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.

- Commercial
- Administrative
- Residential
- Industrial
- Green space

**Form-Based Zoning**
- Focuses on physical characteristics.
- Defined as a form of urban identity.

- Downtown
- Uptown
- East Side
- Historical district
- Manufacturing district

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

- High density
- Average density
- Low density
- No development

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

- Incentives
- No incentives

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.

# Affordable Housing Calculations: Area Median Income

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

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>30% AMI</th>
<th>50% AMI</th>
<th>80% AMI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>$603</td>
<td>$1,006</td>
<td>$1,610</td>
</tr>
<tr>
<td>One Bedroom</td>
<td>$646</td>
<td>$1,078</td>
<td>$1,725</td>
</tr>
<tr>
<td>Two Bedrooms</td>
<td>$776</td>
<td>$1,293</td>
<td>$2,070</td>
</tr>
<tr>
<td>Three Bedrooms</td>
<td>$897</td>
<td>$1,495</td>
<td>$2,392</td>
</tr>
</tbody>
</table>

- **Ex. Low Income**
- **Very Low Income**
- **Low Income**
New Jersey Guide to Affordable Housing

Non-profit partners and community development groups

AHA affordable housing alliance
Hope. Strength. Community.
https://housingall.org/about/

Project Freedom
https://www.projectfreedom.org/

Jersey CARES
Be The Change. Volunteer.
https://www.jerseycares.org/

Habitat for Humanity
https://www.habitatscnj.org/
Port of NY/NJ is the busiest in the nation
Guidance on Warehousing

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

Bottom Line: Proactively Plan & Zone
You had the power all along, my dear.

Glinda, The Wizard of Oz