

# TOWN OF NEWTON

## ORDINANCE 2024-13

### AN ORDINANCE AMENDING ZONING SECTION 320-4 REGARDING MAXIMUM BEDROOMS FOR MULTI-FAMILY UNITS AND SECTION 320-23 REGARDING PARKING SPACE REQUIREMENTS FOR MULTI-FAMILY DWELLINGS

**WHEREAS**, the Town Council of the Town of Newton ("Town") has concerns regarding oversized multi-family units that may encourage more people to live in a single unit than is permitted by health, safety, and occupancy standards; and

**WHEREAS**, the Town Council of the Town of Newton has determined that creating a maximum number of bedrooms for multi-family dwellings is necessary to limit the occurrence of oversized apartments that exceed health standards; and

**WHEREAS**, the Town Council of the Town of Newton has concerns that multi-family units and single-family residential units with three (3) bedrooms or more have higher parking requirements than small units, which the Town's parking standards favor; and

**WHEREAS**, the Town Council of the Town of Newton has determined that providing specific standards for multi-family units and single-family residences with three (3) bedrooms or more would serve the general welfare of the community by ensuring there is enough parking for these units;

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the Mayor and Town Council wish to amend Section 4, entitled "General Provisions" and Section 23, entitled "Parking and Driveway Standards," both of Chapter 320 of the Town Code, entitled "Zoning: Form-Based Code," as follows:

#### § 320-4. General Provisions.

E. New multi-family dwellings. In any district, a multi-family dwelling which contains within such multi-family dwelling three (3) or more residential units shall have no more than three (3) bedrooms per unit. This limit does not apply to two (2)-family dwellings or duplexes.

#### § 320-23. Parking and Driveway Standards.

A. Minimum parking requirements. Parking needs vary based on uses and location, access to transit and other modes of transportation. This chapter permits flexible parking standards based on the transect that the use is in, as well as other factors including shared parking possibilities, size of use, and access to municipal parking lots. Parking requirements are based on use and transect zones as follows:

\* Underlined language denotes new, proposed language to the Ordinances. \*

| Parking Requirements by Transect Zone and Use |                       |                       |                       |
|---|-----------------------|-----------------------|-----------------------|
|   | T-2/T-3               | T-4                   | T-5/T-6               |
| Residential                                   | 2.0/dwelling          | 1.5/dwelling          | 1.0/dwelling          |
| Lodging                                       | 1.0/bedroom           | 1.0/bedroom           | 1.0/bedroom           |
| Office  | 3.0/1,000 square feet | 3.0/1,000 square feet | 2.0/1,000 square feet |
| Retail  | 4.0/1,000 square feet | 4.0/1,000 square feet | 3.0/1,000 square feet |
| Restaurant                                    | 1.0/3.0 seats         | 1.0/3.0 seats         | 1.0/4.0 seats         |
| Light industry                                | 3.0/1,000 square feet | 3.0/1,000 square feet | 2.5/1,000 square feet |
| Special districts use T-4                     |                       |                       |                       |

(1) Assembly, stadium, educational facilities, and religious institutions: one space per 1.25 employees plus one space for each five (5) students, plus one (1) space for each four (4) fixed seats, or where no maximum capacity or fixed seats exist, one (1) space per 40 square feet of floor area available for public use.

(2) For any residential units with three (3) or more bedrooms, the provisions set forth in Residential Site Improvement Standards (RSIS) for parking shall apply. For any residential units with two (2) bedrooms or less, the table in §320-23A of the Code shall apply.

**BE IT FURTHER ORDAINED** that:

(1) All ordinances or parts of the ordinance which are inconsistent with the terms of this Ordinance are hereby repealed to the extent of their inconsistencies.

(2) This Ordinance shall take effect upon due passage and publication in accordance with law.

**NOTICE**

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, May 13, 2024. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm on Wednesday, May 29, 2024 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

Teresa A. Oswin, RMC  
Municipal Clerk

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May 23, 2024

Mayor and Council  
Town of Newton  
39 Trinity Street  
Newton, New Jersey 07860

**Re: Ordinance 2024-13**  
**Amending Zoning Ordinance Section 320-4 Regarding Maximum Bedrooms**  
**for Multi-Family Units and Section 320-23 Parking Space Requirements for**  
**Multi-Family Dwellings**  
**Our File No. NEWPB-004**

Dear Mayor and Council:

The purpose of this letter is to set forth items which were discussed at the May 15<sup>th</sup> regularly scheduled Newton Planning Board meeting regarding the above Ordinance.

The Board is in agreement with the purposes of the Ordinance but specifically suggests the Governing Body revisit parking requirements within the municipality so as to ensure that any new multi-family dwellings have sufficient space on the property for all motor vehicles to be stored and further that it also revisit the numbers of spaces required in conjunction with bedrooms for each individual apartment, since parking is not permitted overnight on any streets within the Town. It was also suggested that parking requirements within all Zones for residential use be reevaluated since currently, by way of example, in the Transect Zone T-5/T-6 parking requirements for residential uses are only one (1) per dwelling. It has become clear over the past several months that many residences are being converted and the Board has seen applications containing as many as six (6) bedrooms or a combination of bedrooms and home office use which over time can and sometimes are changed to provide additional bedroom space. This stacking of residences in apartments is happening throughout the State and it is recommended that the actual number of spaces should be revisited to ensure parking is always available on site. It should also be noted that if standards of the RSIS are exceeded notice must be given to the New Jersey Department of Community Affairs. The Board's suggestion is based upon the fact that Newton is not an urban center similar to those found around transit villages and more urban centers. See generally N.J.A.C. 5:21-3.5 and following.

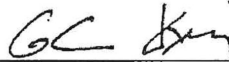
Mayor and Council, Town of Newton  
Re: Ordinance 2024-13

May 23, 2024  
Our File No. NEWPB004  
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Should you have any questions, please feel free to contact me at my office.

Very truly yours,

WEINER LAW GROUP LLP  
Attorney for the Town of Newton Planning Board

By:   
Glenn C. Kienz  
A Member of the Firm

GCK:pag

cc Kerry Brown, Board Secretary, Town of Newton Planning Board

David B. Simmons, Jr., P.E., L.S., P.P., C.M.E., Harold E. Pellow & Associates, Inc.

Jessica Caldwell, PP, AICP, LEED GA, Principal Planner, J. Caldwell & Associates LLC

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