

# Zoning

aka what do you want & where do you want it?



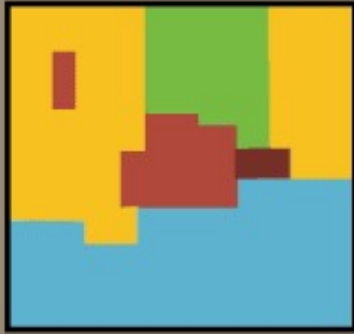
# Zoning: why should I care?

- What is zoning?
- Who's in charge here?
- What are the stakes?
- When, why, and how can we change zoning?



# What is Zoning?

## Functional Zoning



- A zone for each type of land use.
- Land use zones subject to different regulations.

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■ Commercial  
■ Administrative  
■ Residential  
■ Industrial  
■ Green space

## Form-Based Zoning



- Focuses on physical characteristics.
- Defined as a form of urban identity.

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■ Downtown  
■ Uptown  
■ East Side  
■ Historical district  
■ Manufacturing district

## Intensity Zoning

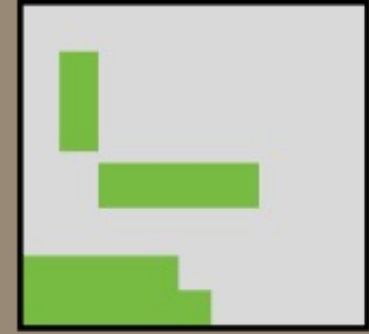


- Sets land use intensity restrictions.
- Flexibility in forms and functions of land use developments.

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■ High density  
■ Average density  
■ Low density  
■ No development

## Incentive Zoning



- Rewards for development in defined areas.
- Incite the provision of amenities.

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■ Incentives  
■ No incentives

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Image credit: <https://transportgeography.org/>



Picture it....New Jersey 2022, 2023....

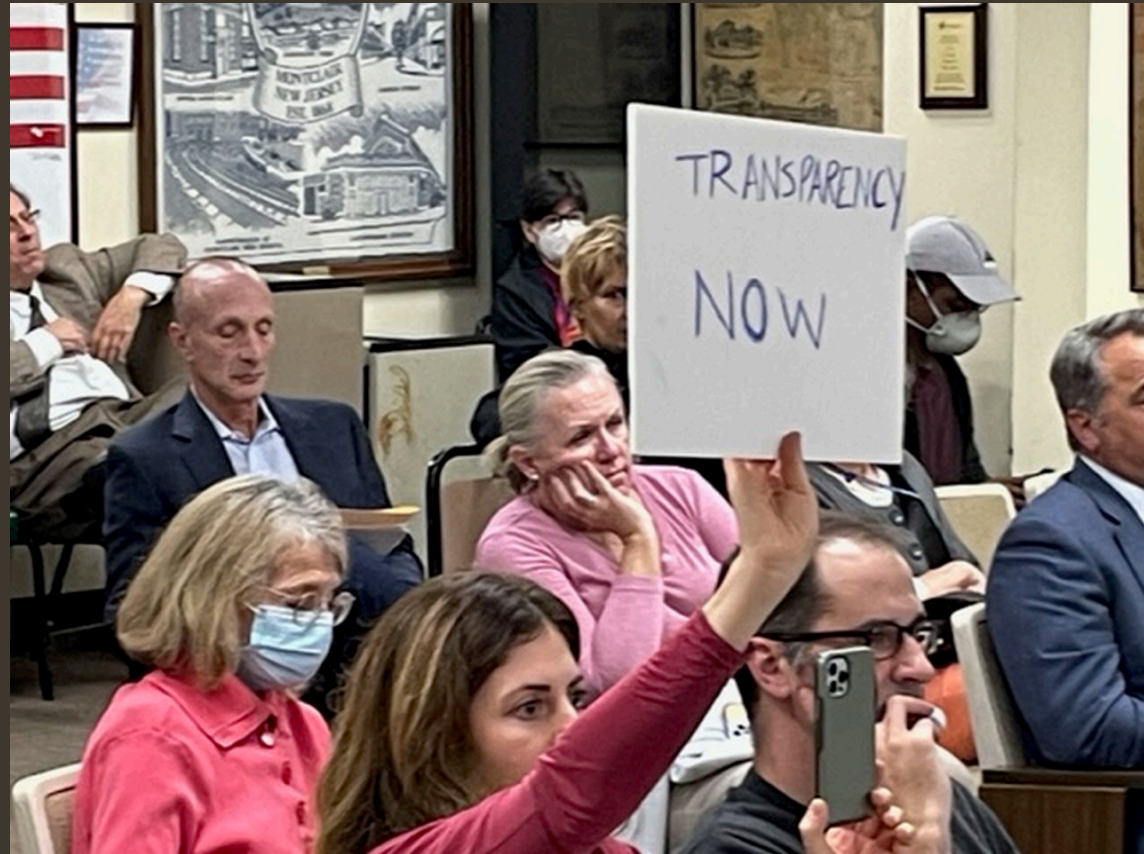


Photo credit: NJ.com

# Who's in Charge?

- Governing body establishes zoning and is responsible for making changes
- Zoning board or combined land use board is responsible for issuing variances to zoning.
- Different types of variance (in no particular order)
  - Pre-existing/nonconfirming
  - Location of a structure (setbacks)
  - Density
  - **D Variance: request to use property in a way contrary to the Township's zoning plan – MOTHER OF ALL ZONING AMMENDMENT REQUESTS**



# Which one of these is not like the other?



Jersey City midrise mixed-use  
housing  
Photo credit: NJ Future



Amazon warehouse  
Photo credit: NJ.com via Amazon

# New Jersey Guide to Affordable Housing

- Municipalities have a moral, ethical, and legal obligation to provide affordable housing to residents.
- Many municipalities are in arrears to their affordable housing obligations.
- Municipal affordable housing plans must be court approved. Failure to secure court approved affordable housing plans results in **builders' remedy**.
- Builders' remedy: 4 market rate homes for every affordable unit.
- About one-third of municipalities have refused participation in affordable housing planning and are therefore regularly subject to lawsuits and builders' remedies

<https://www.nj.gov/dca/divisions/codes/publications/guide.html>

# Affordable Housing Calculations: Area Median Income

Rent Limits (per month) for the Essex County, NJ HMFA Income Limits and Max Rents (2022)

Unit Size	30% AMI	50% AMI	80% AMI
Studio	\$603	\$1,006	\$1,610
One Bedroom	\$646	\$1,078	\$1,725
Two Bedrooms	\$776	\$1,293	\$2,070
Three Bedrooms	\$897	\$1,495	\$2,392





# New Jersey Guide to Affordable Housing

*Non- profit partners and community development groups*



<https://housingall.org/about/>



<https://www.projectfreedom.org/>



<https://www.jerseycares.org/>



<https://www.habitatscnj.org/>

# Port of NY/NJ is the busiest in the nation



Photo credit: CNBC



Photo credit: GlobeSt

# Guidance on Warehousing

- Office of Planning Advocacy: Distribution Warehousing and Good Manufacturing Distribution
- <https://nj.gov/state/planning/assets/pdf/warehouse-guidance.pdf>

If you don't want warehouses in areas of your community where they don't fit the character, resources, or infrastructure of your community, your governing body has to change the zoning and land use codes



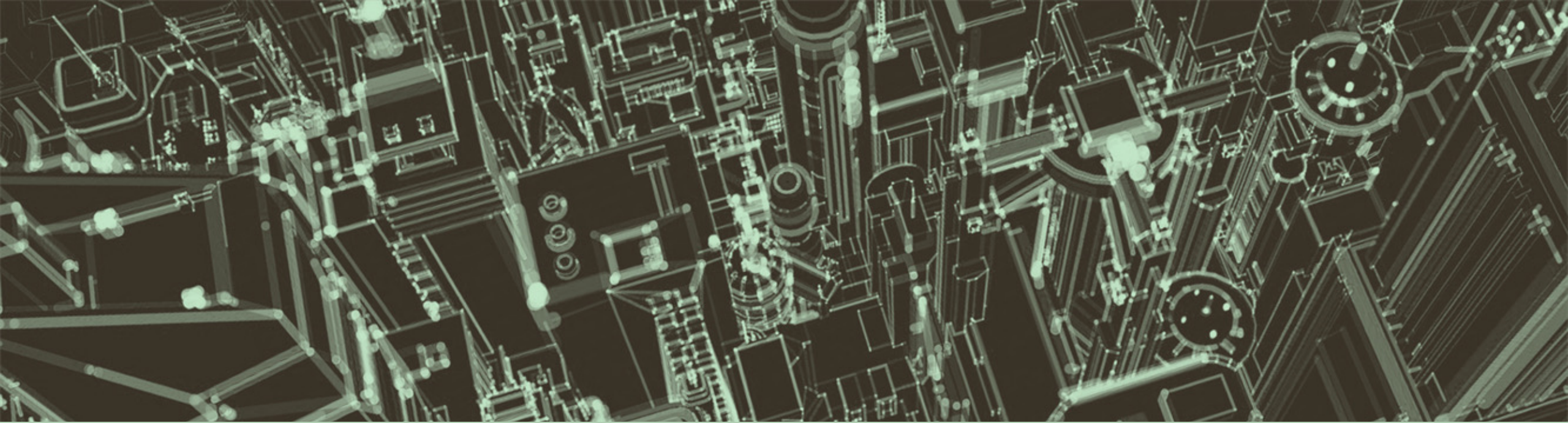
Photo credit: Edgar Felix, Shutterstock



# Guidance on Warehousing: Mitigation Best Practices

- Office of Planning Advocacy: Distribution Warehousing and Good Manufacturing Distribution
  - Location, Location Location
  - Noise Impacts
  - Air Quality
  - Good Neighbor Policy/Regional Approach
  - Community Engagement

<https://nj.gov/state/planning/assets/pdf/warehouse-guidance.pdf>



Bottom Line: Proactively Plan  
& Zone





*You had the power all along, my dear*

Glinda, The Wizard of Oz







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