

# **EXECUTIVE SUMMARY OF THE LAND USE ELEMENT OF THE MASTER PLAN**

## **Introduction**

Newark is adopting a new Land Use Element to its Master Plan at a time of unprecedented change and opportunity. New residential and commercial developments are restoring the City's population, employment and tax base. Revitalization efforts are making a positive difference in Newark's neighborhoods. Existing and proposed entertainment, cultural, sports and park developments are restoring Newark's role as a regional destination for people's leisure time and dollars. Yet, all this new development has had to occur without a comprehensive framework guiding the City's land use. This document provides that framework.

## **Purpose and Scope**

The Land Use Element is the only element mandated by the State's Municipal Land Use law to appear in a Master Plan. While the other elements of Newark's Master Plan—including housing, circulation (transportation), open space (parks), and community facilities (schools)—are also in need of updating, the Land Use Element is being completed in advance of these other elements.

The most important purpose of the Land Use Element is to provide the policy context for the City's zoning ordinance, which regulates the allowable types of uses, as well as their size and configuration, for every piece of property in the City. The City's zoning, decades out of date, is in the process of being comprehensively overhauled, and will be circulated and subjected to review similar to the Land Use Element, following the adoption of this plan.

While the Land Use Element is ultimately about the long term physical development of the City, this plan recognizes that there are many other issues facing Newark, ranging from schools, to parks, to housing. This plan has been specifically crafted so that the City has both the framework and flexibility necessary to address these and other issues. It is fully intended that updates to the other Master Plan elements, as well as more detailed, neighborhood-level planning, will be undertaken in the wake of this plan. Accordingly, it is expected that this plan will not remain static, but will be updated and amended as a result of these future planning efforts.

## **Planning Process and Context**

Because of the long time that has passed since the last comprehensive update of Newark's land use policies and zoning regulations, extensive data collection and outreach was necessary to craft this Land Use Plan. The first step was a detailed, lot-by-lot inventory of uses for every tax parcel in the City. Interviews and meetings were then held with a full range of City stakeholders. A Master Plan Task Force was convened to guide the development of the plan. Further, monthly public meetings were held over the course of a year to solicit input on the Land Use Element and other elements of the Master Plan Reexamination process.

The level of detail and time involved in crafting the Land Use Element has been warranted because of the pressing need to completely overhaul Newark's Zoning Ordinance. Over the decades, as the City's development patterns underwent dramatic transformations, the zoning map has stayed static, with the result that it is now substantially at variance with the actual land use patterns in the City. As the City began to undergo revitalization in the 1990s, a significant amount of building occurred absent a comprehensive regulatory and policy framework for development. Because appropriate development was not permitted under the City's code, the practice has been to rely upon either zoning variances or redevelopment area plans, which supersede zoning. While good projects have been built in this manner, there has also been much ad hoc and fragmented decision making, which over the long run could threaten to undermine the benefits of redevelopment.

In addition to the Master Plan, many other planning efforts have been undertaken either Citywide or in discrete areas in the past several years. In order to make sure that the Land Use Element is consistent with these plans, each plan was carefully reviewed for its land use implications. Adjustments were made so that the Land Use Element reflected the land use recommendations contained in these plans, with an emphasis on those plans that are either adopted or reflect official City policy. These include the Newark Economic Development, Land Use and Transportation Plan (NEDLUTP); the Comprehensive Economic Development Strategy (CEDS); the Newark Public Schools 5-year Facilities Management Plan and Site Evaluation Study; the Passaic Riverfront Revitalization Study; and the Newark Arena District Redevelopment Area Plan (among others). The Land Use Element also incorporates the scores of Redevelopment Area Plans that have been adopted in Newark since the 1970s.

Finally, Newark's Land Use Element is consistent with the adopted plans of its neighboring municipalities generally, and with the State Development and Redevelopment Plan specifically. With regard to the latter, Newark is a designated Urban Center under the State Plan, making it a preferred vehicle

for accommodating growth and thereby lessening sprawl. It also resides in Planning Area 1, the “Metropolitan Planning Area.” Both designations carry with them certain recommendations for how development should be accommodated. The Land Use Element is fully consistent with these recommendations, representing the current thinking with regard to “smart growth” and “sustainable development.”

### **Assumptions, Goals and Policies**

The Land Use Element has been based on a comprehensive set of planning assumptions, goals, and policies. These in turn have been crafted based on stakeholder participation, public input, and a review of current and past planning documents.

In terms of general goals, the Land Use Element is intended to update and modernize the City's land use and zoning regulations, and to dramatically reduce the number of existing uses that are nonconforming under zoning. The plan is intended to bring together a myriad of current and past plans, and to provide a framework for both future planning and the provision of community facilities and open space. The plan is to reinforce and capitalize on Newark's existing physical assets, including its historic areas, its waterfront, major new developments, and Newark Liberty International Airport. Finally, the plan specifically recommends that future development and redevelopment respect and repair the City's street grid, which provides the best means of accommodating both development and transportation needs.

With regard to residential land use, the Plan seeks to provide opportunities for a wide variety of housing types, in keeping with the diverse needs of Newark's neighborhoods, and further to provide decent, safe and affordable housing. Homeownership opportunities are to be encouraged where possible, and appropriate densities are emphasized for both private and publicly subsidized new construction. Since whole communities consist of more than just housing, the plan emphasizes that residential neighborhoods be planned to allow for adequate open space and community facilities.

In terms of commercial uses, the Land Use Element seeks to accommodate both modern retail, which offers convenient off-street parking, and traditional retail, which provides convenient pedestrian and transit access with a community-oriented streetscape. Traditional mixed-use developments with ground floor retail and upper floor offices and apartments are encouraged. Along older commercial corridors where a surfeit of space is the norm, retail is encouraged to concentrate in nodes at major intersections, with the intervening fabric reverting to non-commercial use. Retail is to be sited so as to

provide convenient means for neighborhood residents to satisfy their day-to-day needs. In the downtown, pedestrian-oriented retail development is mandated for the ground floor of buildings, both to increase the mass of downtown retail, as well as to facilitate a lively and active street life.

With regard to industrial uses, the Plan recognizes that flat, heavy industrial areas with the excellent transportation links that Newark provides are in short supply in the region, and that this key competitive advantage of the City should be retained and reinforced. Moreover, modern light industrial and flex space is to be encouraged on certain formerly residential lands with good highway access, and conversely, the conversion of some formerly marginal industrial lands to residential use is contemplated for areas where the housing market is strong. The area around the airport is to be regulated so as to capture within the City high value-added, employment generating airport-related development. The assumption underlying all of these goals is that appropriate industrial development can help provide excellent employment opportunities with good wages for Newark's residents.

The plan makes provision for future neighborhood parks and playgrounds, as well as the rehabilitation and expansion of new and existing schools as mandated by the Abbott decision. Newark's higher education facilities will be given the flexibility to grow and expand, and cultural, entertainment and sports uses are to be concentrated around the two nodes anchored by the New Jersey Performing Arts Center and Symphony Hall.

The Plan seeks to strengthen the downtown core as a regional office center, augmented with private market retail, cultural and entertainment uses, hotels, and dense residential developments. Vibrancy will be enhanced by a vertical mixing of uses with an emphasis on pedestrian-oriented retail and services on ground floors. Parks and open spaces are also encouraged.

The downtown and neighborhoods are to be linked with a revitalized waterfront, through extensions of either vehicular or pedestrian access or view corridors from Newark's street grid down to the Passaic River. New mixed-use development, including office, hotel, residential, park, and entertainment, will be encouraged on the waterfront. Particular emphasis is placed on uses that are water-dependent, or benefit from a waterfront location.

## **Land Use Plan**

The Land Use Plan describes the recommended future land use of Newark in terms of a set of twenty-one land use designations in four categories: Residential, Commercial, Industrial, and Special

Purpose. There are also four special overlay districts that add an additional set of regulations to the underlying land use designations. The Plan consists of two parts: a series of future Land Use Maps showing the location of the land use designations in Newark; and a text description of the purpose and function of each classification. The following is a summary of the text descriptions. The maps can be found in Chapter 5 of the full report.

## **Residential Land Use**

Five separate residential land use designations are provided in the Land Use Plan. The residential designations recognize two concurrent trends: (1) the de-densification of the City's public housing stock through the demolition of high-rise towers and their replacement with low-rise townhouses and apartments; and (2) the increase in density in some formerly single-family neighborhoods, where the trend has been to provide two- to three-family buildings through both conversion of existing houses and new construction. Much of the City has been designated for detached one- to three-family units or attached single- and two-family housing, which corresponds to the predominant forms being built both by the public sector and private developers.

Three districts allow detached and attached housing:

- The R-LD Low-density detached single-family residential designation permits only detached single-family units on lots a minimum of 5,000 square feet in size, and is intended to protect existing single-family enclaves.
- The R-MD Medium density detached or semi-detached single- and two-family residential designation permits two-family houses in addition to single-family, on existing lots of 2,500 square feet and up, but on lots created through new subdivision on lots of a minimum of 3,500 square feet.
- The R-HD permits up to three units per residential building, in either a detached or attached format. The minimum permitted lot size for detached one- and two-family homes is 2,500 square feet and 3,500 square feet for detached three-family homes. For newly-subdivided lots, single-, two- or three-family detached or attached homes are permitted on lots of a minimum of 3,500 square feet. Attached single-, two-, or three-family homes and row houses and townhouses would be permitted at maximum densities between 15 and 40 units per acre.

Two districts permit multifamily apartment development:

- The R-LM Low-rise multifamily residential designation also permits apartment buildings up to four stories in height, and at allowable densities of up to 60 units to the acre.
- The R-HM High-rise multifamily designation allows mid-rise (six stories) multifamily housing as of right, up to densities of 100 units per acre, while high-rise buildings would be permitted as conditional uses up to 20 stories in height.

Note that all of these designations are cumulative in the residential designations only. Therefore, residential uses allowed in the more restrictive category carry over to the less restrictive category.

### **Commercial Land Use**

Four separate commercial land use designations are provided for in the Land Use Plan. The intent is to reorganize the commercial designations to be more in keeping with not only the distinct characteristics of areas historically developed for retail, but those which are currently being developed. The commercial designations respond to three long-standing trends: (1) the reduction of market support for traditional neighborhood retail corridors in the north, west and south wards; (2) the desire of retailers to provide convenient on-site parking; and (3) the shift of retailing to the suburbs, allowing Newark residents with cars to access shopping opportunities outside of Newark.

Four of the commercial categories are essentially retail designations that also allow upper floor office and residential uses:

- The C-N Neighborhood commercial designation applies to isolated, small-scale, local convenience-oriented retail clusters.
- The C-C Community commercial designation covers the predominantly convenience-oriented shopping corridors along Newark's major radial arterials emanating from downtown as well as the existing strong neighborhood retail corridors, such as in the Ironbound neighborhood.
- The C-R Regional commercial district is essentially the same, but permits auto-related uses in addition to retail, and is mapped along the more automobile-oriented retail corridors.
- The C-SC Shopping center commercial designation covers specific parcels that have been developed or are proposed to be redeveloped as newly-designed shopping centers.

In all four of these designations, development intensities are meant to be low, with retail uses on the ground floor and with buildings limited to three stories, and parking provided on-street or in surface lots on-site.

## **Industrial Land Use**

Three separate land use designations are provided for in the Land Use Plan, accommodating light, medium, and heavy industrial uses. Like the residential designations, these designations are cumulative, with the allowed uses in the more restrictive designations also permitted in the less restrictive designations.

- The I-L Light industrial designation is the most restrictive, primarily allowing office, research, warehousing, flex space, storage, and also non-nuisance light fabrication and assembly uses. These uses would not harm adjacent residential or commercial areas, and would provide opportunities for new employment in many areas of Newark.
- The I-M Medium industrial designation is primarily applied to older areas of Newark that have been developed for manufacturing, warehouse and storage uses of a type and nature that in general do not produce smoke, noise, glare, and vibration, and that further do not have outdoor activities that have nuisance-type impacts on adjacent uses.
- The I-H Heavy industrial designation is mapped in those areas of Newark that have been developed with the most intensive and nuisance-producing industrial uses. Most of these industries have thrived in Newark because they have excellent road, rail and water access, and because they remain free of non-industrial encroachments. The I-H designation is confined to the Newark Liberty International Airport and Port Newark neighborhood in the East Ward. Since such manufacturing activities are being forced out of other communities in the region, and since they are high-wage, high-ratable uses, they can continue to be an economic asset for Newark.

## **Special Purpose Designations**

Several special purpose designations have been developed to address unique situations in Newark. These include the Passaic Riverfront, special mixed-use areas in neighborhood such as the Ironbound, and large institutional campuses found in the City. The uniqueness and complexity of these areas requires special treatment that goes beyond traditional zoning districts.

- The S-M Mixed Use designation is applied to those areas of Newark which have developed a mix of uses—residential, retail and light manufacturing—in adjacent buildings, or even in the same building but on different floors. A single-use designation would, over time, drive out these small scale workshops, live/work spaces, fabricators, repair facilities, and stores, doing damage to both the neighborhood character and the City's economy.

- The S-GEM Government, education and medical designation is applied to the large institutional developments and educational campuses. The designation recognizes the campus-like governmental and health-related planned development character of these uses.
- The S-OR Office research designation is applied to the area of Newark adjacent to the educational and medical institutions in the University Heights neighborhood to capitalize upon opportunities to provide office, research, high-tech manufacturing and supportive retail and residential uses related to these institutions.
- The S-A Airport support designation is to be applied around the Airport and Port to encourage businesses which support and serve the airport and port, and restricted to higher-intensity, high ratable- and employment-related uses.
- The S-W Waterfront use designation is applied to that portion of the Passaic River waterfront that the City intends to redevelop as a mixed-use environment, and therefore encourages residential, retail, entertainment and open space and office uses with a particular emphasis and orientation to the waterfront and waterfront activities.
- The S-P Parks and open space district is applied to all of the City and County parklands and open spaces in Newark, ranging from single small parcels in the midst of residential areas to the large regional parks such as Weequahic and Branch Brook Parks.
- The S-C Cemeteries designation is applied to all existing cemeteries in Newark in recognition of their existence and unlikely transformation to other uses.
- The S-D Downtown designation is an intense, mixed-used district that covers the downtown and its environs. The intent is to create a high-density central urban environment with ground-floor pedestrian-oriented retail stores along the major arterials and street running through downtown. Upper-floor office and residential uses are to be permitted. In addition, cultural, educational, sports and entertainment uses—museums, galleries, performing arts theaters, movie theaters, sports arenas and stadiums, clubs and restaurants—are permitted, and parks and open spaces would be encouraged. Because of the scale and density of development in the downtown, it is anticipated that the downtown will rely on a combination of parking garages (and on-street parking), and public transit to provide access, and that most circulation within the downtown will be on foot.
- The S-T Transitional designation is a medium density, mid-rise residential and mixed-use designation providing for a transitional density adjacent to downtown Newark and within the heart of the Ironbound, in close proximity to mass transit opportunities. Buildings up to 6 stories would be permitted.

## Overlay Designations

Four overlay land use designations are provided in the Land Use Plan, to acknowledge the need for additional land use regulations in certain areas of the City, over and above those provided by the underlying land use designations. Land within the overlay designation would have to adhere to the regulations of both the underlying designation, as well as the overlay designation.

- The O-H Historic overlay designation encompasses all of the historic districts and historically designated buildings in Newark. Development in these districts would have to adhere to the regulations associated with the historic designation, in addition to the underlying zoning rules.
- The O-E Entertainment overlay covers an area encompassing much of the downtown, and allows establishments holding liquor licenses to be located within less than 1,000 feet of one another, facilitating the development of nighttime restaurant and entertainment districts.
- The O-AS Airport safety overlay is mapped below the flight paths of planes using Newark Airport, placing additional restrictions on uses permitted with the overlay designation, including uses that are susceptible to the noise and hazards of overhead flights, and those that have the potential to interfere with flight paths, such as cell towers, where restrictions on height are also imposed.
- The O-C Coastal overlay occupies a 100-foot band along the entire Passaic Riverfront and Newark Bay, in accordance with the New Jersey Department of Environmental Protection's regulations requiring a permit for any development activity governed by the Waterfront Development Law, N.J.S.A. 12:5-3, the Wetlands Act of 1790, N.J.S.A. 13:9A-1 et seq., or the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq.