



## Legislation Text

File #: 17-1488, Version: 2

**AN ORDINANCE AMENDING ORDINANCE 6PSF-i ADOPTED ON AUGUST 7, 2013 TO ADOPT THE FIRST AMENDMENT TO THE NEWARK'S RIVER PUBLIC ACCESS AND REDEVELOPMENT PLAN BY REFLECTING AN INCREASE IN THE MAXIMUM PERMITTED HEIGHT IN TWO ZONE DISTRICTS MIXED USE 2 (MEDIUM DENSITY RESIDENTIAL, OFFICE, RETAIL) FROM A MAXIMUM OF TEN (10) STORIES TO A MAXIMUM OF TWENTY-FIVE (25) STORIES AND OF MIXED USE 3 (HIGH DENSITY RESIDENTIAL, OFFICE, RETAIL) FROM A MAXIMUM OF THIRTY (30) STORIES TO A MAXIMUM OF FORTY (40) STORIES; AND RECLASSIFY SEVERAL PROPERTIES; BLOCK 1, LOTS 30 AND 46 ARE RECLASSIFIED FROM THE OPEN SPACE DISTRICT TO THE MIXED USE 2 (MEDIUM DENSITY RESIDENTIAL, OFFICE, RETAIL) DISTRICT, BLOCK 179, LOTS 10, 13 AND 48 ARE RECLASSIFIED FROM THE MIXED USE 2 (MEDIUM DENSITY RESIDENTIAL, OFFICE, RETAIL) DISTRICT TO THE MIXED USE 3 (HIGH DENSITY RESIDENTIAL, OFFICE, RETAIL) DISTRICT, BLOCK 170, LOTS 1 AND 20, AND BLOCK 171, LOTS 40 AND 41 ARE RECLASSIFIED FROM MIXED USE 2 (MEDIUM DENSITY RESIDENTIAL, OFFICE, RETAIL) DISTRICT TO THE OPEN SPACE DISTRICT, AND THE PROPERTIES LOCATED TO THE SOUTH OF MARKET STREET BETWEEN RAYMOND BOULEVARD EAST AND JEFFERSON STREET ARE RECLASSIFIED FROM THE MIXED USE 1 (RESIDENTIAL, LIGHT INDUSTRIAL, RETAIL) DISTRICT TO THE MIXED USE 2 (MEDIUM DENSITY RESIDENTIAL, OFFICE, RETAIL) DISTRICT. (EAST WARD)**

**Deferred 6PSF-d 100417**

**\*\*\*\*PUBLIC HEARING TO BE HELD OCTOBER 11, 2017\*\*\*\***

**WHEREAS**, on June 15, 2005, the City of Newark ("City") utilized the powers of Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. to designate the entire City of Newark as an area in need of rehabilitation; and

**WHEREAS**, on August 7, 2013, the Municipal Council of the City of Newark adopted Ordinance 6PSF-i approving the Newark's River: Public Access and Redevelopment Plan (the "Original Plan"); and

**WHEREAS**, the Municipal Council adopted Resolution 7R2c(as) on August 2, 2017 referring the First Amendment to The Newark's River: Public Access and Redevelopment Plan to the Newark Central Planning Board to prepare a report to determine if such an amendment is consistent with the City's Master Plan and for recommendations pursuant to N.J.S.A. 40A:12A-7, et seq.; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7(f), "[t]he governing body, when considering the proposed plan, may amend or revise any portion of the proposed redevelopment plan by an affirmative vote of the majority of its full authorized membership and shall record in its minutes the reasons for each amendment or revision;" and

**WHEREAS**, on August 7, 2017, a public hearing was conducted before the Planning Board to

create and transmit a Redevelopment Plan and report to the Municipal Council pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

**WHEREAS**, based on the testimony presented at the Planning Board hearing, the Planning Board finds the proposed First Amendment to The Newark's River: Public Access and Redevelopment Plan to be consistent with the Master Plan and recommends that the Municipal Council adopt the proposed amendments.

**WHEREAS**, it has been determined by the Planning Department and the Department of Economic and Housing Development that the Redevelopment Area and the economic vitality of the City will be enhanced by the proposed amendment to The Newark's River: Public Access and Redevelopment Plan ; and

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

Section 1. The First Amendment to Newark's River: Public Access and Redevelopment Plan in the form attached hereto as "Exhibit A: First Amendment to The Newark's River: Public Access and Redevelopment Plan" and made a part of this Ordinance, is hereby adopted in accordance with the recommendations of the Central Planning Board's August 7, 2017 resolution.

Section 2. To the extent that any previous ordinance is inconsistent with or contradictory hereto, said ordinance is hereby amended to the extent necessary to make it consistent herewith.

Section 3. The provisions of this Ordinance are severable to the extent any clause, phrase, sentence, paragraph or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 4. A copy of this Ordinance and the Redevelopment Plan shall be filed with the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.

Section 5. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

### **STATEMENT**

This Ordinance amending Ordinance 6PF-I, August 7, 2013, by adopting the First Amendment to the Newark's River: Public Access and Redevelopment Plan by reflecting an increase in the maximum permitted height in Two Zone Districts Mixed Use 2 (medium density residential, office, retail) from a maximum of ten (10) stories to a maximum of twenty-five (25) stories and of Mixed Use 3 (high density residential, office, retail) from a maximum of thirty (30) stories to a maximum of forty (40) stories; and reclassify several properties: Block 1, Lots 30 and 46 are reclassified from the Open Space District to the Mixed Use 2 (medium density, residential, office, retail) District, Block 179, Lots 10, 13 and 48 are reclassified from the Mixed Use 2 (medium density residential, office, retail) District to the Mixed Use 3 (high density residential, office, retail) District, Block 170, Lots 1 and 20, and

Block 171 Lots 40 and 41 are reclassified from Mixed Use 2 (medium density residential, office, retail) District to the Open Space District, and the properties located to the South of Market Street between Raymond Boulevard East and Jefferson Street are reclassified from the Mixed Use 1 (residential, light industrial, retail) District to the Mixed Use 2 (medium density residential, office, retail) District. (East Ward).

**EXHIBIT A:**

**THE FIRST AMENDMENT TO THE NEWARK'S RIVER: PUBLIC ACCESS AND REDEVELOPMENT PLAN.**

The Newark's River: Public Access and Redevelopment Plan shall be amended as follows:

- a. The height limit of Mixed Use 2 (Medium Density Residential, Office, Retail), shall be increased from 10 stories to 25 stories.
- b. The height limit of Mixed Use 3 (High Density Residential, Office, and Retail) shall be increased from 30 stories to 40 stories.
- c. City Tax Block 1, Lots 30 and 46 shall be reclassified from Open Space District to Mixed Use 2 (Medium Density Residential, Office, Retail) District, as attached hereto as Exhibit B.
- d. City Tax Block 179, Lots 10,13 and 48 shall be reclassified from Mixed Use 2 (Medium Density Residential, Office, Retail), to Mixed Use 3 (High Density Residential, Office, Retail) District, as attached hereto as Exhibit C;
- e. City Tax Block 170, Lots 1 and 20, and Block 171 Lots 40 and 41 shall be reclassified from Mixed Use 2 (Medium Density Residential, Office, Retail), to the Open Space District, as attached hereto as Exhibit C;
- f. All of the Mixed Use 1 (Light Industrial, Residential, Retail) parcels located to the South of Market Street between Jefferson Street to Raymond Plaza East shall be reclassified to Mixed Use 2 (Medium Density Residential, Office, Retail), as attached hereto as Exhibit C;
- g. Table on Page 7 of the plan shall be edited to reflect height changes, as follows;

RIVERFRONT SEGMENT	USES	HEIGHT	OVERLAY	PUBLIC ACCESS	ACTIVE STREET DESIGN
NORTH WARD					
East of McCarter Highway	Primarily Dedicated Industrial			*	
West of McCarter Highway	Primarily Mixed-Use Residential, Light Industrial, Retail	Up to 5 stories			
LOWER BROADWAY					
North of Clay Street	Primarily Mixed-Use Residential, Light Industrial, Retail	Up to 5 stories	Allows up to 14 stories with provision of open space	Required riverfront & regular perpendicular access	Along Clay, Passaic, & riverfront
South of Clay Street	Mixed-Use Residential, Office, Retail	Up to 40 stories		Required riverfront parallel access	Along Clay & riverfront
DOWNTOWN					
West of McCarter Highway	Mixed-Use Residential, Office, Retail	Up to 40 stories			Along McCarter
East of McCarter Highway	Primarily Mixed-Use Residential, Office, Retail	Up to 25 stories	Allows up to 30 stories between Penn Station & River Place with provision of open space	Required riverfront parallel & regular perpendicular access	Along McCarter & riverfront
IRONBOUND					
East of Jefferson	Primarily Mixed-Use Residential, Light Industrial, Retail	Up to 5 stories		**	Along Raymond & portions of Market

West of Jefferson	Primarily Mixed- Use Residential, Office, Retail	Up to 12 - 25 or 40 stories	Required riverfront parallel access	Along Raymond & portions of Market
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h. Tables in section 4-B shall be modified to permit following additional uses:

- In the Mixed-Use 2 and Mixed-Use 3 Zones, permit:
  - Artisans and Craft Workspace
  - Brewery, Limited
  - Brewery, Restricted
  - Commercial Recreation, Large Scale
  - Commercial Recreation, Small Scale
  - Consignment Store
  - Fresh Food Market
  - Live Work Unit (Non-Nuisance Producing)
  - Makers Space
  - Medical Clinic or Emergency Care Facility
  - Medical Offices
  - Shared Kitchen
- In the Mixed-Use 2 and Mixed-Use 3 Zones, conditionally permit:
  - Dry Cleaning and Laundry Establishment (in compliance with standards in City of Newark General Ordinance, Title 41 Zoning Regulations, Chapter 4. Additional and Special Regulations; Conditional Uses)
  - Veterinary Clinic, Office or Hospital (in compliance with standards in City of Newark General Ordinance, Title 41 Zoning Regulations, Chapter 4. Additional and Special Regulations; Conditional Uses)
- In the Mixed-Use 2 and Mixed-Use 3 Zones, permit as accessory uses:
  - Parking, Structured (Structured Parking shall not exceed two (2) stories in height within 1200 feet radius of Newark Penn Station).

- Sidewalk Café (accessory to permitted restaurant only, in compliance with standards in City of Newark General Ordinance, Title 41 Zoning Regulations, Chapter 4. Additional and Special Regulations)
- Solar Energy System, Residential Roof Mounted
- Wind Energy Systems, Small (in compliance with standards in City of Newark General Ordinance, Title 41 Zoning Regulations, Chapter 4. Additional and Special Regulations; Conditional Uses)
- In the Mixed-Use 2 and Mixed-Use 3 Zones, change from permitted or conditionally permitted to “Not Permitted”
  - Automobile Service, Fuel, Car Wash
  - Automobile, Body Repair
  - Automobile, Sales
  - Banks, Drive-thru
  - Drive Thru Restaurant

i. Building Bulk Standards in section 5-A. Height on page 32 of the plan shall be modified as follows:

5-A. Height

Special Waterfront Zone	Min Stories	Max Stories
Dedicated Residential	2	5 with 10-foot facade stepback from street-facing front yard for uppermost two stories
Dedicated Industrial	n/a	n/a
Mixed Use (Residential, Light Industrial, Retail)	2	5 with 10-foot facade stepback from street-facing front yard for uppermost two stories
Mixed Use (Medium-Density Residential, Office, Retail)	2	25 with 10-foot façade stepback from street-facing front yard above five stories; and an additional 10-foot façade stepback from street-facing front yard above 10 stories. For parcels between Jefferson Street and Prospect Street, no portion of any building between shall exceed 12 stories or 145 feet. For properties bordering on Ferry Street, no portion of any building within 100 feet of Ferry Street shall exceed 5 stories or 60 feet.
Mixed Use (High-Density Residential, Office, Retail)	2	40 with 10-foot façade stepback from street-facing front yard above five stories; and an additional 10-foot façade stepback from street-facing front yard above 10 stories.

j. Front Yard Standards in Section 5-B. Front Yard on page 32 of the plan shall be

modified as follows:

1. The front yard setback of a new structure shall match the shorter setback of the two closest principal buildings on each side on the same block as the site up to a maximum setback of six (6) feet. A 10-foot front setback is required along Union Street.

k. Parking standards on page 46, Section 8-A shall be modified to add followings:

e) Bicycle parking shall be required for all uses in the Mixed Use 2 and Mixed Use 3 Zones as follows:

i) Multiple dwelling residential: 1 bicycle space per 5 dwelling units

ii) Commercial or Retail Establishment: 1 bicycle space per 1,000 square feet

iii) Office: 1 bicycle space per 5,000 square feet

f) One (1) electric vehicle charging station shall be provided for every ten (10) parking spaces

l. Section 8-Q "Sustainability Standards" shall be added as follows:

The following standards shall apply for building over eight (8) stories in the Mixed Use 2 and Mixed Use 3 Districts:

a. Provide open spaces (greens, squares, plazas, courts and pocket parks/playgrounds) equal to 10% of the total lot area with public access directly from the sidewalk at ground level or from the public right of way. Required open public access for river frontage (Chapter 7) satisfies and takes precedent over this requirement. Priority shall be given to establishing connections to Riverfront Park, transit hubs, and other existing greenways and public spaces. Open space must meet landscaping and other design requirements as listed in this ordinance.

b. Provide a green roof equal to 50% or more of the total usable roof area including both principal and accessory structures.

c. Provide a living wall or green wall equal to 300 Sq. Ft. or more.

d. Install an appropriate gray water recycling system so that onsite gray water is reused for landscaping maintenance and other non-potable systems.

e. 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.

- f. All new electrical or electronic appliances provided by the developer, owner or management Company shall meet Energy Star compliant requirements.
- g. Smart building controls such as programmable thermostats and lighting, occupancy sensors, and other measures shall be utilized to maximize energy efficiency.
- h. Permeable pavement or pavers shall be utilized for on-site hardscaped areas.

EXHIBIT B - Proposed Downtown Zoning Map (Newark's River: Public Access and Redevelopment Plan)

EXHIBIT C -Proposed Ironbound Zoning Map (Newark's River: Public Access and Redevelopment Plan)

EXHIBIT D - Existing Downtown Zoning Map (Newark's River: Public Access and Redevelopment Plan)

EXHIBIT E- Existing Ironbound Zoning Map (Newark's River: Public Access and Redevelopment Plan)