

**ORDINANCE NO. 3397**

**INTRODUCED BY: MAYOR JOSEPH P. SCARPELLI FOR THE BOARD OF COMMISSIONERS**

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**ORDINANCE NO. 3397**

**AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 700, ENTITLED ZONING, PARTICULARLY THE FOLLOWING ARTICLES:**

**ARTICLE III, TERMINOLOGY, DEFINITIONS**

**ARTICLE V, GENERAL REGULATIONS**

**ARTICLE VII, USE REGULATIONS, MIXED USE**

**ARTICLE IX, GARDEN APARTMENTS**

**ARTICLE XIII, PARKING SPACES AND LOADING BERTHS**

**BE IT ORDAINED** by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey as follows;

**Article III, § 700-3 (B), Definitions.**

**AMEND**

**MIXED USE BUILDING** — A building containing more than one use such as professional and business offices, restaurants and bars which serve food (first floor only), service establishments (personal and household); retail stores; and residential (not permitted on the first floor), as outlined in the Permitted Use for each District as per Article V. General Regulations

**Article V, § 700-7. Regulations Applicable in all Districts**

**ADD**

**Subsection I** - If there is a conflict between Zoning Ordinance sections, the more restrictive of the two requirements limiting development shall govern.

**Article V, § 700-16. Permitted uses in B-2 Zoning District.**

**DELETE**

Subsection I. - Mixed use buildings for commercial and residential uses.

**Article V, § 700-17. Permitted uses in B-3 Zoning District.**

**AMEND**

Subsection J. Mixed use buildings for commercial and residential uses refer to Section 700:40.

**Article V, § 700-18. Permitted uses in B-3A Zoning District.**

**AMEND**

Subsection A (10) - Mixed use buildings for retail, service and office uses (Residential Prohibited).

**Article V, § 700-19. Permitted uses in B-4 Zoning District.**

**AMEND**

Subsection A (12) - Mixed use commercial and retail (Residential Prohibited).

**Article VII, § 700-40. Mixed Use.**

**AMEND**

A "mixed use" is the use of a building, multistoried in height, in B-1 or B-3 Zoning Districts for residential and business uses, the residential use of which shall be permitted on the second and third floors of mixed use buildings. The first floor of a building shall be determined by "street level entry" to the building regardless of Topographical conditions. A mixed use building with residential use is strictly prohibited in any B3-A Districts. A mixed use is permitted in accordance with the following regulations and restrictions:

- A. Where more than 50% of the street frontage between intersecting streets or between an intersecting street and the Township boundary line is developed with business uses, the front yard requirement shall be equal to the average front yards of the existing business buildings between the intersecting streets, or between an intersecting street and the Township boundary line, on the same side of the street calculated to the nearest foot. However, in no case shall a building be located closer than three feet to the right-of-way line of Franklin Avenue.
- B. Where less than 50% of the street frontage between intersecting streets, or between an intersecting street and the Township boundary line, is developed with business uses, the front yard requirement shall be three feet from the right-of-way line of Franklin Avenue and 10 feet from the right-of-way line of any other street.
- C. The required rear yard for a mixed use building shall be the height of the building in the B-1 District and twice the height of the building in B-2 and B-3 Districts.
- D. Each side yard required in conjunction with a mixed use building shall be at least four feet and the total of both sides shall be at least 14 feet.
- E. The maximum height of a mixed use building shall be three (3) stories and/or 40 feet whichever is less. At-grade parking below a building is considered to be the first floor of a building.
- F. The maximum lot coverage of a mixed use building shall be 45%.
- G. The required off-street parking in conjunction with a mixed use building shall be equal to the sum of the required off-street parking in Article XIII per each use.
- H. The requirements for minimum lot area, minimum lot width, or lot area per dwelling

unit shall be:

1. The Maximum Density for a mixed Use Building is 28 dwelling units per acre;
  2. 30% of the first floor of a mixed use building shall be non-residential interior space based on the footprint of the largest floor;
  3. 30% of the residential units in a mixed use building shall be one bedroom units and 70% of the residential units shall be two bedroom units or more;
  4. The minimum size of a one-bedroom unit shall be 950 square feet. Additional bedrooms shall be a minimum of 250 square feet.
- I. The requirements as to Bulk in a B-3 District for a mixed building shall be:
1. Minimum Lot Size/Area is 5,000 square feet;
  2. Minimum Lot Size/Width is 50 feet;
  3. Minimum Lot Size/Depth is 100 feet;
  4. Minimum Size Dwelling Unit is 1,557 square feet;
  5. Minimum Front Yard Setback is 3 feet.
- J. Every room area of 69 square feet or more (except the kitchen and the living/dining room) shall be considered as a bedroom, regardless of the building plan designation.

#### **ARTICLE IX – Garden Apartments**

**ADD**

##### **§ 700-49.1. Permitted Zoning Districts**

Garden Apartments shall not be permitted in any District except as presently exists in the R-3, M-1 and M-2 District.

#### **ARTICLE XIII – Parking Spaces and Loading Berths, Section 700-91, Subsection A**

**ADD**

Mixed Use (Residential Component)	There shall be 2.0 parking spaces for a one-bedroom unit and an additional .5 parking space for each additional bedrooms.
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#### **ATTACHMENT 3 - Schedule of Regulations as to Bulk, Height and Other Requirements Business Districts**

**AMEND SCHEDULE**







**BE IT FURTHER ENACTED** that all other terms and conditions and locations in Chapter 700 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and

**BE IT FURTHER ENACTED** that the within ordinance shall become effective after passage and publication, pursuant to law.