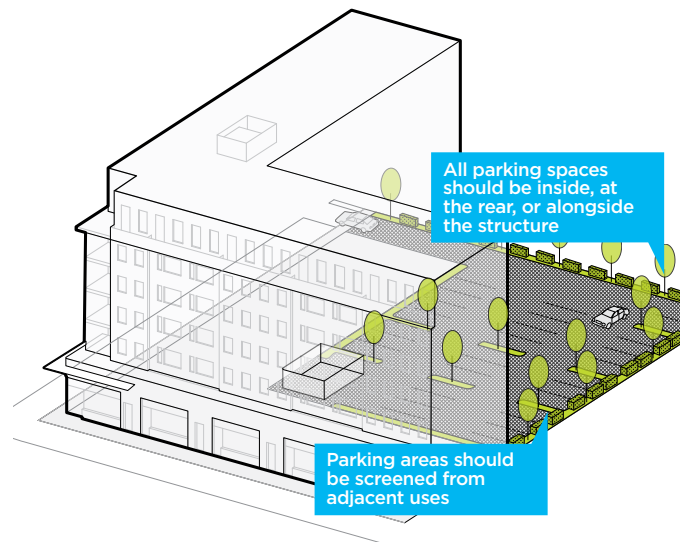
- It is recommended that no mid-rise multifamily building should exceed eight stories and no high-rise multifamily building should exceed 20 stories
  - » Architectural elements, such as towers and cupolas, may break this limit, but not by more than six feet
  - » Mechanical equipment, including solar panels, may exceed this limit but should be appropriately screened

### Parking / Driveways

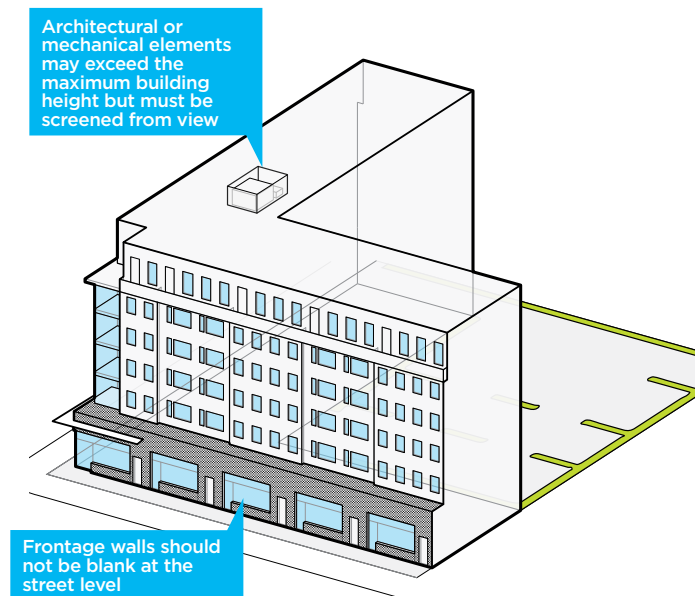
**Goals:** Promote pedestrian-friendly streets

- All parking spaces should be inside, at the rear, or alongside the structure
  - » Front access garages are discouraged
- Tandem parking arrangements up to two spaces deep are permitted only if they serve the same dwelling unit
- Parking areas should be screened from adjacent uses
- Whenever lot sizes allow, a landscaped buffer should be placed between a parking area and the closest property line
  - » The greatest effort possible should be made to design the parking area to accommodate the buffer area
- Parking garages and parking lots with more than 20 spaces should conform to the general parking guidelines described below

**FIG 12.26:** Parking



**FIG 12.27:** Design



## Transparency

**Goals:** Encourage “eyes on the street” to promote neighborhood safety

- The area of transparent windows and doorways on the primary front façade of the building should be maximized

## Landscaping

**Goals:** Minimize the impact of surface parking areas on adjacent properties

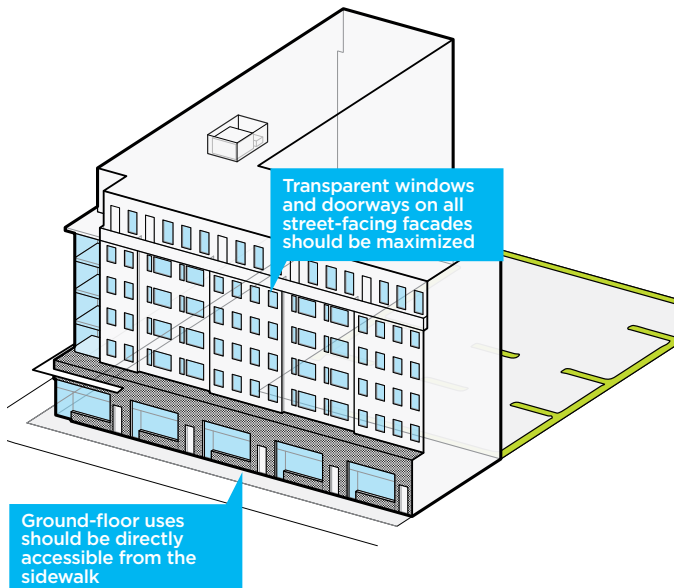
- Any on-site parking spaces should be screened from first- or second-floor residential units with plantings of a hardy (salt-, shade-, and drought-resistant) evergreen hedge-forming shrub variety
  - » Such plantings are not required in those instances where a permitted building or other structure screens such a parking lot
  - » Such plantings should not be permitted within sight triangles of driveways
  - » Such plantings may be substituted by a combination of plantings and walls or other opaque, durable, and decorative permitted fencing that sufficiently screens automobile headlights, provided that opaque fencing or walls are not placed along a lot line bordering a public right of way
  - » Chain link fencing with or without vinyl slats should not be permitted as a substitute for such plantings

## Design Guidelines

**Goals:** Encourage high quality architectural details

- New buildings should incorporate stylistic elements of the neighborhood’s traditional buildings
  - » Contemporary or modern architecture can stand aside buildings of traditional design if designed to respect their neighbors
  - » The color, palette, and scale should be compatible with surrounding buildings
- Spacing between windows and doors should be consistent for adjacent units of the same architectural style, while architectural detailing can vary
- In order to modulate their scale, multi-story buildings should articulate the base, middle, and top, separated by cornices, string cornices, stepbacks or other articulating features

**FIG 12.28:** Design



**FIG 12.29:**  
Materials

Where more than one material is used, traditionally heavier materials should be located below lighter materials



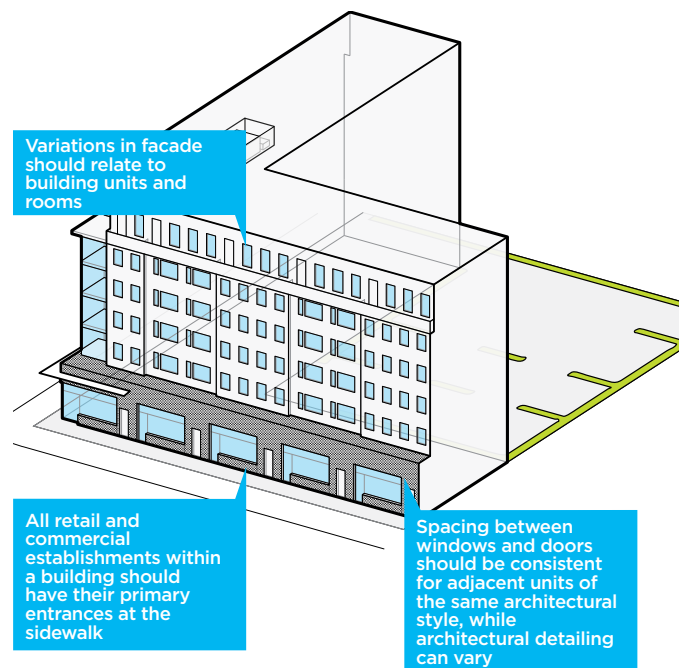


- Variation in building form should relate to the scale of individual building units or rooms, such as recessed or projecting bays, shifts in massing, or distinct roof shape
- Façades should be articulated at minimum intervals of 25 feet
  - » Articulation should be achieved through changes in building plane or features, including but not limited to balconies, columns, bay windows, and pilasters
- Frontage walls should not be blank at the street level
  - » First-floor walls at frontages should have no less than one window per structural bay, and the maximum spacing between window centerlines should be 25 feet
  - » These windows should form a pattern that suggests habitation
  - » Exposed basement walls at frontages should have at least one small window per structural bay, and the maximum spacing between window centerlines should be 25 feet
- All buildings should have a principal façade and entry (with operable doors) that faces the street
  - » Buildings may have more than one principal façade and/or entry
- Buildings should be designed so that the front door – not the garage door – is the most prominent element on the street
- Entries should be marked by stoops, overhangs, and/or architectural features
- Ground-floor units directly accessible from the street are encouraged
- Every apartment and office within a building should be provided with a path to and from the sidewalk that does not pass through a parking garage; this path should serve as the primary, prominent entrance
- All retail and commercial establishments within a building should have their primary entrances at the sidewalk
- So as not to be the most prominent feature, front accessed garages should either be set back from the front façade or recessed into the front façade wall
- Lighting should sufficiently illuminate all areas to prevent “dark corners”
  - » All lighting sources should be shielded to prevent and eliminate any glare
  - » The area of illumination should have a uniform pattern
- Building façades should be finished in more than one finish material
- Facades should be designed so that any expansion joints are rationalized by the logic of the composition, in order to render them less obvious; expansion joint gaps should be colored to match the surrounding wall
- All courtyards should maintain a minimum width-to-height ratio of 1:3 in at least one dimension, in order to avoid light well conditions

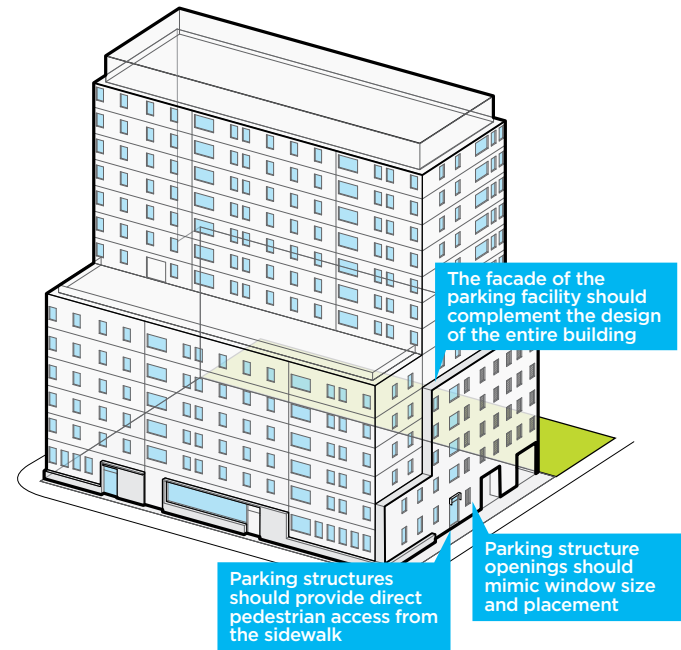
**FIG 12.30:**

Design

Multi-story buildings should articulate the base, middle, and top



- The maximum height from ground level to the uppermost portion of an awning should not exceed the height of the sill or bottom of a second-story window
- If a parking facility is integrated into a mixed-use structure, facade treatment should be designed as a whole, with the parking portion designed to complement the remainder of the building
  - » Except for the main entrance, all exposed facades should be designed to eliminate headlight lamp glare
  - » All garage openings should mimic the designed window size and placement of the rest of the building, using similar design language with decorative gates and fenestration
- Parking structures should be entered through vehicular openings in the frontage line wall of the building – not through gaps between buildings
- Parking structures should provide direct pedestrian access to sidewalks, such that users may exit the parking facility without entering a building
  - » All vertical circulation areas fronting the street should be fenestrated to approximate a residential stairwell and should be lit in the daylight-incandescent range
  - » Parking entrance doors should be of a complementary architectural style as the building and be painted a complementary color as the building
- All trash storage and recycling areas should be placed within parking structures or buildings and should not be visible from outside the building
- All machinery and the mechanical controls for same, including but not limited to transformers, dumpsters, junction boxes, lift stations, electrical meters, condensers, and signal boxes, should be interior to the block and masked from frontages by building elements in a manner consistent with the design of the building (e.g., incorporating false windows and dispersed venting to maintain the window rhythm and building pattern design)
  - » A wall of venting for mechanical rooms should not be permitted
  - » When a mid-block location is incorporated into the project or phase, the above referenced utilities should be located mid-block if technologically feasible

**FIG 12.31:** Parking**FIG 12.32:**  
Materials

Building facades should be finished in more than one materials



## 14. Ironbound

### Neighborhood Description

The Ironbound neighborhood is generally bounded by Miller, Parkhurst, Thomas, and South Streets to the south, Route 1 & 9 and Lockwood Street to the east, Lister Avenue and the Passaic River to the north, and the Amtrak/NJ Transit Northeast Corridor right of way to the west.

The Ironbound is a vibrant, densely populated, mixed-use neighborhood. The center of Newark's manufacturing sector was historically located in the North Ironbound, particularly proximate to Route 1 & 9 to the east, and this industrial heritage is still apparent in some areas of the neighborhood. Home to a variety of ethnic communities over the past century, the Ironbound neighborhood has long attracted new immigrants looking to settle in the city, and continues to do so today. Portuguese and Spanish immigrants began to arrive in the Ironbound in the 1920s, adding to the mix of primarily Polish, Italian, Irish, and German residents. The Portuguese population continued to grow through the 1960 and 70s, soon followed by Portuguese-speaking Brazilians and, more recently, Central and South Americans.

As might be expected in Newark's most dense neighborhood, single-family and two-family residences make up a relatively small proportion of the Ironbound's housing stock; homes are

comprised primarily of two and three-family buildings, with some small apartment buildings scattered throughout. A number of one- and two-family detached infill housing units have been built by the private market in recent years, and some homes on side streets have undergone extensive renovations, illustrating continued investment in the neighborhood. Renovated factory buildings and new construction focused around Penn Station have added to the housing variety, while further increasing housing densities. Entire blocks of former industrial land in the southwestern portion of the neighborhood, proximate to the Amtrak/NJ Transit Northeast Corridor right of way, are being redeveloped with two- and three-family detached box-style homes, typically of three stories with a large garage and driveway in front, though the recession of the late 2000s halted construction, leaving some blocks empty and half-built homes boarded up. There are several Newark Housing Authority developments in the Ironbound, including Millard E. Terrell Homes, a 275-unit development located in the northeastern portion of the neighborhood, comprised of low-rise multifamily apartment buildings built in 1946; Hyatt Court, located south of Terrell Homes proximate to Route 1 & 9, comprised of 406 units within low-rise multifamily apartment buildings built in 1941; and Pennington Court, located on South Street in South Ironbound, comprised of 236 units within low-rise multifamily apartment buildings built in 1939.





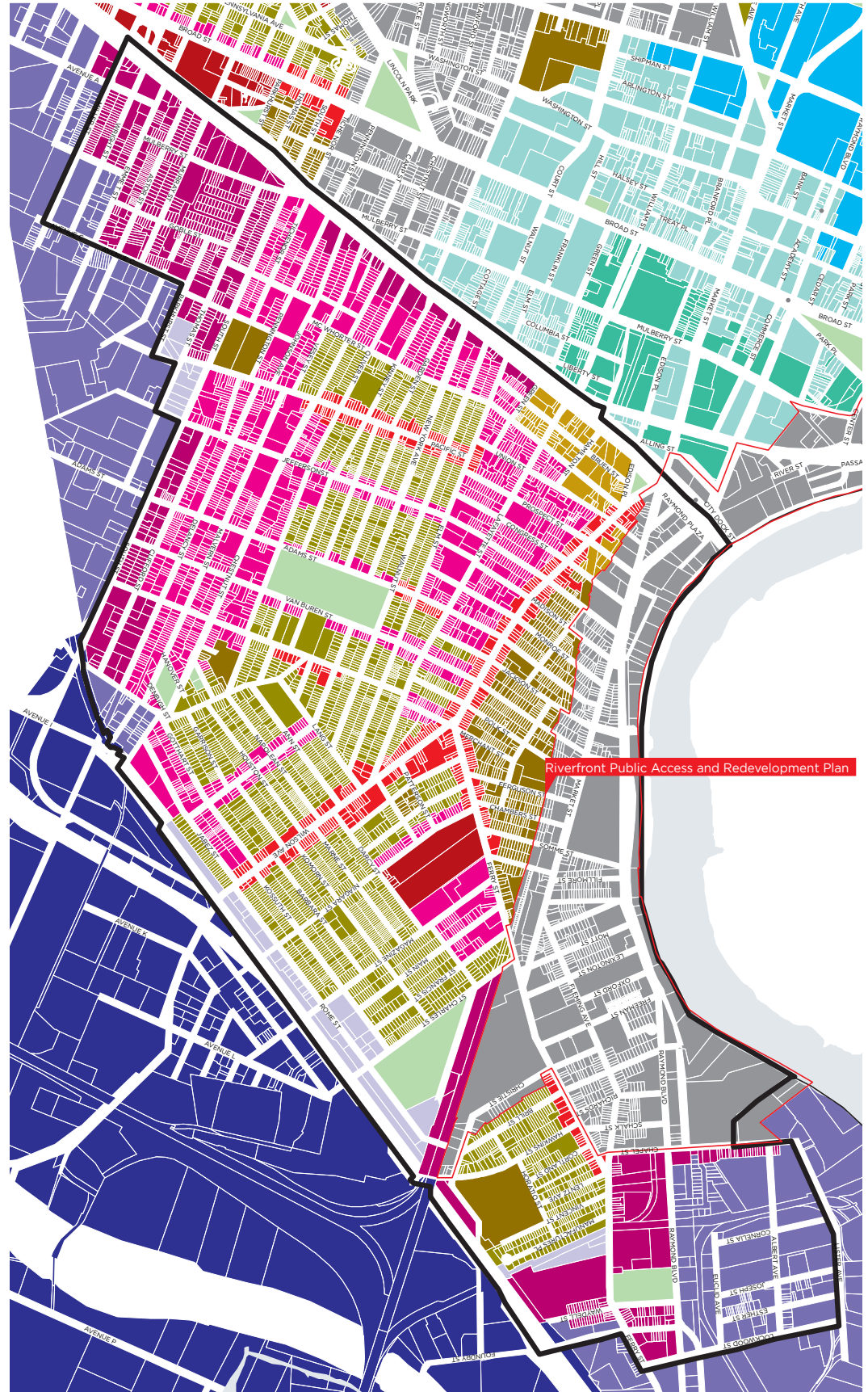
**FIG 12.29: Future Land Use Plan**  
Ironbound, Newark, NJ, 2011



### Zoning Amendments

1. MX-2 in south Ironbound will allow for a range of residential, commercial, and light industrial uses
2. R-3F in central Ironbound south of Ferry Street will allow for a variety of dwelling types
3. R-LM north of Ferry Street will allow for more intense residential development limited by low building heights
4. R-MM will promote higher-density residential development within walking distance of transit, including Penn Station, and other services in the area
5. Industrial land uses will be preserved in the south and east Ironbound to maintain job-producing uses
6. Commercial corridors will be preserved on Ferry Street, Wilson Avenue, and Pacific Street
7. MX-2 corridors will be created on Jefferson Street, Adams Street, Van Buren Street, and New York Avenue
8. The table of uses for industrial and mixed-use districts will be revised to prohibit and/or make conditional certain types of industrial projects based on their anticipated adverse impact on human health

The Riverfront Public Access and Redevelopment Plan addresses land use and design regulations for a large section of the north Ironbound.







The Ironbound's main commercial thoroughfare is Ferry Street; chartered in 1765 to connect Philadelphia and Jersey City (then the town of Bergen), "Old Ferry Street," as it was then called, became a major stagecoach route. Today, Ferry Street is lined with mostly three-story mixed-use buildings, each with a ground floor storefront, and, in some cases, even second floor retail space. There are few vacancies and shops are made up of Spanish, Portuguese, and Brazilian groceries, restaurants, and retail stores. Industrial uses remain in the peripheries of the neighborhood, particularly in the South Ironbound and in the northeast portion of the neighborhood proximate to Route 1 & 9. Adjacent to the Newark Industrial District, the South Ironbound is characterized by moderately sized industrial properties. Proximity to US Route 22, Route 1 & 9, Interstate Route 78, and the New Jersey Turnpike makes the area attractive to trucking, warehousing, freight handling, and distribution companies. There are some vacant and City-owned foreclosed properties scattered throughout the neighborhood, concentrated in the industrial areas, along the waterfront and along the Amtrak/NJ Transit Northeast Corridor right of way in the southern portion of the neighborhood. In addition, brownfields in the South Ironbound have created challenges to redevelopment.

Open space in the Ironbound is limited, and is comprised of Hayes Park, Riverbank Park, Independence Park, and the Ironbound Recreation Center. Though St. James Hospital, located at Jefferson and Lafayette Streets, closed in 2008, the facility continues to operate as a satellite campus of St. Michael's Medical Center, providing non-acute medical services. Additional institutions in the neighborhood include the Ironbound Community Corporation, Salvation Army, the Boys and Girls Club and Senior Center, Community Urban Renewal Enterprise, and the Ironbound

Business Improvement District. Schools include Early Childhood Center of the Ironbound, Newark Preschool Council at Terrell, Pennington, Hyatt Court, and St. Stephen, South Street Elementary School, Oliver Street Elementary School, Lafayette Street Elementary and Annex Schools, Ann Elementary Street School, Wilson Avenue Elementary School, Hawkins Street Elementary School, and East Side High School.

#### Assets

- Neighborhood planning capacity (e.g., Ironbound Community Corporation)
- Strong community-based organizations and active block associations
- Popular retail and restaurants on Ferry Street
- Contains one of three business improvement districts (BIDs) in Newark, the Ironbound Business Improvement District, on Ferry Street
- Recent business façade and streetscape improvements – including paving, trees, lighting, and exterior furnishings – on Ferry Street
- Passaic River waterfront
- Independence and Riverfront Parks
- New paving, trees, lighting, and exterior furnishings on Ferry Street through Streetscape Improvement Program
- Dense and active residential streets
- Access to mass transit at Penn Station
- Access to highways
- Proximity to employment opportunities in industrial and commercial areas

- Recently completed mural at Hawkins Court and Rome Street as result of neighborhood participation in Newark Public Art Program

### Issues

- Contamination of 35-acre Ballantine Brewery site in east Ironbound
- Ground contamination throughout the neighborhood
- Air pollution, congestion, and noise from local industrial uses and heavy truck traffic and idling
- Lack of open space and recreation facilities
- Lack of pedestrian and bike connections between the riverfront and other recreational facilities
- Conflicts between industrial uses and residential development in south Ironbound
- Poor quality of public housing (e.g., Millard Terrell Homes)
- Discontinuous and unsafe pedestrian realm where industrial and residential uses mix
- Need for improved connections to the downtown and riverfront (e.g., along New Jersey Railroad Avenue)
- Negative impact of adult stores
- In more residential areas of the neighborhood, negative impact of liquor stores and bars
- Cell-phone towers
- Need to preserve Victorian architecture and historic buildings, such as Murphy Varnish Oil Factory and churches
- Overcrowded schools with inadequate facilities

- Lack of facilities available for after-school programs and seniors

## Typical Streets

### Residential Street

*Walnut Street between Pulaski Street and Van Buren Street (north side)*

Walnut Street reflects the overall quality of residential areas in the Ironbound, which contain high-density streets that are generally tree-lined but lacking in other streetscape amenities. Housing on this block consists of three-story Victorian and barn-roof style buildings, most of which have been covered with vinyl siding. Every building has a stoop, which is also common in the Ironbound. Buildings are flush with the narrow sidewalk, and while the tree canopy is mature, making the street shady in the summer, it also becomes fragmented where trees interfere with the above-ground power lines and poles. There is on-street parking, and alleys provide access to private rear-yard parking. The church at the middle of the block is indicative of the overall mixed-use character of residential streets in the Ironbound, which have many mid-block institutional and commercial uses, such as restaurants.

### Commercial Street

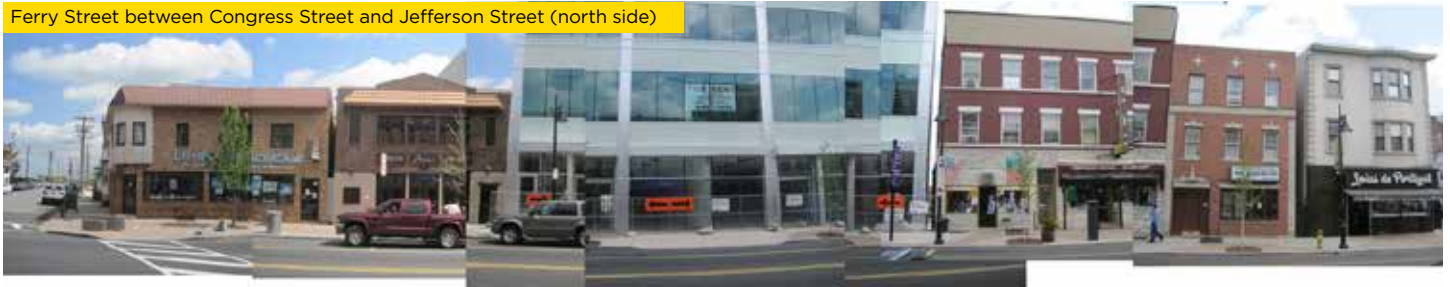
*Ferry Street between Congress Street and Jefferson Street (north side)*

Famously known in the region for its Portuguese, Italian, and other restaurants, Ferry Street is one among several important centers of

Walnut Street between Pulaski Street and Van Buren Street (north side)



Ferry Street between Congress Street and Jefferson Street (north side)



public activity in the Ironbound and the most active retail street in Newark. Ferry Street is visually clamorous with clashing building types, historic and contemporary facade materials, vintage signs, and vinyl awnings, which – along with its consistent street wall, few vacant lots, and retail density – make it both a symbol of neighborhood identity and a destination for visitors to Ironbound.

This block is typical of the entire retail corridor that stretches from the underpass to Penn Station and the downtown in the west to the center of the Ironbound in the east where Ferry Street joins Wilson Avenue. The facade materials on the three- and four-story row houses and apartment buildings include exposed masonry, stucco, and vinyl siding. New construction on this block includes a glass and aluminum panel three-story retail and office building. The mix of uses includes restaurants, formula retail (such as tax preparers and mobile phone stores), and neighborhood retail. Streetscape improvements were recently implemented here, including street trees, lampposts, and consistent exterior furnishings, such as rubbish cans.

## Ironbound Neighborhood Planning

The Ironbound has multiple neighborhood plans created by the Ironbound Community Corporation, including the 2001 Ironbound Community Master Plan and the 2004 East Ferry Street Neighborhood Improvement Plan. The main goals of these plans are to:

- Preserve the physical character and vitality of the Ironbound neighborhood by establishing and enforcing strong design and planning standards
- Control transitions between downtown and the Ironbound to prevent encroachment on the neighborhood
- Create opportunities for growth and redevelopment within commercial areas, while respecting the character of the neighborhood
- Preserve strong industrial areas for environmentally suitable industrial uses
- Permit residential development in appropriate locations at appropriate densities
- Preserve quality of life by protecting residential areas from incompatible uses and activities that generate excessive noise and pollution
- Continue to turn the waterfront into an open space resource for the community, city, and region linked to the neighborhood through green corridors
- Provide sites for new schools, playgrounds, and community facilities
- Link scattered residential areas to the heart of the neighborhood
- Create an environmentally sound community by adding green areas, planting trees, responsibly cleaning contaminated sites, and reducing air and water pollution
- Create a safe environment for pedestrians and users of public transportation
- Relieve congestion through off-street parking garages, resident permit parking, and improved public transportation and bike lanes
- Through the redevelopment of the core block, create a useful, accessible, environmentally healthy center for the neighborhood with new educational, recreational, and cultural facilities, as well as other new compatible uses, such as housing and stores
- Achieve improved vehicular and pedestrian circulation throughout the neighborhood, especially east-west linkages, including cross-linkages through the core block
- Assure the two new public schools to be constructed in the neighborhood are accessible and well integrated into the community
- Relocate incompatible industrial uses in the middle of residential areas to other more appropriate areas
- Restore handsome, old industrial buildings for residential and other uses
- Retain the neighborhood's historic flavor and scale wherever possible
- Encourage new commercial uses on commercial streets, such as Ferry Street, Fleming Avenue, and Market Street, with guidelines for mixed-use development along these streets that maintain the existing fabric
- Strengthen the streetscape along East Ferry Street, extending improvements and retail activity east through the neighborhood
- Focus major brownfield remediation efforts on the many contaminated sites throughout the neighborhood, assuring thorough clean-up and re-use of the sites
- Promote tree planting along streets, extending green corridors from the core of the neighborhood to the Passaic waterfront
- Ensure adequate provision of open space and recreational facilities, especially around the new schools and in areas where new development is occurring
- Maximize development and redevelopment opportunities for desired uses within the neighborhood

## Master Plan Recommendations

### Neighborhood Priorities

#### 14.1 Leverage the Ballantine site for new job-intensive and sustainable light industrial or commercial uses

- Ensure active programming on the Ballantine and NPS site
- Complete the Ballantine redevelopment plan

#### 14.2 Support the development of Ferry Street as a neighborhood- and city-serving corridor

- Continue Ferry Street streetscape and façade improvements eastward

#### 14.3 Complete the development of a continuous riverfront park as defined in the Riverfront Redevelopment Plan

#### 14.4 Identify and pursue development opportunities near Penn Station

#### 14.5 Improve pedestrian and cycling connectivity to Riverbank Park, Hayes Park, the Ironbound Recreation Center, and the riverfront

#### 14.6 Address public safety and pedestrian realm issues created by the mixing of industrial and residential uses, including:

- Truck traffic and idling/emissions, especially near schools
- Flooding
- The Conrail site at “the Cut” (explore potential trail or redevelopment opportunities)

#### 14.7 Pursue resources for brownfield remediation at already-identified priority sites, including the fields at Ironbound Stadium, in the very near term; develop a strategy for obtaining and targeting additional brownfield resources at sites that show the most potential for reducing health hazards and expanding job-intensive business development

#### 14.8 Rehabilitate and reuse abandoned/vacant properties, including formerly contaminated land and abandoned rail rights of way, for open space and recreational facilities

- Explore the potential for an urban farm on the unused NPS site
- Complete remediation and improvements on Field A
- Complete Hayes Pool redevelopment

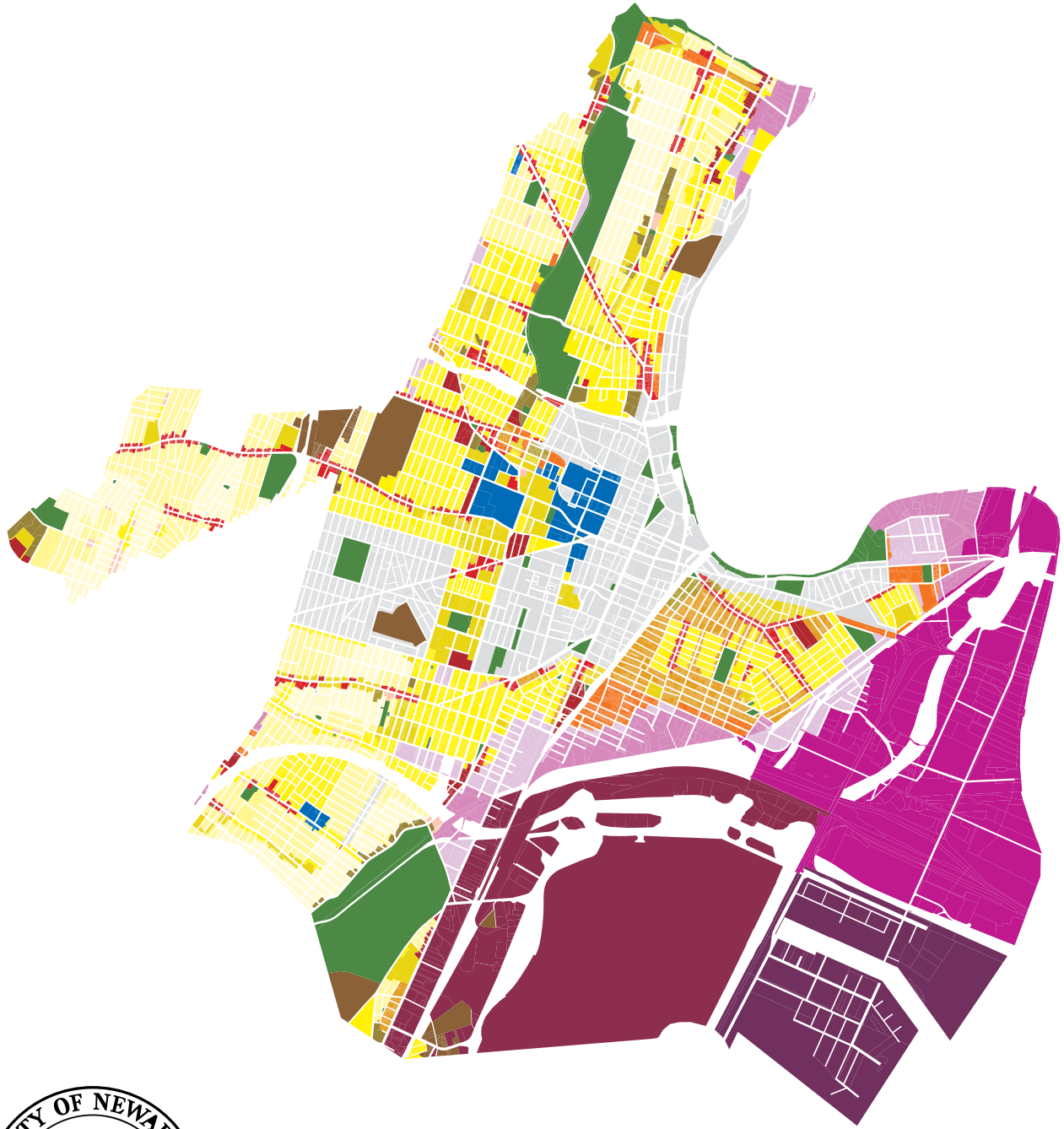
#### 14.9 Rehabilitate and improve the public and low-income housing stock

#### 14.10 Improve access to jobs by extending the Newark Light Rail along the Raymond/Market/Ferry corridor to Doremus Avenue in the port area

## **Exhibit B**



# Newark Zoning & Land Use Regulations



**NPO**  
NEWARK PLANNING OFFICE

November 2014

## Welcome to the Newark Zoning & Land Use Regulations (NZLUR), the rules for what you can build & where you can build it in Newark.

In these pages, you will find the law governing the use and design of buildings in Newark. You will also find regulations for many other parts of Newark's physical environment such as landscaping, parking lots, fences, signs, historic landmarks, and stormwater management.

The Newark Planning Office prepared the NZLUR in 2013 and 2014. While Newark's zoning had not been comprehensively revised since 1954, many things had changed in the following 60 years!

The NZLUR simplifies and modernizes the way Newark's zoning addresses the use of buildings. For example, the NZLUR eliminates outdated uses like leather tanneries and pool halls, and consolidates many uses based on avoiding nuisances and development conflicts.

The NZLUR also sets common-sense standards for how new buildings are designed. These measures grow from the successful 2009 implementation of zoning reforms for Newark's most common building types, two- and 3-family houses, which focused on improving the quality and safety of Newark's streets by setting standards for windows, front set-backs, and the location of primary entrances that keep eyes on the street.

This draft was presented to the Newark Central Planning Board at public hearings September 8 and November 10, 2014, and adopted by the Newark Municipal Council on February 4, 2015.

If you are interested in hosting Newark Zoning Workshop that breaks down these rules and what they mean for your neighborhood, call (973) 733-6333 or email [newarkplanningoffice@gmail.com](mailto:newarkplanningoffice@gmail.com).

## Beginner's Guide

The following resources are included in the NZLUR to help zoning beginners & professionals become familiar Newark's new zoning.

### Page 4 Table of contents

Overview of the NZLUR's contents.

### Page 6 Who Makes Decisions About What Gets Built in Newark?

This diagram, from the Newark Zoning Workshop, shows the process by which someone receives authorization for building in Newark. It provides a quick guide to the roles of the Central Planning Board, Zoning Board of Adjustment, and Landmarks & Historic Preservation Commission. Most importantly, it shows the important roles of the public in this process.

### Page 7 Citywide Zoning & Neighborhoods Map

Use this map to see the overall pattern of zones in the city and to look up the map for your neighborhood on the more detailed maps that follow.

### Page 8-31 Neighborhood Zoning Maps

These maps provide detailed zone maps for each neighborhood in Newark.

### Page 32-49 Introduction to Zones

These one-page zone overviews introduce the general rules for each zone, which are provided in more detail in later NZLUR chapters.

## Chapter 1. Purpose & intent

### 40:1-1. Enumeration of purposes

The purpose of this Title is to promote the health, safety and general welfare of the City of Newark and its people by advancing the purposes of the Municipal Land Use Law set forth at NJSA 40:55D-2 and by ensuring that all land development in the City meets the applicable requirements of Federal, State and local laws. In order to fulfill this purpose, it is the intent of this Chapter to provide regulations that are consistent with the City's Master Plan, that implement the Master Plan's Land Use Plan Element, and that advance the general concepts and recommendations of the Master Plan.

# Table Of Contents

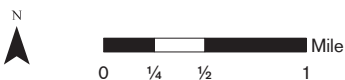
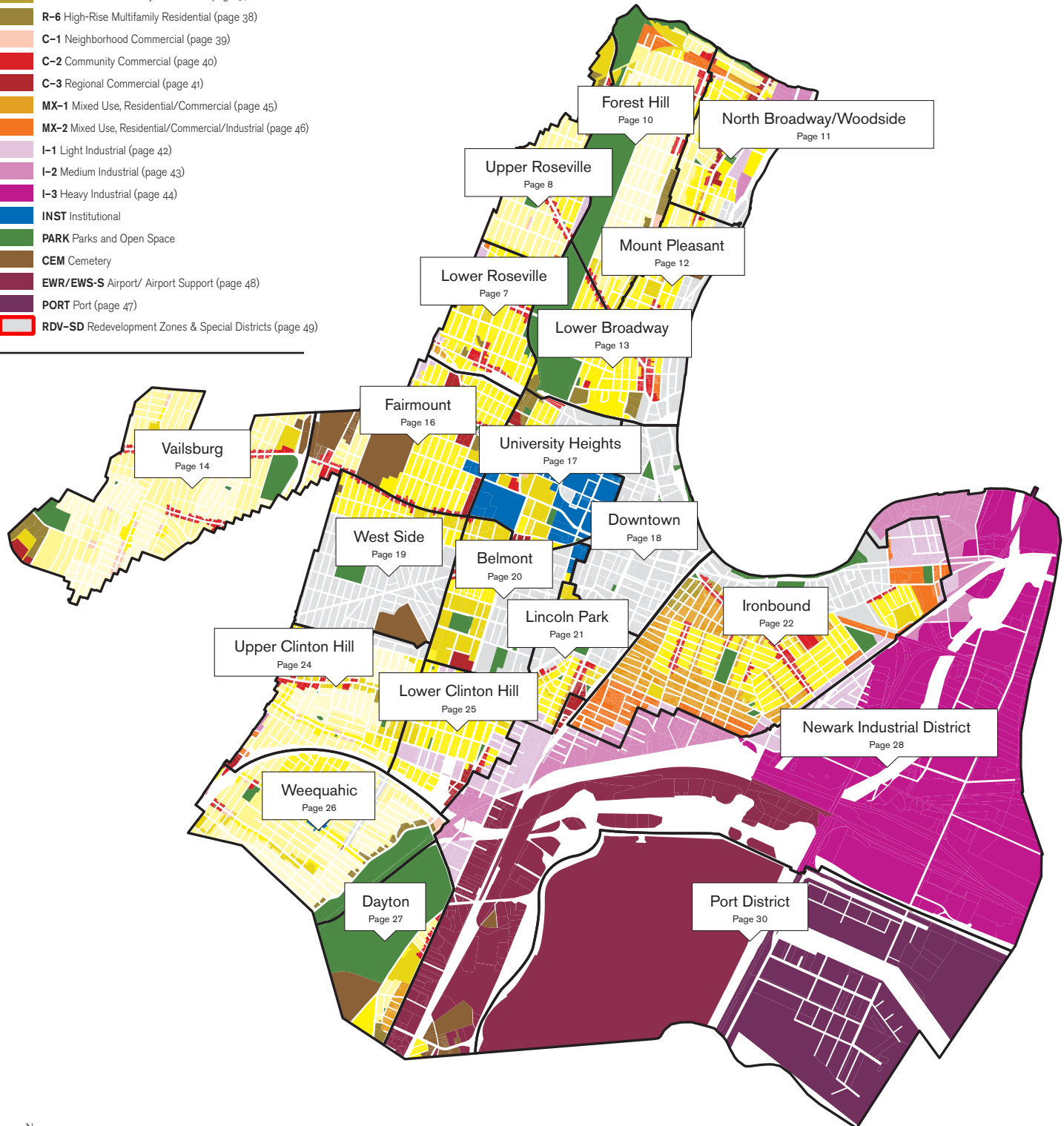
<b>Chapter 1. Purpose &amp; Intent</b>	<b>3</b>	<b>Chapter 8. Design Requirements for Off-Street Parking &amp; Loading Areas</b>	<b>184</b>
40:1-1. Enumeration of Purposes	3	40:8-1. Variances & Waivers	184
<b>Chapter 2. Definitions</b>	<b>50</b>	40:8-2. Location	184
40:2-1. General	50	40:8-3. Off-Street Parking Lots	184
40:2-2. Definitions	50	40:8-4. Off-Street Structured Parking	185
<b>Chapter 3. Zoning Districts</b>	<b>78</b>	40:8-5. Off-Street Parking Landscaping	186
40:3-1. Establishment of Zoning Districts	78	40:8-6. Loading Areas	188
40:3-2. Zoning Maps	7	40:8-7. Bicycle Parking Areas	188
40:3-3. Interpretation of Zoning District Boundaries	78	40:8-8. Driveway Design Standards	189
40:3-4. General Compliance Conditions	78	40:8-9. Buffer Zones	189
40:3-5. New Territory	79	<b>Chapter 9. Signs</b>	<b>192</b>
<b>Chapter 4. Permitted Uses By District</b>	<b>80</b>	40:9-1. Regulations	192
40:4-1. Permitted Uses in Residential Districts	82	40:9-2. Signage Design & Measurement Requirements	195
40:4-2. Permitted Uses in Commercial Districts	84	<b>Chapter 10. Historic Sites &amp; Districts</b>	<b>200</b>
40:4-3. Permitted Uses in Industrial, Airport & Port Area Districts	86	40:10-1. Title	200
40:4-4. Permitted Uses In Mixed-Use & Other Districts	89	40:10-2. Definitions	200
40:4-5. Nonconforming Uses	92	40:10-3. Criteria for Designation	202
40:4-6. Additional Standards	92	40:10-4. Procedures of Designation	203
<b>Chapter 5. Building Bulk &amp; Design Requirements</b>	<b>98</b>	40:10-5. Uses of Designated Properties	203
40:5-1. Permitted Building Types by Zoning District	98	40:10-6. Removal of Designation	203
40:5-2. Bulk & Design Standards for 1-family houses in R-1	99	40:10-7. Actions Requiring Review	203
40:5-3. General Bulk & Design Standards	101	40:10-8. Actions Not Requiring Review	203
50:5-4. Illustrated Bulk & Design Requirements	116	40:10-9. Emergency Repairs	203
<b>Chapter 6. Conditional Use Standards</b>	<b>148</b>	40:10-10. Informal Review	204
40:6-1. Enumerated; Applications; Procedure	148	40:10-11. Application Procedures	204
40:6-2. Standards for Conditional Uses	148	40:10-12. Commission Review of Development & Zoning Applications	204
<b>Chapter 7. Off-Street Parking &amp; Loading</b>	<b>176</b>	40:10-13. Commission Review of Application for Permits	205
40:7-1. Applicability	176	40:10-14. General Standards	205
40:7-2. Requirements for Off-Street Parking	176	40:10-15. Standards for Protection	206
40:7-3. Shared Parking	181	40:10-16. Standards for Stabilization	206
40:7-4. Auto-Share Parking Spaces	181	40:10-17. Standards for New Construction	206
40:7-5. Minimum Required Off-Street Loading Spaces For Non-Residential Uses	181	40:10-18. Standards for Relocation	208
40:7-6. Bicycle Parking Ratios & Standards	183	40:10-19. Standards for Demolition	208
		40:10-20. Local Guidelines	209
		40:10-21. Effect of Project Approval or Denial; Appeals	209
		40:10-22. Enforcement	209
		40:10-23. Preventive Maintenance	209
		40:10-24. Municipal Responsibility	210
		40:10-25. Rules of Interpretation	210
		40:10-26. General	210
		40:10-27. Injunctive Relief	210
		40:10-28. Newark Landmarks & Districts Maps	211
		<b>Chapter 11. Central Planning Board</b>	<b>236</b>
		40:11-1. Establishment; Membership	236
		40:11-2. Terms of Office; Vacancies	236
		40:11-2-11. Organization of Board	237
		40:11-3. Appointment of Attorney	237
		40:11-4. Experts & Staff	237
		40:11-5. Powers & Duties	238
		40:11-6. County Approval	239



<b>Chapter 12. Zoning Board of Adjustment</b>	<b>240</b>	<b>Chapter 16. Additional Zoning &amp; Design Standards</b>	<b>286</b>
40:12-1. Establishment; Membership	240	40:16-1. Variances And Waiver	286
40:12-2. Terms of Office; Vacancies	240	40:16-2. Landscaping for Buildings & Yards	286
40:12-3. Organization of Board	240	40:16-3. Buffer Areas	287
40:12-4. Experts & Staff	240	40:16-4. Screening of Uses & Activities	287
40:12-5. Powers & Duties	240	40:16-5. Fences & Walls	288
40:12-6. Annual Report on Variances Heard by Zoning Board of Adjustment	242	40:16-6. Lighting	289
<b>Chapter 13. Subdivision Procedures</b>	<b>244</b>	40:16-7. Garbage & Refuse Collection Disposal & Recyclable Materials	291
40:13-1. Title	244	40:16-8. Sanitary Utilities	291
40:13-2. Purpose	244	40:16-9. Water Supply	292
40:13-3. Compliance With Applicable Requirements	244	40:16-10. Fire Prevention	292
40:13-4. Applicability	244	40:16-11. Maintenance	292
40:13-5. Waiver	244	40:16-12. Additional Measures	292
40:13-6. Minor Subdivision Procedure	244	<b>Chapter 17. Storm Drainage</b>	<b>294</b>
40:13-7. Preliminary Major Subdivision Procedure	246	40:17-1. Scope & Purpose	294
40:13-8. Final Major Subdivision Procedure	247	40:17-2. Definitions Applicable Specifically to Chapter 17	294
40:13-9. Subdivision Plat Details Requirements	250	40:17-3. General Standards	297
40:13-10. Amended Subdivision Review	252	40:17-4. Stormwater Management Requirements for Developments	297
40:13-11. Conditional Use Approval	252	40:17-5. Calculation of Stormwater Runoff & Groundwater Recharge for Major Development	306
40:13-12. Performance Guarantees & Improvement Costs	252	40:17-6. Standards for Structural Stormwater Management Measures	307
40:13-13. Penalties, Civil Remedies & Liens	255	40:17-7. Sources for Technical Guidance	308
<b>Chapter 14. Subdivision Zoning &amp; Design Standards</b>	<b>256</b>	40:17-8. Safety Standards for Stormwater Management Basins	308
40:14-1. Variances & Waivers	256	40:17-9. Additional Requirements for a Site Development Stormwater Plan to be Added to a Site Plan Review Application for Developments	309
40:14-2. Development Requirements & Standards	256	40:17-10. Maintenance & Repair	311
40:14-3. Streets	257	40:17-11. Refuse Containers/Dumpsters	312
40:14-4. Intersection Design	258	40:17-12. Private Storm Drain Inlet Retrofitting	312
40:14-5. Sidewalks	258	40:17-13. Penalties	313
40:14-6. Curbing	259	40:17-14. Enforcement	313
40:14-7. Street Lighting	259	<b>Chapter 18. Administration, Enforcement &amp; Violations</b>	<b>314</b>
40:14-8. Traffic Control Devices	259	40:18-1. Administration	314
40:14-9. Additional Measures	259	40:18-2. Certificate Of Code Compliance	315
<b>Chapter 15. Site Plan Procedures</b>	<b>260</b>	40:18-3. Violations	317
40:15-1. Title	260	<b>Appendix: Newark Redevelopment Area Boundary Map</b>	<b>318</b>
40:15-2. Purpose	260		
40:15-3. Severability & Validity	260		
40:15-4. Compliance With Applicable Requirements	260		
40:15-5. Applicability	260		
40:15-6. Exceptions	261		
40:15-7. Minor Site Plan Procedure	261		
40:15-8. Major Site Plan Procedure	262		
40:15-9. Time Period for Action by the Zoning Board of Adjustment	276		
40:15-10. Time Period for Action for Ancillary Powers of the Central Planning Board	278		
40:15-11. Provisions Applicable to Both the Central Planning Board & Zoning Board of Adjustment	278		
40:15-12. Application for Development Procedures	283		
40:15-13. Appeals	285		
40:15-14. Miscellaneous Provisions	285		

# Newark Zoning & Neighborhoods

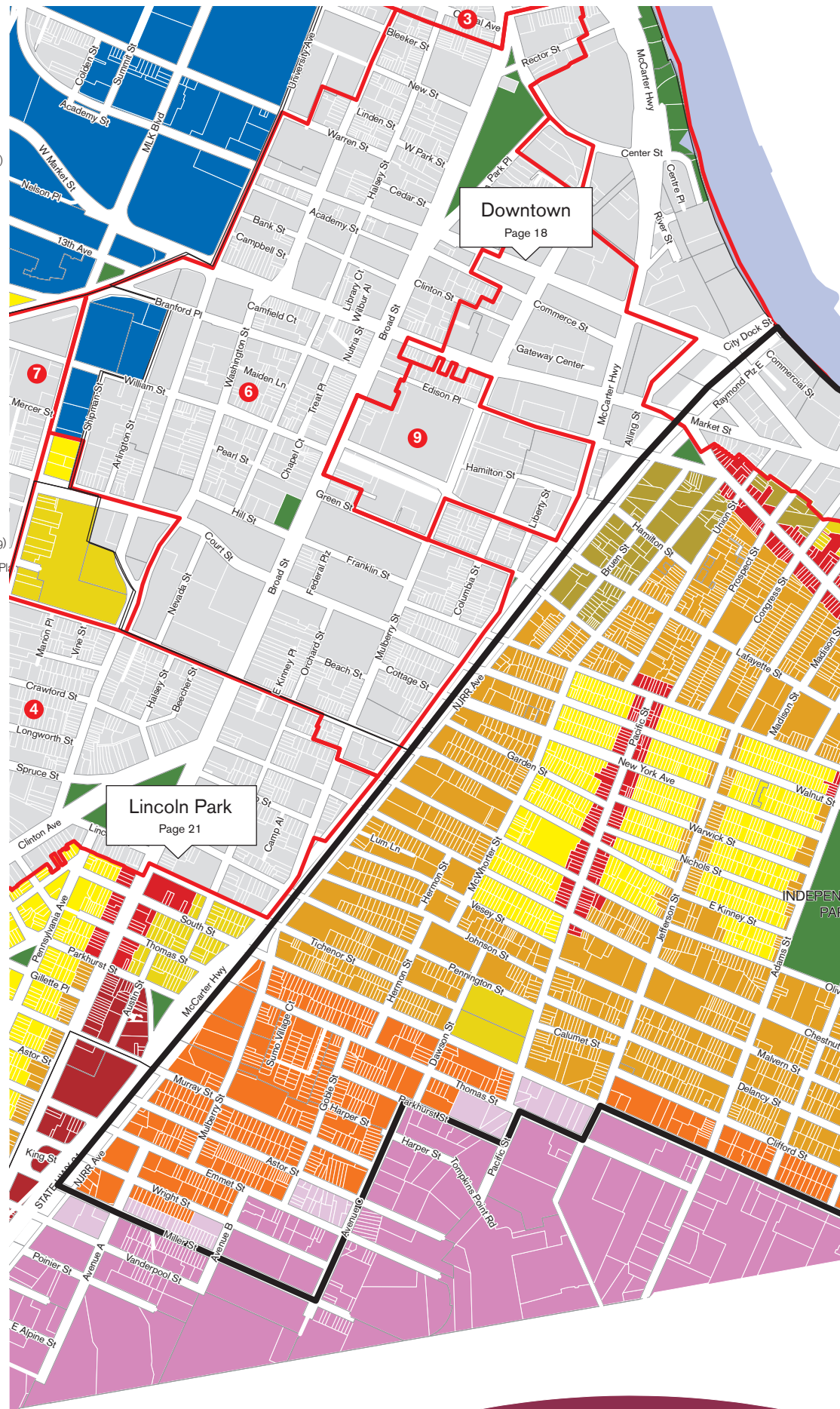
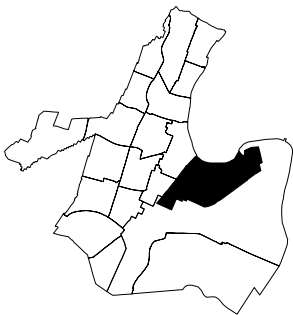
- R-1** One-Family Residential (page 33)
- R-2** One-to-Two-Family Residential (page 34)
- R-3** One- to-Three-Family and Townhouse Residential (page 35)
- R-4** Low-Rise Multifamily Residential (page 36)
- R-5** Mid-Rise Multifamily Residential (page 37)
- R-6** High-Rise Multifamily Residential (page 38)
- C-1** Neighborhood Commercial (page 39)
- C-2** Community Commercial (page 40)
- C-3** Regional Commercial (page 41)
- MX-1** Mixed Use, Residential/Commercial (page 45)
- MX-2** Mixed Use, Residential/Commercial/Industrial (page 46)
- I-1** Light Industrial (page 42)
- I-2** Medium Industrial (page 43)
- I-3** Heavy Industrial (page 44)
- INST** Institutional
- PARK** Parks and Open Space
- CEM** Cemetery
- EWR/EWS-S** Airport/ Airport Support (page 48)
- PORT** Port (page 47)
- RDV-SD** Redevelopment Zones & Special Districts (page 49)



# Ironbound

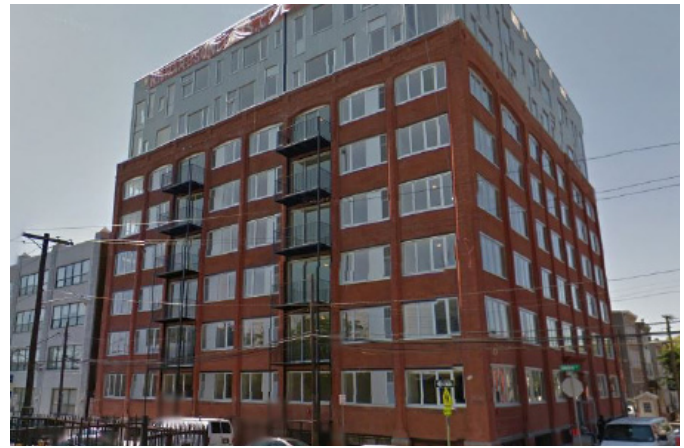
- R-1 One-Family Residential (page 33)
- R-2 One-to-Two-Family Residential (page 34)
- R-3 One-to-Three-Family and Townhouse Residential (page 35)
- R-4 Low-Rise Multifamily Residential (page 36)
- R-5 Mid-Rise Multifamily Residential (page 37)
- R-6 High-Rise Multifamily Residential (page 38)
- C-1 Neighborhood Commercial (page 39)
- C-2 Community Commercial (page 40)
- C-3 Regional Commercial (page 41)
- MX-1 Mixed Use, Residential/Commercial (page 45)
- MX-2 Mixed Use, Residential/Commercial/Industrial (page 46)
- I-1 Light Industrial (page 42)
- I-2 Medium Industrial (page 43)
- I-3 Heavy Industrial (page 44)
- INST Institutional
- PARK Parks and Open Space
- CEM Cemetery
- EWR/EWS-S Airport/ Airport Support (page 48)
- PORT Port (page 47)
- RDV-SD Redevelopment Zones & Special Districts (page 49)

- 1 Newark's River: Public Access and Redevelopment Plan
- 2 Kent/Brenner/Springfield Redevelopment Plan
- 3 Broad Street Station District Plan
- 4 Lincoln Park Redevelopment Plan
- 5 Bergen South Redevelopment Plan
- 6 Living Downtown Plan
- 7 Old Third Ward Urban Renewal Plan
- 8 Northern Fairmount Redevelopment Plan
- 9 Downtown Core District Redevelopment Plan





# Residential Mid-Rise Multifamily R-5

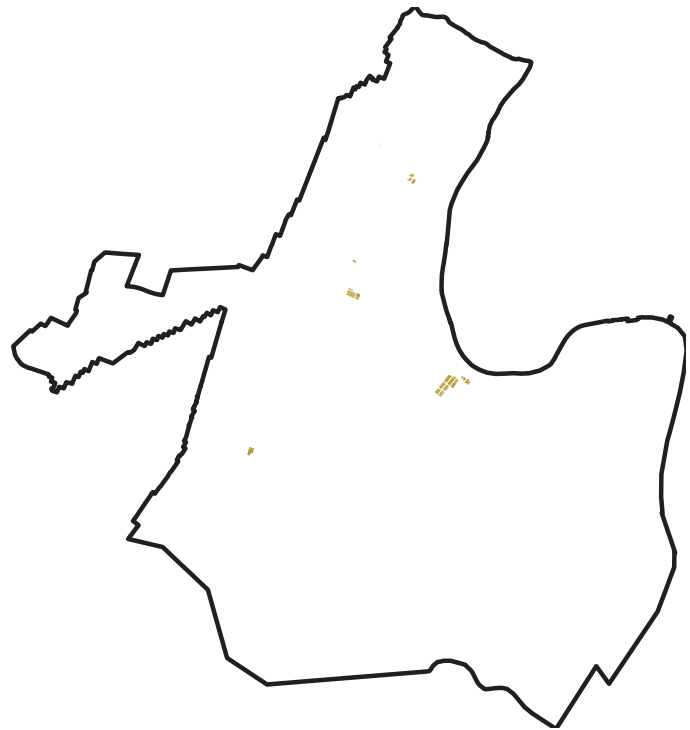


Mid-Rise Multifamily Residential (R-5) zoning allows for dense, residential development, permitting low- and mid-rise multi-family housing up to eight stories high. Other permitted uses include parks, community residences, garages, ground floor retail, offices or services, and day care. Areas zoned R-5 encourage residential character and do not permit some types of commercial or retail uses. Neighborhood services such as assisted living facilities, nursing homes, child care centers, community centers, places of worship, and primary and secondary schools are permitted only with conditions, as are urban farms, home professional offices, portable storage units, private sports courts and solar and wind energy systems.

R-5 zoning is generally applied in areas of neighborhoods with a mix of both low- and mid-rise, multi-family buildings, such as those found in pockets of many Newark neighborhoods including Upper and Lower Roseville and the Ironbound. These areas are generally characterized by dense complexes of residential buildings up to eight stories in height on small, shared grounds, giving them a strong urban, residential feel.

Learn more about the specific [uses](#) that are permitted and prohibited in R-5 zones beginning on page 82.

Learn more about the [size and design of buildings](#) permitted in R-5 zones beginning on page 98.



# Community Commercial C-2

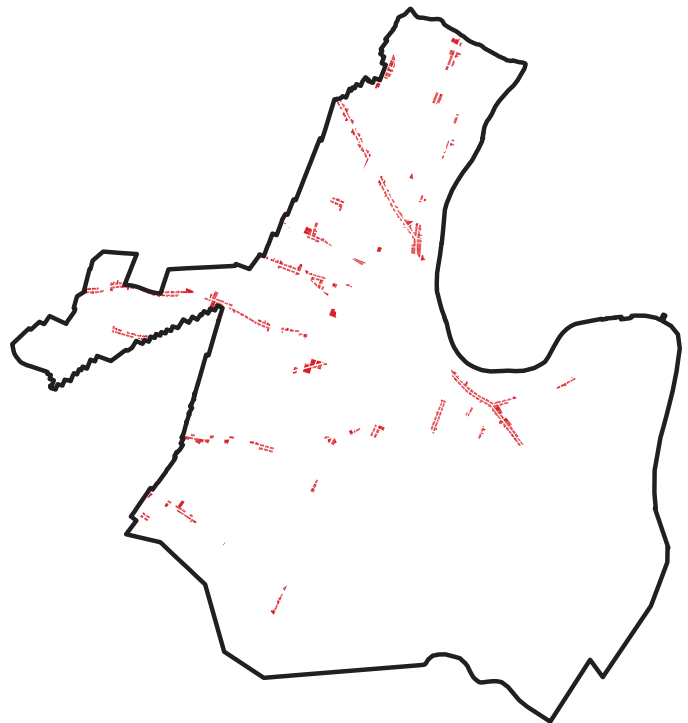


Community Commercial (C-2) zoning allows for slightly more moderate-scale and dense commercial development than in Neighborhood Commercial (C-1) zoning for ground-floor commercial with commercial or residential above in buildings up to five stories high. New development must be at least three stories high. C-2 zones are typically the heart of a neighborhood's central commercial district. There are more permitted uses in C-2 zones than in C-1.

C-2 zoning is generally applied in existing community commercial centers, such as Bloomfield Avenue as it passes through Upper Roseville, Forest Hill and Lower Broadway; Orange Street in Lower Roseville; Central Avenue in Fairmount; South Orange Avenue as it passes through Vailsburg, Fairmount, and West Side; Ferry Street in the Ironbound; and number of smaller sections of nearly all of Newark's neighborhoods. Surrounded by a mix of low- mid-rise residential buildings and often along vibrant streets, these areas are typically a community's center of vibrancy.

Learn more about the specific uses that are permitted and prohibited in C-2 zones beginning on page 84.

Learn more about the size and design of buildings permitted in C-2 zones beginning on page 98.



## Chapter 3. Zoning Districts

### 40:3-1. Establishment of zoning districts

For the purpose of limiting and restricting to specified districts, and regulating therein buildings and structures according to their construction and the nature and extent of their use, and the nature and extent of the use of land, and to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use and extent of use of buildings and structures and land, for trade, industry, residence or other purposes excluding municipally owned and operated or municipally operated buildings and related premises used for governmental purposes, the City of Newark is hereby divided into districts, of which there shall be twenty (20) in number, known as:

R-1	Detached Single-Family Residential
R-2	Single- and Two-Family Residential
R-3	One- to Three-Family and Town House Residential
R-4	Low-Rise Multifamily Residential
R-5	Mid-Rise Multifamily Residential
R-6	High-Rise Multifamily Residential
C-1	Neighborhood Commercial
C-2	Community Commercial
C-3	Regional Commercial
I-1	Light Industrial
I-2	Medium Industrial
I-3	Heavy Industrial
MX-1	Mixed Use, Residential/Commercial
MX-2	Mixed Use, Residential/Commercial/Industrial
EWR	Airport
EWR-S	Airport Support
PORT	Port
INST	Institutional
PARK	Park
CEM	Cemetery

### 40:3-2. Zoning map

The boundaries of the districts set forth above shall be as shown and delineated on the "Newark Zoning Maps" found on pages 7-31 of this booklet and declared to be part of this Chapter.

### 40:3-3. Interpretation of zoning district boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Title, the following rules shall apply:

**40:3-3-1.** Where the district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Title are bounded approximately by streets or alley lines, the center line of the street or alley shall be construed to be the boundary of such district.

**40:3-3-2.** The district boundaries are, unless otherwise indicated, either street lines or lines drawn parallel to and one hundred (100) feet back from one (1) or more of the street lines bounding a block. Where two (2) or more district designations are shown within a block two hundred (200) feet or less in width, the boundaries of the less restricted district shall be deemed one hundred (100) feet back from its street line. Where two (2) or more district designations are shown within a block more than two hundred (200) feet in width, the boundaries of the more restricted district shall be deemed one hundred (100) feet back from its street line.

### 40:3-4. General compliance conditions

Except as otherwise provided in this Title:

**40:3-4-1.** No building, structure or land shall be used for, nor shall any building or structure be erected, converted, enlarged, reconstructed, or structurally altered for any use which does not comply with all district regulations established by this Title for the district in which the building, structure, or land is located.

**40:3-4-2.** The yard regulations and the lot area per unit provisions required by this Title shall be considered minimum regulations for each and every building or structure existing on the effective date of the zoning ordinance and for any building or structure thereafter erected or structurally altered. No land required for yards, or lot area per unit provisions for any building or structure hereafter erected or structurally altered, shall be considered as a yard or for a lot area for any other building or structure.

## Chapter 4: Permitted Uses by District

### 40:4. Use Categories

These two pages group all Principal Uses listed in the Use Charts that follow into Use Categories in order to ease identification of which Principal Use applies to a specific proposed development. Each Use Category **(highlighted in yellow and listed in bold type)** contains a variety of similar and related Principal uses (listed in non-bold type). Each Principal Use listed has a specific definition found in Chapter 2.

#### Animals (Pets)

Animal Boarding or Kennel, Pet Shop, Animal Shelter, Pound  
Animal Grooming & Animal Daycare  
Veterinary Clinic, Office & Veterinary Hospital

#### Antennas

Commercial Antenna & Microwave Dishes

#### Automotive Services, Sales and Repair

Automobile Repair & Tire Repair  
Automobile Paint & Body Repair  
Automobile Sales and Rentals  
Automobile Car Wash  
Commercial, Industrial Truck & Bus Services  
Gasoline Station  
Operation Facilities for  
Bus/Taxicab/Ambulance/Limousine  
Truck Terminal  
Vehicle Towing Facility

#### Aviation

Airport  
Heliport

#### Community Facilities

Community Center  
Places of Worship

#### Day Care Facilities

Child Care Centers

#### Education & Cultural

Business, Specialized or Vocational Schools  
Colleges & Universities  
(Galleries included under Retail Sales, General)  
Museum  
Primary & Secondary Schools

#### Entertainment & Nightlife

Bars, Cigar/Hookah  
Bars, Taverns & Lounges  
Nightclubs, Discotheques & Cabarets  
Private Clubs (including Motorcycle Clubs)  
Sexually Oriented Businesses

#### Food & Drink

Convenience Retail  
Emergency Food Distribution Center, Food Pantry, Soup Kitchen  
Fish, Meat and Poultry Market  
Fresh Food Market  
Liquor Store  
Live Animal Market  
Supermarket  
Take-Out Restaurant  
Sit-Down Restaurant  
Wholesale Bakeries

#### Funeral

Cemeteries  
Crematorium, Animal  
Funeral Home/Mortuaries

#### Government Uses

Governmental (Non-Municipal Uses)  
Municipal Uses

#### Manufacturing

Artist Live/Work Studio (Nuisance Producing)  
Laundry Facility, Commercial/Wholesale  
Manufacturing, Light  
Manufacturing, Heavy  
Manufacturing, Medium  
Research & Development

#### Medical & Social Service

Emergency Food Distribution Center, Food Pantry, Soup Kitchen  
Medical Offices  
Homeless Shelter  
Hospital/Medical Institution  
Medical Clinic or Emergency Care Facility  
Methadone Maintenance Clinic  
Substance Abuse Treatment Centers (does not include Methadone Maintenance clinics)

**Office**

Office

**Outdoor Storage**

Materials Salvage or Junk Facility

Outdoor Storage

Outdoor Storage, Chemical

**Parking**

Parking Garage, Commercial Vehicle

**Personal Services**

Body Art Studio

Personal Service Establishment

Massage Facility

**Recreational**

Commercial Recreation

Fitness Centers

Passive Recreation Park

Active Recreation Park

Theater

**Residences & Lodging**

Single-Family Dwelling

Two-Family Dwellings

Three-Family Dwelling

Town Houses

Low-Rise Multi-Family Dwellings

Mid-rise Multi-Family Dwellings

High-rise Multi-Family Dwellings

Dwelling above certain ground floor retail, offices and personal services

Adult Family Care Home

Artist Live/Work Space (Nuisance Producing)

Assisted Living Facilities

Community Residences for Developmentally

Disabled, Persons with Head Injuries and

Terminally Ill Persons, and Community

Shelters for Victims of Domestic Violence

Dormitories

Hotels

Nursing Homes

Rooming and Boarding House

**Retail (no food)**

Check-Cashing Establishments &amp; Bail Bond Agencies

Consumer Repair

Consignment Stores

Department Store

Dry Cleaning and Laundry Establishment

Financial, Insurance, Real Estate, or Securities

Brokerage Consumer Services

Exterminator / Pesticide Application Business

Furniture and Appliance Stores, Used

Gun, Ammunition/Weapons Dealers

Heavy Retail and Service

Laundromat

Large Format Retail and/or Shopping Center

Pawn Shops

Pet Shop

Resale or Thrift Shops

Retail Sales, General Consumer Goods

**Signage**

Billboards

**Utilities**

Electrical or Gas Switching Facility, Power Distribution, or Substation

Power Generation Facilities

Solar Energy System (ground mounted, roof mounted, over parking lots and structured parking)

Telephone Switching Facility

Wind Energy System, Large

**Urban Agriculture**

Community Garden

Market Garden

Urban Farm

**Warehousing & Distribution**

Data Center

Self Storage

Warehousing, Wholesaling &amp; Distribution

**Waste & Recycling**

Materials Salvage or Junk Facility

Recycling Center

Waste Transfer Station



**40:4-1. Permitted uses in Residential Districts**

Table 4-1: Residential Districts						
P = Permitted    – = Not Permitted    C = Conditional Use Only Any use not listed below is also prohibited.						
	R-1	R-2	R-3	R-4	R-5	R-6
<b>Principal Uses</b>						
Single-Family Dwelling	P	P	P	P	–	–
Two-Family Dwelling	–	P	P	P	–	–
Three-Family Dwelling	–	–	P	P	–	–
Town House, Dwelling	–	–	P	P	–	–
Low-Rise Multi-Family Dwellings	–	–	–	P	P	P
Mid-Rise Multi-Family Dwellings	–	–	–	–	P	P
High-Rise Multi-Family Dwellings	–	–	–	–	–	P
Active Recreation Park	P	P	P	P	P	P
Assisted Living Facilities & Nursing Homes	–	–	–	C	C	C
Child Care Center	–	C	C	C	C	C
Community Centers	–	–	C	C	C	C
Community Gardens	–	P	P	P	P	P
Community Residences for the Developmentally Disabled, Persons with Head Injuries and Terminally Ill Persons and Community Shelters for Victims of Domestic Violence, Adult Family Care Home	P	P	P	P	P	P
Ground Floor Use for Child Care Center, Community Center, Consignment Store, Convenience Retail, Finance, Insurance Real Estate, or Securities Brokerage Consumer Services, Fresh Food Market, Governmental (Non-Municipal) Use, Municipal Use, Offices, Personal Services Establishment, or General Consumer Goods Retail Sales.	–	–	–	P	P	P
Municipal Uses	P	P	P	P	P	P
Passive Recreation Park	P	P	P	P	P	P
Places of Worship	–	C	C	C	C	C
Primary and Secondary Schools	C	C	C	C	C	C
Urban Farm (See Section 40:4-6. Additional Standards)	–	–	P	P	P	P

Table 4-1: Residential Districts						
P = Permitted    – = Not Permitted    C = Conditional Use Only * = Additional Standards apply (Section 40:4-6)    Any use not listed below is also prohibited.						
	R-1	R-2	R-3	R-4	R-5	R-6
<b>Accessory Uses</b>						
Automotive Lifts (see Section 40:4-6. Additional Standards)	–	–	–	–	P	P
Coldframe	–	P	P	P	P	P
Commercial Antennas & Microwave Dishes	–	–	–	–	–	C
Composting (See Section 40:4-6. Additional Standards)	P	P	P	P	P	P
Family Day Care Homes (see Section 40:4-6. Additional Standards)	P	P	P	P	P	P
Greenhouse	–	P	P	P	P	P
Home Occupation (See Section 40:1-6. Additional Standards)	P	P	P	P	P	P
Home Professional Offices	–	–	–	C	C	C
Hoophouse	–	P	P	P	P	P
Outdoor Storage, Portable Storage Units	P	P	P	P	P	P
Parking, Structured	–	–	–	P	P	P
Parking Garage, Private Residential	P	P	P	P	P	P
Private Sports Courts	C	C	C	C	C	C
Sheds and Other Accessory Storage Structures (See Section 40:4-6. Additional Standards)	P	P	P	P	P	P
Solar Energy Systems	C	C	C	C	C	C
Swimming Pools, Private	P	P	P	P	P	P
Wind Energy Systems, Small	C	C	C	C	C	C

## Chapter 5. Building Bulk & Design Requirements

The Newark Zoning & Land Use Ordinance provides the rules for the bulk and design of buildings organized by *building types* such as single-family house, apartment building, and houses of worship. Once you understand the zone for a particular lot in the city and the uses that are permitted for that lot, this chapter provides the rules for which building types are permitted to contain those uses, and the rules for the physical layout and shape of the building.

### 40:5-1. Permitted Building Types by Zoning District

Table 5.1 below indicates which building types are permitted in which zones.

On the following pages, Tables 40:5-2 and 40:5-3 provide the specific bulk and design standards for each building type. Following that, graphic illustrations depict the rules for building type. In case of conflict or ambiguity, bulk and design standards provided in tables shall prevail.

Table 5.1 Building types permitted by zone																
P = permitted, see Bulk & Design requirements																
Note: This table pertains only to building design requirements and not permitted uses. For permitted uses, see Chapter 4: Permitted Uses By District.																
BUILDING TYPE	R1	R2	R3	R4	R5	R6	C1	C2	C3	I1	I2	I3	MX1	MX2	INST	EWR-S
<b>RESIDENTIAL</b>																
One-family	P	P	P	P									P	P		
Two-family		P	P	P									P	P		
Three-family			P	P									P	P		
Townhouse		P	P	P									P	P	P	
Low-rise multifamily & Four-Family				P	P	P	P						P	P	P	
Mid-rise multifamily					P	P									P	
High-rise multifamily						P										
<b>COMMERCIAL</b>																
Ground-floor commercial with commercial or residential above				P	P	P	P	P	P				P	P	P	
Detached commercial									P	P			P			P
<b>INDUSTRIAL</b>										P	P	P		P		P
<b>CIVIC/INSTITUTIONAL</b>																
University															P	
Hospital or Medical Institution															P	
Schools (Elementary, Middle, High Schools)		P	P	P	P	P	P	P	P				P		P	
Place of Worship		P	P	P	P	P	P	P	P	P			P	P	P	
Community Center, Stand-Alone Daycare or Preschool in a Non-residential Area, and other Civic Buildings				P	P	P	P	P	P				P	P	P	

**40:5-3. General Bulk & Design Standards**

Table 5.3 General Bulk &amp; Design Standards

	<b>Min Lot Size for Subdivision</b>	<b>Min Lot Width for Subdivision</b>	<b>Max Building Height</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Min Rear Yard</b>	<b>Min Lot Area per Dwelling</b>	<b>Max Lot Coverage</b>
<b>1-family</b>  For accessory buildings in residential districts see Note 7 on page 114.  For fire escapes, see Note 9 on page 115.	2500 square feet	25 feet	3 stories and 36 feet  For towers, cupolas, and other elements of architectural character, see Note 1 on page 114.	Front setback shall match the shorter front setback of the two closest principle buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback.  Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 on page 114.  For through lots, see Note 3 on page 114.  For corner lots, see Note 4 on page 114.	3 feet minimum	30 feet	n/a	50%
<b>2-family</b>  For accessory buildings in residential districts see Note 7.	2500 square feet	25 feet	3 stories and 36 feet  For towers, cupolas, and other elements of architectural character, see Note 1.	Front setback shall match the shorter front setback of the two closest principle buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback.  Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 on page 114.  For through lots, see Note 3 on page 114.  For corner lots, see Note 4 on page 114.  For stoops, see Note 8 on page 115.  For porches, see Note 11 on page 115.	3 feet minimum  For party walls and other exceptions, see Note 5 on page 114.  For ornamental features, window sills, bay windows, and balconies, see Note 10 on page 115.  For chimneys, see Note 12 on page 115.	30 feet  For ornamental features, window sills, bay windows, and balconies, see Note 10 on page 115.	1250 SF/du	50%

Table 5.3 General Bulk &amp; Design Standards

	Min Lot Size for Subdivision	Min Lot Width for Subdivision	Max Building Height	Front Yard	Side Yard	Min Rear Yard	Min Lot Area per Dwelling	Max Lot Coverage
<b>Low-rise multifamily</b>  For accessory buildings in residential districts see Note 7 on page 114.	10,000 square feet	100 feet	4 stories and 48 feet  For towers, cupolas, and other elements of architectural character, see Note 1 on page 114.	Front setback shall match the shorter front setback of the two closest principle buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback.  Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 on page 114.  For through lots, see Note 3 on page 114.  For corner lots, see Note 4 on page 114.	5 feet minimum  For party walls and other exceptions, see Note 6 on page 114.	30 feet	625 SF/du	66%
<b>Mid-rise multifamily</b>  For accessory buildings in residential districts see Note 7 on page 114.	10,000 square feet	100 feet	8 stories and 96 feet  For towers, cupolas, and other elements of architectural character, see Note 1 on page 114.	Front setback shall match the shorter front setback of the two closest principle buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback.  Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 on page 114.  For through lots, see Note 3 on page 114.  For corner lots, see Note 4 on page 114.	5 feet minimum  For party walls and other exceptions, see Note 6 on page 114.	30 feet	350 SF/du	60%

Max Impervious (Paved) Yard Area	Min Building Transparency	Orientation of primary entrance	Active Ground floor Reqs
Front Yard: 55% Rear Yard: 30%	<p>Primary Front Façade: 50%</p> <p>Street-Facing Side &amp; Rear Façades: 35%</p> <p>Non-Street-Facing Façades: 20% or the maximum allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>If there is retail, office or personal services on the ground floor between zero (0) and 14 feet, the front façade must have 65% transparency.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>All units must be accessible from front or side façade. Rear primary entrances are prohibited.</p> <p>If there is one or more units of retail, office, or personal services on the ground floor between zero (0) and 14 feet, each unit must have its own primary entrance on the street-facing façade.</p>	<p>If there is one or more units of retail, office or personal services on the ground floor, the ground floor shall have a 14 feet max floor-to-floor height.</p>
Front Yard: 55% Rear Yard: 30%	<p>Primary Front Façade: 50%</p> <p>Street-Facing Side and Rear Façades: 35%</p> <p>Non-Street Facing Walls: 20% or the maximum amount allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>If there is retail, office or personal services on the ground floor between zero (0) and 14 feet, the front façade must have 65% transparency.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>All units must be accessible from front or side façade. Rear primary entrances are prohibited.</p> <p>If there is one or more units of retail, office, or personal services on the ground floor between zero (0) and 14 feet, each unit must have its own primary entrance on the street-facing façade.</p>	<p>If there is one or more units of retail, office or personal services on the ground floor, the ground floor shall have a 14 feet max floor-to-floor height.</p>

Table 5.3 General Bulk &amp; Design Standards

	Min Lot Size for Subdivision	Min Lot Width for Subdivision	Max Building Height	Front Yard	Side Yard	Min Rear Yard	Min Lot Area per Dwelling	Max Lot Coverage
<b>High-rise multifamily</b>	10,000 square feet	100 feet	<p>10 stories and 120 feet</p> <p>An additional 1 story per 12 feet of height shall be permitted for each additional 1,000 SF of lot area up to 20,000 SF, for a maximum height of 20 stories and 243 feet.</p>	<p>Front setback shall match the shorter front setback of the two closest principle buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback.</p> <p>Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 on page 114.</p> <p>For through lots, see Note 3 on page 114.</p> <p>For corner lots, see Note 4 on page 114.</p>	10 feet minimum	30 feet	300 SF/du	60%
<b>Ground-floor commercial with commercial or residential above</b>	3,500 square feet	35 feet	<p>In C1 zone: 4 stories and 48 feet</p> <p>In C2 zone: 5 stories and 60 feet</p> <p>In C3 zone: 8 stories and 96 feet</p> <p>In MX-1 &amp; MX-2 zones: 4 stories and 48 feet</p>	<p>Minimum: 0 feet Maximum: 5 feet</p> <p>Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 on page 114.</p>	0 feet min and max	<p>Abutting a residential district or residential use: 25 feet</p> <p>Abutting a non-residential district: 20 feet</p>	<p>In C1 zone: 580 SF/du</p> <p>In C2 zone: 340 SF/du</p> <p>In C3 zone: 310 SF/du</p>	80%

Max Impervious (Paved) Yard Area	Min Building Transparency	Orientation of primary entrance	Active Ground floor Reqs
Front Yard: 55% Rear Yard: 30%	<p>Primary Front Façade: 50%</p> <p>Street-Facing Side &amp; Rear Façades: 35%</p> <p>Non-Street Facing Walls: 20% or the maximum amount allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>If there is retail, office or personal services on the ground floor between zero (0) and 14 feet, the front façade must have 65% transparency.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>All units must be accessible from front or side façade. Rear primary entrances are prohibited.</p> <p>If there is one or more units of retail, office, or personal services on the ground floor between zero (0) and 14 feet, each unit must have its own primary entrance on the street-facing façade.</p>	<p>If there is one or more units of retail, office or personal services on the ground floor, the ground floor shall have a 14 feet max floor-to-floor height.</p>
Front Yard: n/a Rear Yard: 50%	<p>Ground-level street-facing façade below 14 feet in height: 65%</p> <p>Ground-level windows must allow views of indoor nonresidential space or product display areas.</p> <p>Corner uses having frontage on two streets shall meet this requirement for each of the street frontages.</p> <p>Primary Front Façade (excluding ground-level façade): 50%</p> <p>Street-Facing Side and Rear Façades: 35%</p> <p>Non-Street Facing Walls: 20% or the maximum amount allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>Reflective, mirrored, smoked and dark tinted glass are prohibited on façades facing a public street.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>Buildings may have more than one principal façade and/or entry.</p> <p>Entries to non-residential uses shall have their own individual entrance from a sidewalk or walkway; mall-style interior retail entrances are prohibited.</p>	<p>Ground floor shall have a 14 feet min floor-to-floor height.</p>



## Exhibit C

**MEMORIALIZATION RESOLUTION**

**APPLICATION:** Zoning Amendment Referral – MX-3 Mixed Use  
Residential & Commercial (High Density)

**LEGISTAR NO.:** 17-1131

**HEARING DATE:** July 24, 2017

**WHEREAS,** The Municipal Council of the City of Newark is proposing an ordinance to amend the Newark Zoning and Land Use Regulations (NZLUR), Title XLI of the municipal code. This Ordinance proposes the establishment of a new zone, the MX-3 Mixed Use Residential / Commercial (High Density) District; and

**WHEREAS,** The Municipal Council is required by statute (N.J.S.A. 40:55D-26) to refer the proposed legislation to the Planning Board for its review. The purpose of this review is twofold: to determine if the proposed legislation is consistent with the City's Master Plan, and to make recommendations to the Council related to this consistency or any other matter that the Board deems appropriate; and

**WHEREAS,** the Central Planning Board, City of Newark, New Jersey, after considering the evidence presented by the Board Planner at its regular hearing on June 26, 2017, which included a review of the Ordinance for consistency with the City Master Plan and recommendations for revisions, and after hearing the testimony of members of the public, elected to defer action on the matter until a community meeting could be conducted; and

**WHEREAS,** on July 6, 2017, a community meeting was conducted in the East Ward in the Ironbound Neighborhood, at which time a presentation was made by Department of Economic and Housing Development staff and attendees were given the opportunity to present comments about the proposal; and

**WHEREAS,** the Central Planning Board, City of Newark, New Jersey, at its regular hearing on July 24, 2017, wishes to make the following factual findings:

**Procedural Summary**

At the regular meeting of the Newark Central Planning Board on June 26, 2017, the Board Planner presented a summary of the proposed MX-3 Ordinance, a review of relevant portions of the 2012 Master Plan that pertain to this legislation, and a series of recommendations for modifications.

Members of the public were given the opportunity to speak about the proposed ordinance amendment. A number of concerns were raised during several hours of testimony. After the public portion, the Board elected to defer its recommendations to the Council until such time that a community meeting could be conducted.

On July 6, 2017, a community meeting was conducted in the East Ward in the Ironbound Neighborhood. A presentation was made by Department of Economic and Housing Development staff and attendees were given the opportunity to present comments about the proposal. The public comment at this meeting echoed the sentiments espoused at the Planning Board meeting.

### **Proposed MX-3 Zoning Amendment Summary**

The proposed Mixed-Use (MX-3) zoning district will replace the R-5 Residential Mid-Rise Multifamily zoning district within a half (1/2) mile of Newark Penn Station to allow for a blend of high density residential and commercial uses in the same building or district. The new district's bulk standards will allow for taller buildings – up to eighteen (18) stories high (if structured parking is provided on at least three stories) with a minimum lot area per dwelling unit as low as one hundred thirty (130) square feet, depending on unit mix. MX-3 zoning will also allow for town homes up to three (3) stories high, low-rise multi-family housing up to (4) four stories high, mid-rise multi-family buildings up to eight (8) stories high and high-rise multi-family buildings up to fifteen (15) stories high. Commercial development in the MX-3 zone will allow for ground-floor commercial uses with commercial or residential uses above.

### **Purpose of the amendment**

To take advantage of Newark's strength as a multi-modal transportation hub and provide new opportunities for transit-oriented development close to the Downtown Core District; to expand new housing, retail and business development opportunities along the area's major transportation and commercial corridors and protect the scale of adjacent low-density neighborhoods; to promote a walkable neighborhood with a vibrant commercial/retail zone within a half (1/2) mile walking distance of Newark Penn Station.

### **Review of Proposed Ordinance for Master Plan Consistency**

Upon review of the City's 2012 Master Plan it is apparent that there are a number goals, objectives, policy statements, and strategies within the Master Plan that promote increased density of development in proximity to transit stations. Statements in the Master Plan that are supportive of increasing density and height and concentrating a mix of uses as proposed in the MX-3 Zone include the following:

- Goal: Safe and Healthy Neighborhoods (p.24 Vol. 1)
  - Provide diversity of housing options for all stages of life and lifestyles, and which accommodate a range of needs and desires. Newark's housing options take advantage of its neighborhoods, downtown, and the riverfront, as well as access to retail, recreation, and transportation.
  - Provide mixed income housing compactly integrated with a full mix of other uses – especially in areas near transportation nodes and places attractive to market rate development.

- **Business and Industry**
  - Ferry Street, which is in the immediate vicinity of the proposed MX-3 zone, is identified as a key neighborhood commercial corridor (p.56, Vol.1)
  - Strategy 3.3 – Increase density and diversify business types by attracting new retail and mixed use development in infill areas (p.58, Vol. 1)
- **Mobility Strategies**
  - Strategy 1.2 (p.103, Vol. 1) – Encourage transit-oriented development (TOD) and use of the Urban Transit Hub Program at all the appropriate locations, with an emphasis on Newark Penn, Broad Street, Orange Street, and Newark Liberty International Airport Stations.
  - Strategy 8.1 – Use zoning and land use regulations to reduce vehicle demand in the downtown and concentrate development around transit stations.
  - Strategy 8.1.1 – Allow and encourage increased densities and reduced parking requirements at and near transit facilities.

However, the Land Use Element, which is most relevant to the development of zoning ordinances and land development regulations, indicates that the desired Future Land Use for the areas proposed to be re-zoned to MX-3 is Mid-Rise Multifamily Residential. The Master Plan defines the Mid-Rise Multifamily Residential as being

"...in a few select locations in the vicinity of transit stations. Its purpose is to promote more intense residential development within walking distance of transit and other services – but in locations not suited for high-rise residential (p. 27 Vol. 2)."

A height limitation of eight stories is defined for the Mid-Rise Multifamily Residential land use and while "the Master Plan recognizes the importance of locating higher density residential development close to public transit facilities, wherever appropriate (p. 28 Vol.2)" the area proposed for re-zoning as MX-3 was not assigned the more dense designation of High-Rise Multifamily Residential at the time of the preparation of the Master Plan in 2012.

The Newark Zoning and Land Use Regulations (NZLUR) were adopted by the Municipal Council on February 4, 2015 as ordinance #6PSF-c 020415, to implement the recommendations of the Land Use Element of the 2012 Master Plan. The R-5 Zone was created to implement the Mid-Rise Multifamily Residential districts defined in the Master Plan. The proposed MX-3 Zone will replace a portion of the existing R-5 Zone. There are several standards in the proposed MX-3 Zone that differ from the language in the Master Plan and NZLUR:

- The proposed MX-3 Zone more than doubles the permitted building height from a maximum of eight (8) stories and ninety-six (96') feet in the current R-5 Zone to

up to eighteen (18) stories and 206 feet with applicable bonuses for structured parking. There is a provision in the MX-3 to only permit a maximum height of six (6) stories and fifty (50') feet within 100 feet of Ferry Street, which will help preserve the character of this important corridor.

- The NZLUR controls density with a minimum required lot area per dwelling unit. The current R-5 Zone requires 625 square feet of lot area per dwelling unit. The proposed MX-3 Zone has a base requirement of 200 square feet per dwelling unit, which may be lowered to 150 or 130 square feet per dwelling unit if thresholds for bedroom mix are met.
- The proposed MX-3 Zone permits additional commercial uses that are suitable for mixed-use zones, and generally compatible with residential uses, but are not currently permitted in the City's residential zones.

There are a number of goals, objectives, recommendations, strategies, and policy statements within the Master Plan that support increasing residential densities within the City, particularly in close proximity to Penn Station. While the MX-3 Zone ordinance may advance portions of the Master Plan, it is proposing a development density, height, and mix of uses that differ in some ways from the vision put forth in the Plan's Land Use Element.

#### **Recommendations for changes to the proposed MX-3 Zone Ordinance**

Aside from the consistency review, the Board may make recommendations concerning the content of the Ordinance. Several items in the ordinance may benefit from clarification or modification. We offer the following suggestions with regard to the technical content of the ordinance:

- As drafted, the MX-3 Ordinance includes the same standards in the low-, mid-, and high-rise multifamily residential building types, with the only difference being the maximum height limit. Since the intent is to provide a high-density mixed-use zone, we recommend revising the bulk standard chart in the ordinance to use the "Ground-floor commercial with commercial or residential above" building type and to incorporate the special MX-3 standards within that building type. With that change, mixed-use buildings up to 15 stories (or 18 with the parking bonus) will be permitted, as will other building types currently permitted in the R-5 Zone. The height change provided by the new ordinance should be associated with mixed-use buildings.
- The maximum permitted height in the MX-3 Zone should be reduced to no more than twelve (12) stories.
- In addition to changing the bulk chart, we recommend clarifying the language to ensure that no building, or portion of a building within 100 feet of Ferry Street, regardless of building type, exceeds five (5) stories or sixty (60') feet. This provision exists in the ordinance, but we recommend clarifying it.

- The proposed MX-3 Zone also permits Townhouse as a building type. We recommend not permitting Townhouses as it not compatible with the intent to encourage high-density mixed-use development.
- In the list of uses permitted in the MX-3 Zone, Primary and Secondary Schools and Private Clubs are listed as permitted uses. These uses are permitted *conditional* uses in all other zones in the City. We recommend revising the standard to conditionally permit schools and private clubs.
- The Newark River Public Access and Redevelopment Plan is immediately adjacent to a portion of the proposed MX-3 Zone. Hotels and passive recreation parks are permitted in that plan. We recommend that these uses be permitted in the MX-3 Zone to ensure consistency with the adjacent redevelopment plan.
- Additionally, we recommend permitting uses such as microbreweries, brewpubs, and commercial kitchens as permitted uses.
- There is a requirement to have an active ground floor in the MX-3 Zone. This is an important part of creating a pedestrian friendly transit-oriented environment. We recommend clarifying this requirement and providing a list of appropriate uses and design standards. Section 8-P of the River Public Access and Redevelopment Plan contains similar language that can be slightly modified for the MX-3 Zone.
- Consider modifying setback and lot coverage requirements. 100% lot coverage may be excessive, an 85% coverage requirement may be more appropriate. It may not make sense to mandate a particular setback requirement except to require a minimum sidewalk width of twelve to fifteen feet. A portion of that sidewalk space would have to be provided on the site, so a 0' setback to the lot line would likely not be possible.
- Consider requiring a set-aside of public space. This could be incorporated as an enhanced setback to provide additional pedestrian amenities as well as courtyard / plaza / landscaping / seating areas / public art, etc. The goal should be to create pedestrian oriented connections between the existing patterns of development and popular destinations such as Ferry Street, Riverfront Park, and Penn Station. The existing pattern of development in much of the R-5 zone is surface parking lots which do not create a pedestrian friendly atmosphere. The incorporation of pedestrian oriented design elements with a wide sidewalk in any new development will improve the streetscape.
- Consider eliminating the bonus for structured parking. The purpose of the MX-3 Zone is to promote dense, mixed-use development in close proximity to transit. Due to the proximity of the areas in question to Penn Station, parking will not be required by the City ordinance. It is likely some parking will be built as part of any project, but in order to emphasize the transit-oriented nature of the development, additional height should not be permitted to accommodate more parking.



- Consider requiring buildings to "step-back" from the established ground level setback line as the height increases. For reference, some of the nearby redevelopment plans contain step-back requirements:
  - The River Public Access and Redevelopment Plan requires a 10 foot step-back above three stories in the MX-1 district.
  - The Living Downtown plan has several step-back requirements for designated streets.
  - The Downtown Core plan has site specific step-back requirements.

Creative alternatives should be explored and developed, but the goal should be to allow light and air to reach the streets, reduce the looming character of the additional permitted height, and allow for a gradual tapering and blending new buildings into the established neighborhoods.

- Electric Vehicle Charging – Mandate a certain number of electric vehicle charging spaces as part of the parking design. Encourage / permit an electric vehicle sharing program. Permit renewable energy such as solar panels to provide power for electric vehicles.
- Enhanced bicycle parking standards should be included in the MX-3 Zone ordinance. The area that is proposed for rezoning is in the Ironbound Neighborhood and in close proximity to Penn Station. Traffic and parking in this part of the City are notoriously burdensome. Reducing reliance on cars through a combination of biking and transit usage should be encouraged. There are numerous destinations and points of interest that are easily accessible by bicycle from the proposed MX-3 District including the Central Business District of the City, the Prudential Center, the Ferry Street commercial corridor, Riverfront Park, and Red Bulls Stadium in Harrison. We recommend requiring one (1) bicycle parking space for every five (5) residential units. These spaces can be provided in garages or other interior spaces, or outdoor racks. However, they should be designed to be secure and accessible to residents.

In addition, we recommend including provisions in the ordinance to mandate sustainability and green design standards for developments. Some or all of the following provisions could further the City's goal of being a leader in sustainability initiatives, and reduce the adverse impact of development on the City's infrastructure.

- Require green roofs as part of new developments.
- Design building systems so that onsite "gray water" is reused for landscaping maintenance and other non-potable systems.
- Mandate Energy Star compliant appliances to maximize building efficiency, conserve energy and water, and reduce operating costs.
- Require smart building controls that are programmable and/or sensor based to reduce energy consumption.

- Minimize hardscaped impervious surfaces on site. Where pavement is necessary, utilize permeable pavement.
- Provide sufficient landscaping on site. Design buildings in such a way to include courtyards, terraces, tiered roofs, living walls, and other features that can accommodate landscaping and trees. The goal of the landscaping should be to retain storm water, improve air quality, and reduce the urban heat island effect. New developments should include creative landscape plans incorporating native species, drought tolerant plantings that require less water and upkeep, and attractive layouts that will enhance the quality of life for residents and improve conditions in the neighborhood.
- Require that new developments in the MX-3 Zone meet Enterprise Green Communities Criteria. The 2012 Newark Master Plan suggests requiring all new residential developments receiving City subsidy or land to meet Enterprise Green Communities Criteria. Sustainable design and development has only become more important in the years since the adoption of the Master Plan, so it may be appropriate to expand this requirement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CENTRAL PLANNING BOARD, CITY OF NEWARK, NEW JERSEY THAT**

After review, the Board wishes to transmit the findings incorporated herein to the Newark Municipal Council, and recommends that the Council revise aspects of the Ordinance as described above.

I so move

# Newark Zoning and Land Use Regulation Recommendation to Municipal Council MX-3 Use Residential/ Commercial

## MEMBERS VOTING SHEET

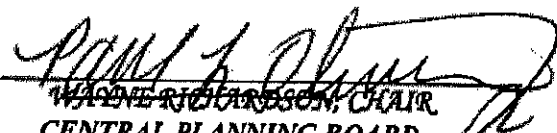
MOTION MADE BY BOARD MEMBER RodriguezMOTION SECONDED BY BOARD MEMBER Cooper

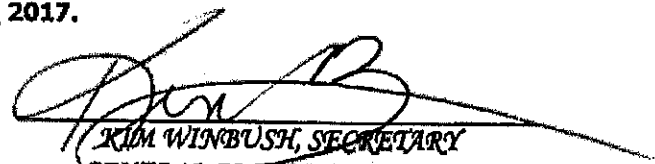
	<u>BOARD MEMBERS</u>	<u>YES</u>	<u>NO</u>	<u>N.V.</u>	<u>ABSENT</u>
1.	WAYNE RICHARDSON Chairman				✓
2.	PAUL L. OLIVER, JR Co-Chairman	✓			
3.	AUGUSTO AMADOR				✓
4.	MIGUEL RODRIGUEZ	✓			
5.	JACQUELINE CEOLA	✓			
6.	MARSHALL COOPER	✓			
7.	MICHAEL LOCKETT	✓			
8.	ALEX JURGELEVICIUS				✓
9.	KALENAH WITCHER	✓			
10.	LEON PURDIE	✓			
11.	DEON MITCHELL	✓			

### CERTIFICATION

I, WAYNE RICHARDSON THE DULY APPOINTED AND QUALIFIED CHAIR OF THE CENTRAL PLANNING BOARD OF THE CITY OF NEWARK, NEW JERSEY, DO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT RECORD OF VOTE RELATING TO THE MATTER AT HAND AND ON FILE AND /OR RECORD WITH THE CENTRAL PLANNING BOARD OF NEWARK, NEW JERSEY.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND THE SEAL OF SAID BOARD THIS 24 DAY OF July, 2017.

  
WAYNE RICHARDSON, CHAIR  
CENTRAL PLANNING BOARD  
PAUL L. OLIVER, JR.

  
KIM WINBUSH, SECRETARY  
CENTRAL PLANNING BOARD

*Handwritten signature*

17-1437  
GPSFC 10-4

# Newark Zoning and Land Use Regulations (NZLUR) Proposed Mixed Use (MX-3) - Residential/Commercial High Density

- Currently, there are only two Mixed Use zoning districts in the NZLUR, i.e MX-1 ( Mixed Use Residential/Commercial) and MX-2 (Mixed Use Residential/Commercial/Industrial).
- The proposed MX-3 will replace the area near Newark Penn Station that is currently zoned for R-5 Mid Rise Multifamily zone.
- Proposed New NZLUR MX-3 (Mixed Use Residential /Commercial ) will permit high density/high rise commercial & residential uses.

**Proposed NZLUR MX-3 has been revised after the July 6 Community Meeting.**

## MX-3 Before the community meeting

Max. Height - 15 Stories with an additional 1 story per 12 feet height shall be permitted for each level of parking provided up to 3 levels for a maximum of 3 stories.

Ground Floor Coverage : 100%

Set Back : no requirements

Sustainability Standards : requirements

## Proposed NZLUR - MX-3

(Revised after the July 6 Community Meeting)

Max. Height - 12 Stories or 145 ft.

Ground Floor Coverage : 85 %

Set Back Requirement : A 10-foot setback is required after 8 stories along all front street facing facades.

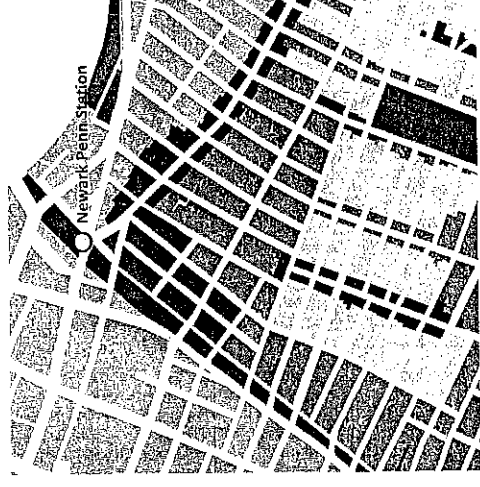
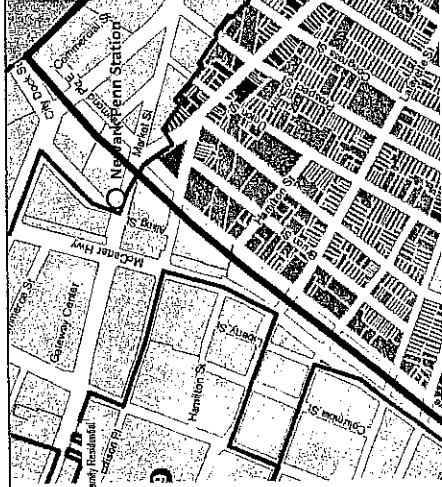
For properties bordering on Ferry Street, no portion of any building within 100 feet of Ferry Street shall exceed 5 stories or 60 feet. All dwelling units fronting on Ferry Street shall be located above ground floor retail, office or service use.

Sustainability Standards : Such as 10% Open Space Requirements, green roof requirement, graywater/storm water recharge system requirements.

## Goals:

- Proposed changes will promote high-density development around transit. Emphasizing density around transit is a common planning concept, and is already incorporated in existing City plans.
  - The Living Downtown Plan also does not have a height limit.
- Proposal is in concert with City's ongoing efforts to promote affordability
- Proposed zoning change aims to mitigate impacts of density by including sustainability standards to deal with storm water, open space, and transportation

\* Presented to Municipal Council on September 7, 2017



## **Exhibit D**

## Ordinance

of the

City of Newark, N.J.

No. 6.F.A. 1st Reading 8-2-2017

No. Public Hearing OCT 04 2017

No. 6.P.S.F.C. 2nd Rdg. and Final Passage

No. Reconsidered

Approved as to Form and Legality on Basis of Facts Set Forth

*[Signature]*  
 Acting Corporation Counsel

Council member *[Signature]* presents the following Ordinance:

Date to Mayor OCT 05 2017

Date Returned OCT 10 2017

Date Resubmitted to Council

Date Advertised 1st Reading

Final Reading *[Signature]*  
 Factual contents certified to by *[Signature]* FOR J. KELLY

Title Acting Deputy Mayor/Director EHO

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK AMENDING THE CITY OF NEWARK ZONING ORDINANCE, TITLE XLI, CHAPTERS 1 THROUGH 5 OF THE MUNICIPAL CODE, TO CREATE AN MX-3 ZONE, WHICH WILL ALLOW A BLEND OF HIGH DENSITY RESIDENTIAL AND COMMERCIAL USES.**

**WHEREAS**, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

**WHEREAS**, the Central Planning Board, at its July 24, 2017 regular meeting, confirmed that the proposed amendment is substantially consistent with the City's land use plan element, in accordance with the provisions of N.J.S.A. 40:55D-62; and

**WHEREAS**, The Municipal Council of the City of Newark is proposing an Ordinance to amend the Newark Zoning and Land Use Regulations (NZLUR), Title XLI of the Municipal Code. This Ordinance proposes the establishment of a new zone, the MX-3 Mixed Use Residential/Commercial (High Density) District; and

**WHEREAS**, The Municipal Council is required by State statute (N.J.S.A. 40:55D-26) to refer the proposed legislation to the Planning Board for its review. The purpose of this review is twofold; to determine if the proposed legislation is consistent with the City's Master Plan, and to make recommendations to the Council related to this consistency or any other matter that the Board deems appropriate; and

**WHEREAS**, the Municipal Council adopted Resolution 7R2-g, on June 21, 2017, referring the proposed MX-3 amendment to the Zoning Ordinance to the Planning Board for their review; and

**WHEREAS**, the Central Planning Board, City of Newark, New Jersey, after considering the evidence presented by the Board Planner at its regular hearing on June 26, 2017, which included a review of the Ordinance for consistency with the City Master Plan and recommendations for revisions, and after hearing the testimony of members of the public, elected to defer action on the matter until a community meeting could be conducted; and

**WHEREAS**, on July 6, 2017, a community meeting was conducted in the East Ward in the Ironbound Neighborhood, at which time a presentation was made by Department of Economic and Housing Development staff and attendees were given the opportunity to present comments about the proposal; and

**WHEREAS**, the Central Planning Board, City of Newark, New Jersey, at its regular hearing on July 24, 2017, heard additional testimony on this matter and made recommendations that are attached in the Memorialized Resolution. findings.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

**Section 1: Title 41, Chapters 1 through 5 of the City of Newark Municipal are hereby amended as follows:**

**Bold and underlined is new text not present in the current zoning ordinance.**

**Strike through is text deleted from the current zoning ordinance.**

**Chapter 1. Purpose & Intent Introduction**

**41:1-2. Introduction to Zones/Zoning Districts**



### **MX-3 Mixed-Use 3: Residential & Commercial (High Density)**

Mixed Use 3: Residential & Commercial (MX-3) zoning allows for a blend of high density residential and commercial uses in the same building or district, within a half (1/2) mile from Newark Penn Station. It builds upon Newark's strength as a multimodal transportation hub to support the Downtown Core District, expand housing and economic opportunities along the area's major streets and transportation corridors and protect adjacent low-density neighborhoods. It promotes a walkable neighborhood with a vibrant commercial/retail zone. The district's bulk standards allow taller buildings – up to twelve (12) stories high with a minimum lot area per dwelling unit of two hundred (200) square feet.

Commercial development in MX-3 zones allows for ground-floor commercial use with commercial or residential uses above.

MX-3 zoning is applied in areas where there is some existing mix of residential, commercial and industrial uses, such as along Lafayette Street, Union Street and Ferry Street and in under-utilized areas near Newark Penn Station where the predominant use is surface parking, such as along New Jersey Railroad Avenue, Bruen Street, McWhorter Street, Prospect Street and Congress Street.

Learn more about the specific uses that are permitted and prohibited in MX-3 zones in section 41:4-4. Permitted Uses in Mixed-Use & Other Districts.

Learn more about the size and design of buildings permitted in MX-3 zones in section 41:5-2. General Bulk & Design Standards.

## **Chapter 2. Definitions**

Artisans and Craft Workspace shall mean space for skilled craft workers who create things by hand that may be functional or decorative in nature including but not limited to: art, furniture, sculptures, clothing and jewelry. The display and sale of these crafts is permitted as an accessory use.

Brewery, Limited shall mean a commercial facility, which shall not sell or serve food or operate a restaurant, which brews any malt alcoholic beverage in quantities for which it is licensed by the Alcoholic Beverage Commission pursuant to N.J.S.A. 33:1-10. The limited brewery may sell the product at retail to consumers on the licensed premises of the brewery for consumption on the premises but only in connection with tours of the brewery, or for consumption off premises in a quantity of not more than 15.5 fluid gallons per person, and to offer samples for sampling purposes only. "Sampling" shall mean the selling at a nominal charge or the gratuitous offering of an open container not exceeding four ounces of any malt alcoholic beverage produced on the premises. In addition, uses which manufacture 10,000 barrels of beverage or less, but do not meet the one or more requirements of N.J.S.A 33:1-10 and N.J.S.A 33:1-12, shall be considered as limited brewery.

Brewery, Restricted shall mean a commercial establishment, commonly known as Brewpub, that brews any malt alcoholic beverage on site and that meets the requirements of N.J.S.A. 33:1-10 and N.J.S.A 33:1-12. The restricted brewery shall operate in conjunction with a "Sit-Down Restaurant", as defined herein. The restricted brewery may not manufacture more than 10,000 of 31 gallons capacity per year. The restricted brewery may sell, transport and deliver malt alcoholic beverages to wholesalers licensed in accordance with N.J.S.A. 33:1-10.

Shared Kitchen shall mean any establishment that is used as a place of business for the exclusive or primary purpose of utilizing, leasing or renting its commercial kitchen space to individuals, or business entities, for food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or any other food-related purpose; and is licensed as per any applicable local, state or federal law.

**Height of Building** shall mean measured to the highest point of the roof from the mean elevation of the finished grade from all exterior walls shall mean the vertical distance measured from the mean elevation of the finished grade from all exterior walls to the highest point of the roof. The limitations of height shall not apply to necessary features usually carried above roofs of buildings, but not used for living purposes, such as water tanks, satellite dishes, chimneys, ventilation systems, rooftop mechanical equipment, bulkheads, aerials, church towers or spires, solar arrays, reception antennas, lightning rods and flag poles for the use of the occupants of the building.

**Live-Work Unit (Non-Nuisance Producing)** shall mean a dwelling unit where the living space is separated from the work space. The work space shall be located on the street level and the living space may be located on the street level (behind the work component) or on any other level of the building above the basement. A minimum of one residential unit in a building with live-work use shall be occupied by the person operating the street-level business.

The work use shall not be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

**Live/work space**, includes, but is not limited to: customary home occupations; retail sales; photographic studio; studio for arts, crafts, writing, acting, advertising, industrial design, media facility, architecture, interior design, recording studio; theater, film or video production; gallery, auction house, set shop; lighting, engineering, or musical instrument manufacturing; sheet music printing, framing, arts supply, arts restoration, and neighborhood light manufacturing uses.

**Makers Space** shall mean a building with multiple live-work spaces producing retail goods (NOT services), that may contain a shared retail sales space located on the street level of the building. The building may also contain rooms for common workshop space, containing tools and equipment to be shared among building residents. This common workshop shall not include and must be separate and apart from any residential unit.

In the case of a makers space, each live-work unit may combine the "work" and "live" components into a single combination workspace/dwelling unit.

All final sales of goods must be confined to the first-floor retail area. Customers may only be served in this first-floor space. The first floor area may also contain a workshop space where residents of the building can hold demonstration workshops or host other events of an educational nature.

## Chapter 3. Zoning Districts

### 401:3-1. Establishment of Zoning Districts

For the purpose of limiting and restricting to specified districts, and regulating therein buildings and structures according to their construction and the nature and extent of their use, and the nature and extent of the use of land, and to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use and extent of use of buildings and structures and land, for trade, industry, residence or other purposes excluding municipally owned and operated or municipally operated buildings and related premises used for governmental purposes, the City of Newark is hereby divided into districts, of which there shall be twenty (20) in number, known as:

R-1	Detached Single-Family Residential
R-2	Single- and Two-Family Residential
R-3	One- to Three-Family and Town House Residential
R-4	Low-Rise Multifamily Residential
R-5	Mid-Rise Multifamily Residential
R-6	High-Rise Multifamily Residential
C-1	Neighborhood Commercial
C-2	Community Commercial
C-3	Regional Commercial
I-1	Light Industrial
I-2	Medium Industrial
I-3	Heavy Industrial
MX-1	Mixed Use, Residential/Commercial
MX-2	Mixed Use, Residential/Commercial/Industrial
MX-3	Mixed Use, Residential/Commercial (High Density)
EWR	Airport

EWR-S Airport Support  
 PORT Port  
 INST Institutional  
 PARK Park  
 CEM Cemetery  
RDV/SD Redevelopment Zones & Special Districts

## Chapter 4: Permitted Uses by District

### 401:4-4. Permitted Uses in Mixed-Use & Other Districts

Table 4-4: Mixed-Use & Other Districts						
P = Permitted    - = Not Permitted    C = Conditional Use Only						
Any use not listed below is also prohibited						
	MX-1	MX-2	MX-3	INST	PARK	CEM
<b>Principal Uses</b>						
Single-Family Dwelling	P	P	-	-	-	-
Two-Family Dwelling	P	P	-	-	-	-
Three-Family Dwelling	P	P	-	-	-	-
Town House, Dwelling	P	P	-	P	-	-
Low-Rise Multi-Family Dwellings	P	P	P	P	-	-
Mid-Rise Multi-Family Dwellings	-	-	P	P	-	-
High-Rise Multi-Family Dwellings	-	-	P	-	-	-
<b>Artisans and Craft Workspace</b>	-	P	P	-	-	-
Artist Live/Work Studio (Nuisance Producing)	-	C	-	-	-	-
Active Recreation Park	P	P	P	P	P	-
Animal Boarding or Kennel, Animal Shelter, Pound	-	C	-	-	-	-
Animal Daycare, Animal Grooming	C	C	C	-	-	-
Automobile Repair and Tire Repair	-	P	-	-	-	-
Bar/Lounge, Cigar or Hookah (See Section 401:4-6. Additional Standards)	-	-	-	-	-	-
Bars, Taverns, Lounges	C	C	C	-	-	-
Body Art Studio	-	C	-	-	-	-
<b>Brewery, Limited</b>	-	P	P	-	-	-
<b>Brewery, Restricted</b>	P	P	P	-	-	-
Business, Specialized or Vocational Schools	-	P	P	-	-	-
Cemeteries (See Section 401:4-6. Additional Standards)	-	-	-	-	-	P
Child Care Center/Adult Day Care	P	P	P	P	-	-
Colleges and Universities	-	-	-	P	-	-
Commercial Recreation	-	P	P	-	-	-
Community Centers	P	P	P	P	-	-
Community Gardens	P	P	-	P	P	-
Consignment Store	P	P	P	-	-	-
Consumer Repair Services	P	P	P	-	-	-
Convenience Retail (permitted on ground floor only)	P	P	P	P	-	-
Data Center	-	P	P	-	-	-
Dormitory	-	-	-	P	-	-
Dry Cleaning and Laundry Establishment	C	C	C	C	-	-
Emergency Food Distribution Center, Food Pantry & Soup Kitchen	C	C	-	-	-	-
Finance, Insurance, Real Estate, or Securities Brokerage	P	P	P	-	-	-
Consumer Services	-	-	-	-	-	-
Fish, Meat and Poultry Markets	P	P	P	-	-	-
Fitness Centers	P	P	P	P	-	-
Fresh Food Market	P	P	P	P	-	-
Funeral Home or Mortuary	C	C	-	-	-	-
Government (Non-Municipal) Uses	-	P	P	P	-	-
Homeless Shelter	C	C	-	C	-	-
Hospital or Medical Institution	-	-	-	P	-	-

Table 4-4: Mixed-Use & Other Districts						
P = Permitted    - = Not Permitted    C = Conditional Use Only						
Any use not listed below is also prohibited						
	MX-1	MX-2	MX-3	INST	PARK	CEM
<b>Principal Uses (continued)</b>						
Hotels (See Section 401:4-6. Additional Standards)	-	-	P	-	-	-
Laundromat	P	P	P	-	-	-

No. 658CPage 5Date OCT 04 2017

<b>Live-Work Unit (Non Nuisance Producing)</b>	-	-	P	-	-	-
<b>Makers Space</b>	-	-	P	-	-	-
Manufacturing, Light	-	P	P	-	-	-
Massage Facilities	C	C	C	-	-	-
Medical Clinic or Emergency Care Facility	-	P	P	-	-	-
Medical Offices	P	P	P	-	-	-
Methadone Maintenance Clinic	-	C	-	-	-	-
Municipal Uses	P	P	P	P	-	-
Museums	-	-	-	P	-	-
Offices	P	P	P	P	-	-
Passive Recreation Park	P	P	P	P	P	-
Personal Service Establishment	P	P	P	-	-	-
Places of Worship	C	C	C	C	-	-
Primary and Secondary Schools	C	C	C	C	-	-
Private Clubs (See Section 401:4-6. Additional Standards)	C	-	C	-	-	-
Recycling Center	-	C	-	-	-	-
Resale or Thrift Shop	C	C	C	-	-	-
Research and Development	-	P	P	P	-	-
Retail Sales, General Consumer Goods	P	P	P	P	-	-
<b>Shared Kitchen</b>	P	P	P	P	-	-
Sit-Down Restaurant	P	P	P	-	-	-
Substance Abuse Treatment Center	-	C	-	-	-	-
Supermarket	P	P	P	-	-	-
Take-Out Restaurant	P	P	P	-	-	-
Theater	-	-	-	P	-	-
Veterinary Clinic, Office or Hospital	-	C	C	-	-	-
Warehousing, Wholesaling and Distribution	-	P	-	-	-	-
Wholesale Bakeries	-	P	-	-	-	-

<b>Table 4-4: Mixed-Use &amp; Other Districts</b>						
P = Permitted    - = Not Permitted    C = Conditional Use Only						
Any use not listed below is also prohibited						
	<b>MX-1</b>	<b>MX-2</b>	<b>MX-3</b>	<b>INST</b>	<b>PARK</b>	<b>CEM</b>
<b>Accessory Uses</b>						
Automotive Lifts (See Section 401:4-6. Additional Standards)	-	P	-	P	-	-
Child Care Center/Adult Day Care	P	P	P	P	-	-
Coldframe	P	P	-	P	P	-
Columbarium	-	-	-	-	-	P
Composting (See Section 401:4-6. Additional Standards)	P	P	-	P	P	P
Crematorium, Animal	-	-	-	-	-	C
Crematorium, Human	-	-	-	-	-	C
Donation Bin (See Section 401:4-6. Additional Standards)	P	P	-	P	-	-
Emergency Food Distribution Center, Food Pantry & Soup Kitchen	C	C	C	-	-	-
Farm Stand	P	P	P	P	-	-
Greenhouse	P	P	P	P	P	-
Home Occupation (See Section 401:4-6. Additional Standards)	P	-	P	-	-	-
Home Professional Offices	C	C	C	-	-	-
Hoophouse	P	P	P	P	P	-
Maintenance Buildings	-	-	-	P	P	P
Massage Facilities	C	C	C	-	-	-
Mausoleum	-	-	-	-	-	P
Mausoleum, Family	-	-	-	-	-	P
Offices	P	P	P	P	-	P
Outdoor storage, Portable Storage Units	-	C	-	C	-	C
Parking, Structured*	P	P	P	-	-	-
Parking, Garage, Private Residential	P	P	-	-	-	-
Place of Worship	-	-	-	-	-	P
Sidewalk Café (accessory to permitted restaurant only, see Section 401:4-6. Additional Standards)	P	P	P	P	-	-
Solar Energy Systems	C	C	C	C	-	C
<b>Solar Energy System, Residential Roof Mounted</b> (See Section 41:4-6. Additional Standards)	P	P	P	P	-	-
Tombstones and Monuments	-	-	-	-	-	P
Wind Energy Systems, Small	C	C	C	C	C	C

**401:5-1. Permitted Building Types by Zoning District****Table 5.1. Building Types Permitted by Zone**

P = permitted, see Bulk &amp; Design requirements

Note: This table pertains only to building design requirements and not permitted uses. For permitted uses, see Chapter 4: Permitted Uses by District

BUILDING TYPE	R1	R2	R3	R4	R5	R6	C1	C2	C3	I1	I2	I3	MX-1	MX-2	MX-3	INS-T	EWR-S
<b>RESIDENTIAL</b>																	
One-family	P	P	P	P									P	P			
Two-family		P	P	P									P	P			
Three-family			P	P									P	P			
Townhouse		P	P	P									P	P		P	
Low-rise multifamily & Four-family				P	P	P	P						P	P	P	P	
Mid-rise multifamily					P	P									P	P	
High-rise multifamily						P									P		
<b>COMMERCIAL</b>																	
Ground-floor commercial with commercial or residential above				P	P	P	P	P	P				P	P	P	P	
Detached commercial									P	P			P	P	P		P
<b>INDUSTRIAL</b>																	
<b>CIVIC/INSTITUTIONAL</b>																	
University																P	
Hospital or Medical Institution																P	
Schools (Elementary, Middle, High Schools)		P	P	P	P	P	P	P	P				P			P	
Place of Worship		P	P	P	P	P	P	P	P	P			P	P		P	
Community Center, Stand-Alone Daycare or Preschool in a Non-residential Area, and other Civic Buildings				P	P	P	P	P	P				P	P	P	P	

**Table 5-32. General Bulk & Design Standards**

	Min Lot Size for Subdivision	Min Lot Width for Subdivision	Max Building Height	Front Yard	Side Yard	Min Rear Yard	Min Lot Area per Dwelling	Max Lot Coverage by Building
Low-rise multifamily	10000 square feet	100 feet	4 stories and 48 feet	Front setback shall match the shorter front setback of the two closest <u>principal</u> buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback.	5 feet Minimum	30 feet	625 SF/du	66%
For accessory buildings in residential districts see Note 7 in this Chapter			For towers, cupolas, and other elements of architectural character, see Note 1 in this Chapter.	Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 in this Chapter.	For party walls and other exceptions, see Note 5 in this Chapter.			
in C-1 and MX-3 Zone: for low-rise multifamily with active ground floor use				For through lots, see Note 3 in this Chapter.				
Ground-floor commercial with commercial or residential above standards.				For corner lots, see Note 4 in this Chapter.				
Mid-rise multifamily	10000 square feet	100 feet	8 stories and 96 feet	Front setback shall match the shorter front setback of the two closest <u>principal</u> buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback.	5 feet minimum	30 feet	350 SF/du	60%
For accessory buildings in residential districts see Note 7 in this Chapter			For towers, cupolas, and other elements of architectural character, see Note 1 in this Chapter.	Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 in this Chapter.	For party walls and other exceptions, see Note 5 in this Chapter.			
In MX-3 Zone: for mid-rise multifamily with active ground floor use			For properties bordering on Ferry Street, no portion of any building within 100 feet of Ferry Street shall exceed 5 stories or 60 feet. All	For through lots, see Note 3 in this Chapter.				
Ground-floor commercial with commercial				For corner lots, see Note 4 in this Chapter.				

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or 3 residential above standards.			dwelling units fronting on Ferry Street shall be located above ground floor retail, office or service use.				
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Table 5.32. General Bulk &amp; Design Standards

	Max Impervious (Paved) Yard Area	Min Building Transparency	Orientation of primary entrance	Active Ground Floor Requirements
<p><b>Low-rise multifamily</b></p> <p>For accessory buildings in residential districts see Note 87 in this chapter</p>	<p>Front Yard: 55%</p> <p>Rear Yard: 30%</p>	<p>Primary Front Façade: 50%</p> <p><u>Secondary Street-Facing Side Façade</u> &amp; Rear Façades: 35%</p> <p>Non-Street-Facing Façades: 20% or the maximum allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>If there is retail, office or personal services on the ground floor between zero (0) and 14 feet, the front façade must have 65% transparency.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>All units must be accessible from front or side façade. Rear primary entrances are prohibited.</p> <p>If there is one or more units of retail, office, or personal services on the ground floor between zero (0) and 14 feet, each unit must have its own primary entrance on the street-facing façade.</p>	<p>If there is one or more units of retail, office or personal services on the ground floor, the ground floor shall have a 14 feet <del>max</del> <u>min.</u> floor-to-floor height.</p>
<p><b>Mid-rise multifamily</b></p>	<p>Front Yard: 55%</p> <p>Rear Yard: 30%</p>	<p>Primary Front Façade: 50%</p> <p><u>Secondary Street-Facing Side Façade</u> &amp; Rear Façades: 35%</p> <p>Non-Street-Facing Façades: 20% or the maximum allowed by construction code, whichever is greater.</p> <p>All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.</p> <p>If there is retail, office or personal services on the ground floor between zero (0) and 14 feet, the front façade must have 65% transparency.</p>	<p>Primary street-facing façade must include primary entrance.</p> <p>All units must be accessible from front or side façade. Rear primary entrances are prohibited.</p> <p>If there is one or more units of retail, office, or personal services on the ground floor between zero (0) and 14 feet, each unit must have its own primary entrance on the street-facing façade.</p>	<p>If there is one or more units of retail, office or personal services on the ground floor, the ground floor shall have a 14 feet <del>max</del> <u>min.</u> floor-to-floor height.</p>

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**Table 5-32. General Bulk & Design Standards**

	Min Lot Size for Subdivision	Min Lot Width for Subdivision	Max Building Height	Front Yard	Side Yard	Min Rear Yard	Min Lot Area per Dwelling	Max Lot Coverage by Building
High-rise multifamily	10000 square feet	100 feet	10 stories and 120 feet	Front setback shall match the shorter front setback of the two closest <del>principle</del> <u>principal</u> buildings on each side of the project site on the same block as the site or 6 feet if no prevailing setback. <u>A 10-foot front setback is required along McWhorter Street and Union Street.</u>	10 feet minimum	30 feet	300 SF/du	60%
In MX-3 Zone: for high-rise multifamily with active ground floor, use Ground-floor commercial with commercial or residential above standards.			An additional 1 story per 12 feet of height shall be permitted for each additional 1,000 SF of lot area up to 20,000 SF, for a maximum height of 20 stories and 243 feet. <u>A 10-foot setback is required after 8 stories along all front street facing facades. For properties bordering on Ferry Street, no portion of any building within 100 feet of Ferry Street shall exceed 5 stories or 60 feet. All</u>	Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 in this Chapter.  For through lots, see Note 3 in this Chapter.  For corner lots, see Note 4 in this Chapter.				

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11	Ground-floor commercial	3,500 square feet	35 feet	In C1 district: 4 stories and 48 feet	Minimum: 0 feet Maximum: 5 feet	0 feet minimum and maximum	Abutting a residential district or residential use: 25 feet	In C1, <u>MX-1, and MX-2</u> districts: 580 SF/du	80%  <u>In MX-3 zone: 85%</u>
12	with commercial or residential above	In MX-3: 10,000 square feet	In MX-3: 100 feet	In C2 district: <u>minimum 2 stories and maximum 5 stories and 60 feet</u>	<u>In MX-3: Front setback shall match the shorter front setback of the two closest principal buildings on each side of the project site on the same block as the site or 5 feet if no prevailing setback. A 10-foot front setback is required along McWhorter Street and Union Street.</u>	<u>In MX-3: 5 feet minimum for buildings up to 8 stories and 10 feet minimum for buildings more than 8 stories tall.</u>	Abutting a non-residential district: 20 feet	In C2 district: 340 SF/du	
13	For ground-floor commercial with commercial or residential above in residential districts, see the following standards:			In C3 and INST districts: 8 stories and 96 feet				In C3 and INST districts: 310 SF/du	
14	In R-4 – low-rise multifamily.			In MX-1 & and MX-2 districts: 4 stories and 48 feet.	Regarding exceptions for bay windows, balconies, stoops, porches, and other elements of architectural character, see Note 2 in this Chapter.			<u>In MX-3 zone: 200 SF/du; 150 SF/du if 50% of the total units are 1 bedroom and/or studio units; 130 SF/du if 75% of the total units are 1 bedroom and /or studio units.</u>	
15	In R-5 – mid-rise multifamily.			<u>In MX-3 districts: 12 stories and 145 feet. A 10-foot setback is required after 8 stories along all front street facing facades. For properties bordering on Ferry Street, no portion of any building within 100 feet of Ferry Street shall exceed 5 stories or 60 feet. All dwelling units fronting on Ferry Street shall be located above ground floor retail, office or service use.</u>	For through lots, see Note 3 in this Chapter.				
16	In R-6 – high-rise multifamily.				For corner lots, see Note 4 in this Chapter.				
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	Max Impervious (Paved) Yard Area	Min Building Transparency	Orientation of primary entrance	Active Ground Floor Requirements
4-5 High-rise multifamily	Front Yard: 55% Rear Yard: 30%	Primary Front Façade: 50% <b>40% in MX-3</b>  Secondary Street-Facing Side Façade & Rear Façades: 35%  Non-Street-Facing Façades: 20% or the maximum allowed by construction code, whichever is greater.  All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.  If there is retail, office or personal services on the ground floor between zero (0) and 14 feet, the front façade must have 65% transparency.	Primary street-facing façade must include primary entrance.  All units must be accessible from front or side façade. Rear primary entrances are prohibited.  If there is one or more units of retail, office, or personal services on the ground floor between zero (0) and 14 feet, each unit must have its own primary entrance on the street-facing façade.	If there is one or more units of retail, office or personal services on the ground floor, the ground floor shall have a 14 feet max min. floor-to-floor height.
20-23 Ground-floor commercial with commercial or residential above	Front Yard: n/a Rear Yard: 50%  <b>In MX-3 zone: Front Yard: 55% Rear Yard: 30%</b>	Ground-level street-facing façade below 14 feet in height: 65%  Ground-level windows must allow views of indoor non-residential space or product display areas.  Corner uses having frontage on two streets shall meet this requirement for each of the street frontages.  Primary Front Façade (excluding ground-level façades): <b>40% in MX-3 and 50% in all other zoning districts</b>  Street-Facing Side & Rear Façades: 35%  Non-Street-Facing Walls: 15% All transparent glazing areas on door panels count towards this requirement, but door panels themselves do not count towards this requirement.  Reflective, mirrored, smoked and dark tinted glass are prohibited on façades facing a public street.	Primary street-facing façade must include primary entrance.  Buildings may have more than one principal façade and/or entry.  Entries to non-residential uses shall have their own individual entrance from a sidewalk or walkway; mall-style interior retail entrances are prohibited.	Ground floor shall have a 14 feet min floor-to-floor height.  <b>In MX-3 zone: Active ground floor with active streetfront design required for all building frontages.</b>
Note: In MX-3 additional sustainability standards shall apply, see section 41:5-3.				

**41:5-3: Additional sustainability standards for MX-3.**

Following standards shall apply for building over 8 stories high.

1. Provide open spaces (greens, squares, plazas, courts and pocket parks/playgrounds) equal to 10% of total lot area or 10% of the ground-floor floor area whichever is greater on the site, with public access directly from the sidewalk at ground level or from the public right of way. Open space must meet landscaping and other design requirements as listed in this ordinance.
2. Provide green roof equal to 50% or more of the total usable roof area including both principal and accessory structures.
3. Provide a living wall or green wall equal to 300 Sq. Ft. or more.
4. Install appropriate gray water recycling system so that onsite gray water is reused for landscaping maintenance and other non-potable systems.
5. Incorporate additional on-site stormwater management measures and Low Impact Development (LID) strategies, that reduces stormwater flow generated from proposed development, including all proposed graded and fill areas, by 50% or greater. The plans must provide calculations showing stormwater runoff rates of development with the new stormwater management measures and without them.
6. All new electrical or electronic appliances provided by the developer, owner or management Company shall meet Energy Star compliant requirements.
7. Provide One (1) bicycle parking space for every five (5) residential units.
8. Provide one (1) electric vehicle charging station for every ten (10) parking spaces.

**List of Attached Exhibits**

- 1) Exhibit A – Map 1: Rezoning Boundary
- 2) Exhibit B – Map 2: Existing Zoning
- 3) Exhibit C – Map 3: Proposed Zoning
- 4) Exhibit D – Map 4: Existing Land Uses (Newark Master Plan)
- 5) Exhibit E – Map 5: Proposed Land Uses

**Section 2:**

**Severability:** If any Section, Subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 3.**

**Repealer:** All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

**Section 4.**

This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

**STATEMENT**

This Ordinance amends the City of Newark's Zoning Ordinance, Title XLI, Chapters 1 through 5, to create an MX-3 Zone, which will allow a blend of high density residential and commercial uses.

CERTIFIED TO BY ME THIS

OCT 11 2017

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE					RECORD OF COUNCIL VOTE FOR RECONSIDERATION									
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador Vice President		<input checked="" type="checkbox"/>			Osborne	<input checked="" type="checkbox"/>				Amador Vice President				
Gonzalez	<input checked="" type="checkbox"/>				Quintana	<input checked="" type="checkbox"/>				Gonzalez				
James	<input checked="" type="checkbox"/>				Ramos, Jr.	<input checked="" type="checkbox"/>				James				
Chaneyfield Jenkins				<input checked="" type="checkbox"/>	Crump President	<input checked="" type="checkbox"/>				Chaneyfield Jenkins				
McCallum, Jr.	<input checked="" type="checkbox"/>									McCallum, Jr.				
✓ - Indicates Vote					AB - Absent					NV - Not Voting				

Adopted on first reading at a meeting of the Council of the City of Newark, N.J. on

AUG 02 2017

Adopted on second and final reading after hearing on

OCT 04 2017

Approved

Rejected By

Mayor

Council President

City Clerk

This Ordinance when adopted must remain in the custody of the City Clerk. Certified copies are available.

17-1437

## **Exhibit E**

# Newark

Ras J. Baraka  
Mayor

Department of Economic & Housing Development  
920 Broad Street, Room 218  
Newark, New Jersey 07102  
Tel: 973-733-6575  
Fax: 973 733-4855

Baye Adofo-Wilson  
Director

2017 AUG 25 PM 3:09

## MEMORANDUM

**Date:** August 25, 2017

**To:** Kenneth Louis, City Clerk

**From:** Baye Adofo-Wilson, Director/Deputy Mayor of Economic and Housing Development

**Re:** 17-1437 Amendment to Zoning Ordinance to Create an MX-3 Zone - High Density Residential and Commercial

---

The above-indicated matter is to be listed under Public Hearing, Second Reading and Final Passage for the September 7, 2017 Regular Municipal Council Meeting agenda. I respectfully request that the City Council take no action to adopt on Second Reading at the September 7, 2017 Regular Municipal Council Meeting or open the Public Hearing as there is a need to propose an amendment. Furthermore, there is no need to send out any notices until after the amendment.

Should you require any additional information, please do not hesitate to contact me.

Thank you.



RAS J. BARAKA  
MAYOR  
NEWARK, NEW JERSEY

August 1, 2017

Mr. Kenneth Louis  
City Clerk  
920 Broad Street  
Newark, New Jersey 07102

**Re: Added/Starter Item for August 2, 2017 Regular Council Meeting for the  
Creation of the MX-3 Zone**

Dear Mr. Louis:

I respectfully request that the following item be added to the agenda of the Municipal Council Meeting scheduled for August 2, 2017 at 12:30 p.m. or as soon thereafter for consideration by the Municipal Council:

**This Ordinance amends the City of Newark's Zoning Ordinance to create a MX-3 Zone, which will allow a blend of high density residential and commercial uses.**

The Legistar Number for this item is 17-1437. This matter is agenda ready and is time sensitive. Thank you for your kind consideration in this matter.

Sincerely yours,

Ras J. Baraka  
Mayor

2018 JUL -1 P 1:45

2018 JUL -1 P 1:43

NEWARK, NJ  
JUL 1 2018



CITY  
OF NEWARK

6PSF-c 100417



6PSF-b 092017

**Ras J. Baraka**  
Mayor

**Baye Adofo-Wilson**  
Deputy Mayor/Director

**Department of Economic and Housing Development**

**Date:** August 2, 2017

**To:** Ken Louis, City Clerk

**From:** Al-Tariq Shabazz, Assistant Director/Chief of Staff of Economic and Housing Development

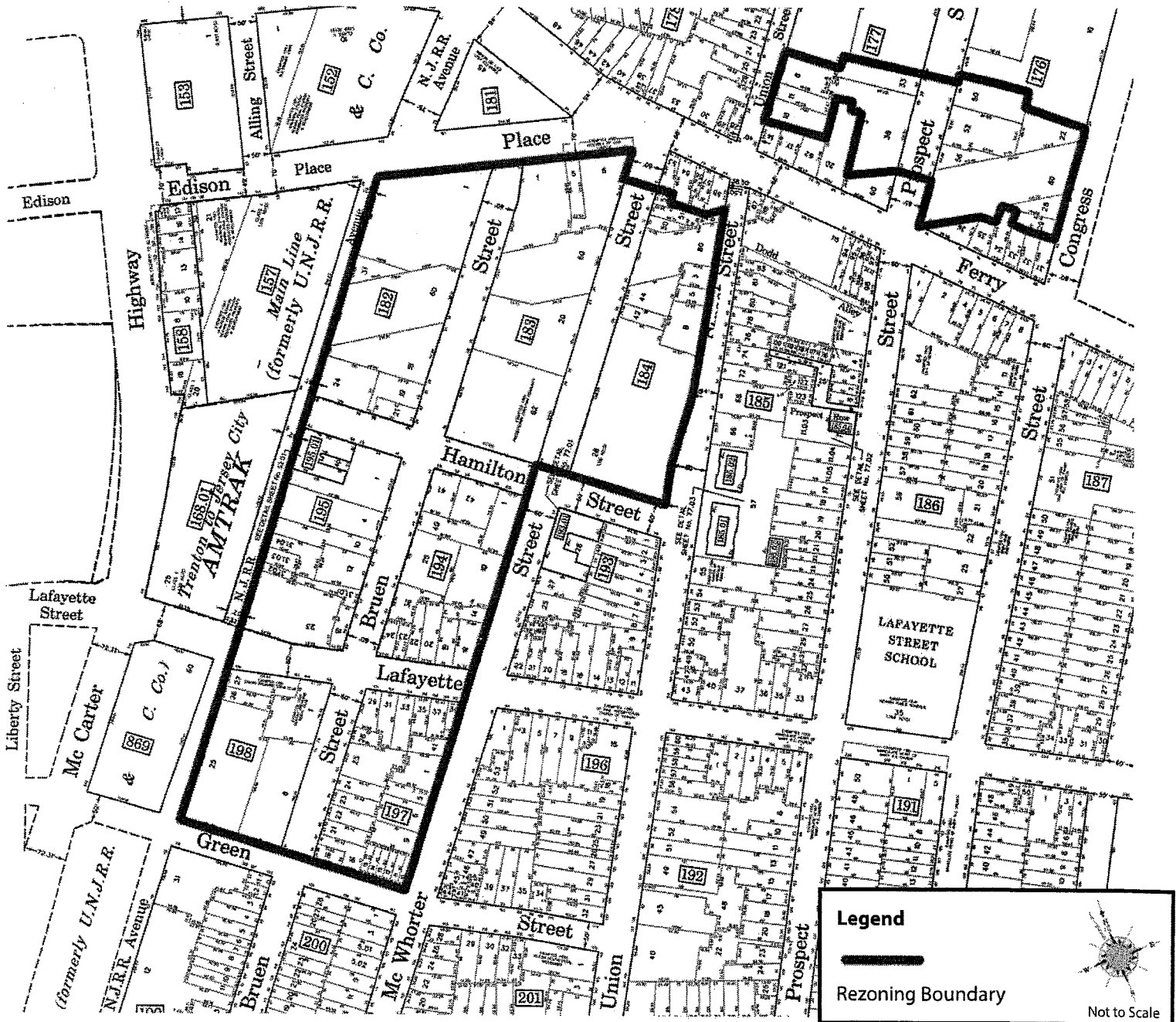
**Subject:** 17-1437 MX-3 Amendment to Zoning Ordinance  
17-1457 Inclusionary Zoning Ordinance

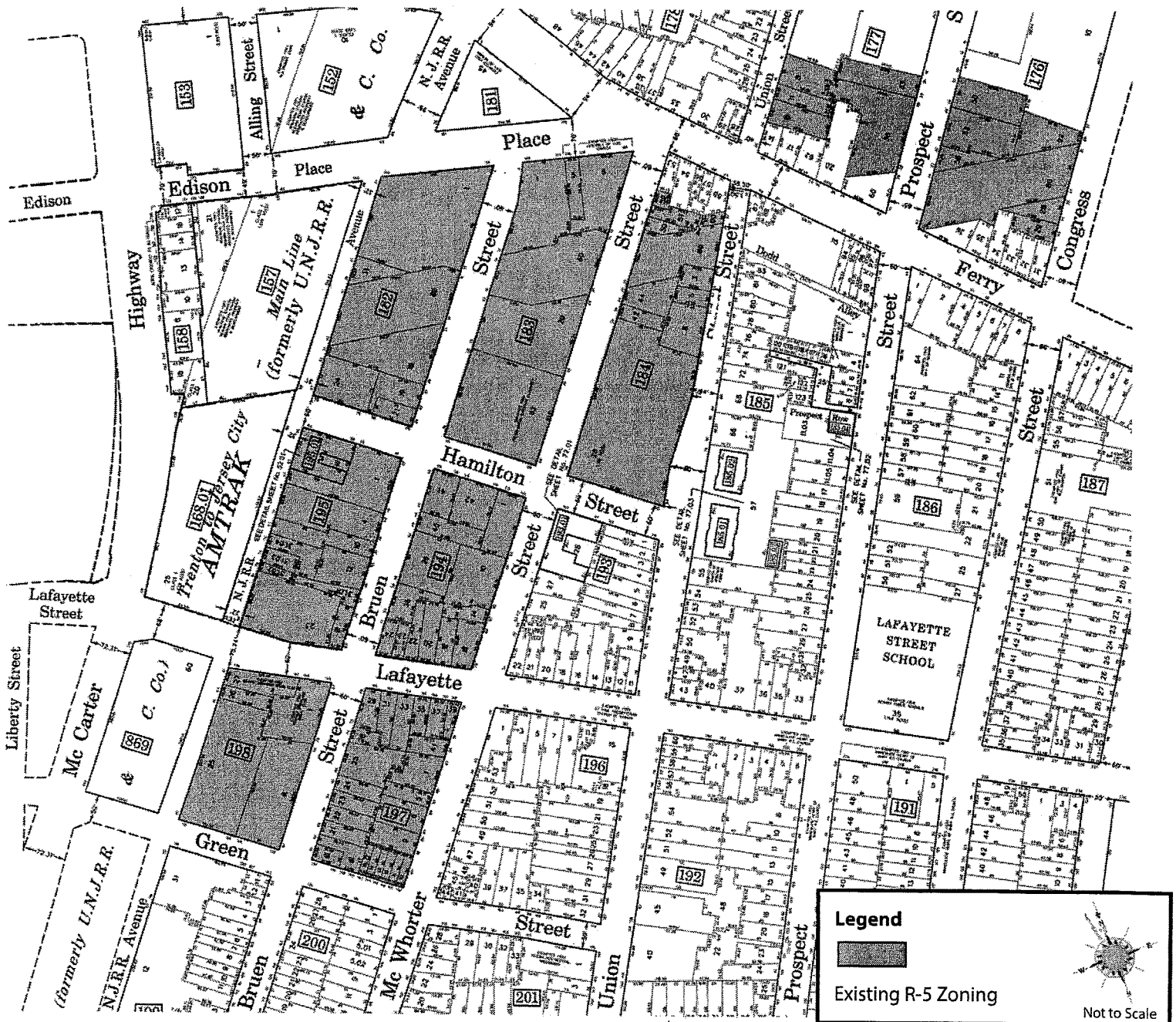
The above-listed matters are listed as Added Starters under Communications on the August 2, 2017 Municipal Council's Regular Meeting agenda. I respectfully ask that these matters be advanced from Communications and adopted on First Reading.

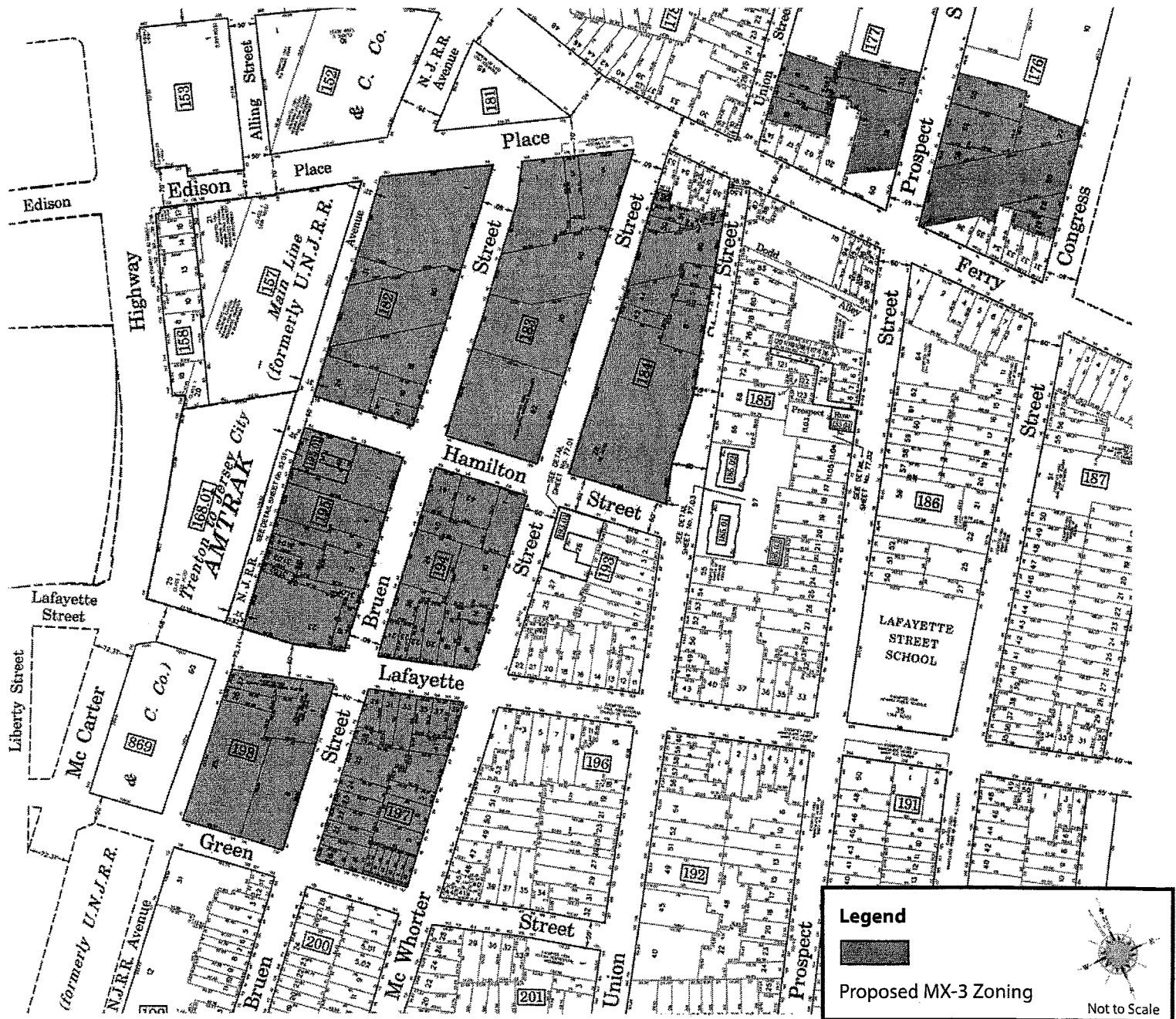
Should you require any additional information, please do not hesitate to contact me.

Thank you

2018 JUL -2 A 10:33

**EXHIBIT A - MAP 1: Rezoning Boundary**

**EXHIBIT B - MAP 2: Existing Zoning**

**EXHIBIT C - MAP 3: Proposed Zoning**

**EXHIBIT D - MAP 4: Existing Land Uses (Newark Master Plan)****FIG 12.28: Existing Land Uses**  
Ironbound, Newark, NJ, 2011

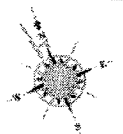
- 1-2 Family Residential
- Multifamily Residential - Low/Mid-Rise
- Multifamily Residential - High-Rise
- Mixed-Use
- Commercial - Retail
- Commercial - Office/Other
- Industrial
- Governmental - Civic and Cultural
- Governmental - City-Owned Foreclosure
- Governmental - Other
- Educational
- Institutional
- Open Space and Recreation
- Cemetery
- Transportation and Utility
- Parking Facilities
- Vacant
- Rail Station

Source: City of Newark

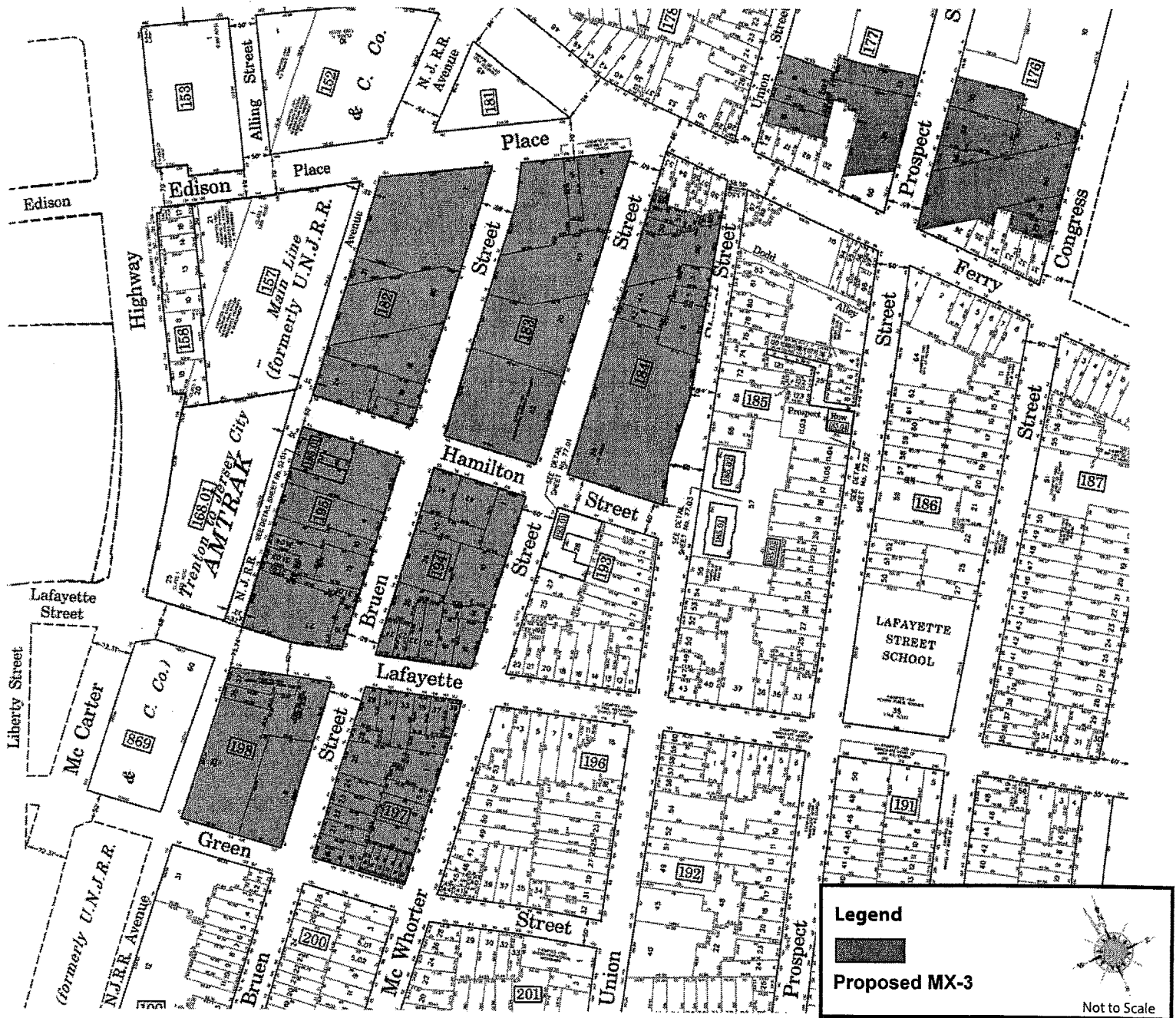
Orientation

**Legend**

Rezoning Boundary



Not to Scale

**EXHIBIT E - MAP 5: Proposed Land Uses****Proposed Land Uses :**

Residential  
 Commercial  
 Civic/Institutional  
 Mixed-Use  
 Light Industrial



## **Exhibit F**

***Planner Testimony and Vote (19:46:32 – 20:10:50)***

CHAIRMAN: Okay, next item on the agenda is proposal for a movement on (indiscernible) next week (indiscernible) opposed to Penn Station in the Ironbound which was previously known as RFI Recommendation to the Municipal Counsel assuming to the resolution 7R2-g dated June 21<sup>st</sup>, 2017.

UNKNOWN MALE: Mr. Chairman, if I just might add that this planning board considered this matter on June 26<sup>th</sup>, 2017 which included a review of the ordinance for consistency with the city master plan and recommendations for revisions. After hearing testimony of members of the public for several hours elected to defer – this board elected to defer on this matter until a community meeting could be conducted. It is my understanding and I believe the planner will testify to that on July 6<sup>th</sup> a community meeting was conducted in the East Ward at which time a presentation was made by the Department of Economic and Housing Development staff and attendees were given additional opportunity to present comments about the proposal.

Tonight, we are just building upon the original record, it's my understanding that there have been some meetings of the mind and what we're looking for tonight is just a bit of testimony from the planner to add what happened at the July 6<sup>th</sup> meeting. At that time, we're going to ask the board to vote and if they decide that they're satisfied then they will, as an advisory board, refer it to the municipal counsel where the municipal counsel will ultimately make the final determination.

(INDISCERNIBLE SHOUTING IN BACKGROUND)

UNKNOWN MALE: All I'm suggesting is that you allow the planner to continue the testimony that we have had previously. The purpose is we do not want to have the same testimony presented to over and over again, there is a record – if that's the case – excuse me Roberts Rules of Order should preside, if you have a comment you may be recognized by the board to come to the podium. At this particular juncture, please identify yourself, be sworn in and present your testimony.

F R E D H E Y E R, SWORN.

MR. HEYER: My name is Fred Heyer, my last name is H-E-Y-E-R. I'm a Principal in the firm of Heyer, Gruel & Associates, we're the planning consultants to the planning board of the City of Newark.

SECRETARY: Thank you.

MR. HEYER: Our purpose to be here tonight is to present the staff recommendations regarding a referral of a zoning board amendment from the governing body of the city. Under Section 26 of the Municipal Land Use Law the planning board is the group that's charged with reviewing and recommending changes in the land development regulations for this city. In theory, you're the experts, you know the master plan, you are responsible for the master plan, you have to be consulted on any change to any development regulations. Your power is purely advisory, it's review and recommendation, you don't adopt the ordinance. Your review it for consistency with the master plan, it either is consistent or not consistent, you could make substantive recommendations to change the ordinance to better suit you knowledge of the city as well.

As counsel previously stated, there was a meeting and public testimony taken before this board in June, there was a July 6<sup>th</sup> neighborhood meeting conducted in the East Ward board by the Department of Economic and Housing Development to solicit input. The zoning that is proposed is for an area within a half a mile of Newark Penn Station, most of the area is presently zoned R5 mid-rise residential. The purpose of the zone was to create a new zone called a MX-3 Zone, the MX-3 Zone was to be a mixed use development to help implement the city's master plan in terms of being more compact, more mixed use, more pedestrian friendly. These are all mantras that you hear in planning constantly, there's an acknowledgement that areas within walking distance of major transit facilities are very special places and their resource is not to be squandered. A lot of the area that we're talking about now is developed with surface parking lots so the area is prime to do something with. The recommendations that came from counsel are – they include a number of standards that we understand there was comments on and some concern.

First and foremost, the ordinance included a provision to increase the height of the zone and the height of the zone was to allow taller buildings up to 18 stories provided that at least 3 stories of parking were provided. Other changes that were recommended included increasing the mixed use provisions allowing additional uses, there was 100% coverage requirement so there were a number of standards that prompted some controversy. The master plan of the city of Newark includes a number of provisions that discuss multimodal transportation hubs and transit-oriented development. That means you're putting more stuff, taller stuff, more diverse stuff within walking distance of the station, it's just common sense, it's the way communities grow. The plans specifically encourages increased densities and reduced parking requirements at and near transit facilities, again these are special places that require special treatment.

The zoning requirement, again, called for up to 18 stories provided you provide at least 3 levels of parking. The current zoning, the Residential R-5 Zone allows only 8 stories at the present time. The MX-3 Zone provides for additional commercial uses, it also included provisions for some low rise uses including townhouse development and other residential uses. There is a provision in the ordinance the respects the character of Ferry Street, the height limit within 100 feet of Ferry Street is limited to 5 stories or 60 feet which makes a great deal of sense. Now, as a result of reviewing the proposal the staff has suggested a number of changes be made and this is important because these – I believe these changes have been made in response to legitimate concerns about the ordinance.

Number one, that the height be reduced. That 18 feet with a bonus for 3 levels – when you provide for more than 3 levels of parking probably is a bit out of scale. We would recommend that not more than 12 stories be permitted. Additionally, we recommend deletion of town houses. If we're talking about doing high density, mixed use development townhouses don't fit into the model and you don't want to be doing low intensity development within proximity of transit. The other things we recommended is that in the MX-3 Zone, schools and private clubs were listed as principal committed uses, they're generally treated as conditional uses elsewhere we would recommend that they be conditional permitted uses in this area. The MX-3 Zone draft that came from counsel did not permit hotels and passive recreation parks, we'd recommend that both of those uses should be permitted and additional uses like

microbreweries, brew pubs and that commercial kitchens be permitted. Again, you want to animate the streetscape, you want the kind of activity at the street level that will help make it a more vibrant place.

One thing we recommend, the ordinance as drafted by the counsel came through with a 100% lot coverage, we feel that's excessive and we would recommend that it be reduced to 85% building coverage. It should also have a sidewalk minimum width of between 12 and 15 feet, what this means is it's going to require a de facto front yard setback because some of that sidewalk space will have to occur on the private property as well. Again, if we're doing a pedestrian environment you want plenty of elbow room for people to walk not a 3-5 foot sidewalk. We should also consider a set aside for public space, here's an opportunity on a very large property to create the opportunity for courtyards, plazas, landscaping and seating area. Again, we're dealing in an area that is mostly surface parking lots now and frankly if we're going to make it a pedestrian environment with higher density there should be some concession, there should be some giveback in terms of providing those kind of attractive public amenities.

We also recommend that the bonus for structured parking be deleted and that structured parking be limited to 2 stories and it sounds a little counterintuitive but the reason for that is because if you're encouraging use of transit you don't want to encourage large amounts of automobile ownership and then you want to reduce those vehicle trips. Those vehicle trips are what congest the streets, so if someone is going to take advantage of the density close to transit the quid pro quo is it may have to be inhabited by new residents that don't own cars or own cars at a lesser rate than they might in other areas of the city. That bonus for providing parking, we recommend it should be deleted and in fact that parking should only be limited to 2 stories.

We also would recommend a step back, the ordinance in the city and some of its other redevelopment plans and zones require you should bump the building back beyond a certain height again. We haven't made a specific recommendation about what height level that should be done at, again the counsel should consider that break so you don't have the mass of a building going vertical. Again, right now the height is 8 stories so there should at least be a break at above 8 but you may want to consider breaking it early. Again, that's something that the planning board or that the planning staff would recommend to counsel.

Additionally the city has embarked on a number of sustainability initiatives and we would recommend that they be included in any new project, particularly something of this scale. Things like green roofs and building systems that use gray water, energy star appliances, smart building controls, minimizing hardscape impervious on site; again, this all goes hand in hand with the possibility of providing for some kind of public plazas and open space amenities as well. We believe that with those changes, specifically the reduction in height, the possibility for open space, the reduced principal building coverage and clearly acknowledging that Ferry Street – that height should be kept down within 100 feet of Ferry Street. We believe that particular proposal would be consistent with the master plan and with those changes we recommend that it would be a good thing for the city.

(INDISCERNIBLE SHOUTING IN BACKGROUND)