

TOWN OF NEWTON

ORDINANCE 2026-5

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 320, ENTITLED "ZONING: FORM-BASED CODE", MOST NOTABLY SECTION 320-19, ENTITLED "SPECIAL DISTRICT 9 – PLANNED NEIGHBORHOOD DEVELOPMENT ZONE"

WHEREAS, the Town of Newton, in accordance with the Consent Order granting Conditional Compliance Certification pursuant to N.J.S.A. 52:27D-304(q), the Town of Newton seeks to amend the SD-9 Zone District to encourage development of affordable housing units, under the provisions of Chapter 320 of the Town Code of the Town of Newton;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Town of Newton, County of Sussex, State of New Jersey that the Mayor and Town Council wish to amend, revise and supplement Chapter 320 of the Town Code of the Town of Newton, entitled: "Zoning: Form-Based Code", most notably Section 320-19, entitled "Special District 9 – Planned Neighborhood Development Zone" as follows:

(1) Section 320-19, Special District 9 – Planned Neighborhood Development Zone is hereby amended, revised, and supplemented as follows:

a. Amend, revise, and supplement Section 320-19(B), Bulk Requirements, as follows:

Building Configuration	Principal building	4 stories/50 feet maximum; 2 minimum
	Accessory building	2 stories/25 feet maximum
Lot Occupation	Lot width	20 feet maximum
	Lot coverage	70% maximum ¹
Residential Density	85% of the development	Max. 8 du/acre
	15% of the development	Max. 20 du/acre
Affordable Housing Requirement	Minimum set-aside	20%
Building Disposition (§ 320-26B)	Edgeyard	Permitted
	Sideyard	Permitted
	Rearyard	Permitted
	Courtyard	Not permitted
Commercial/Mixed-Use Building Setbacks	Front yard primary (g.1) ² (NE side lot line along	10 feet minimum; 30 feet maximum

	hospital lot should be treated as a front yard)	
	Front yard secondary (g.2) ² for corner lot	10 feet minimum; 30 feet maximum
	Side yard (g.3) ²	20 feet minimum
	Rear yard (g.4) ²	50 feet minimum
	Frontage build-out	60% minimum at setback
Residential Building Setbacks	Front yard primary	25 feet minimum
	Front yard secondary	20 feet minimum
	Side yard, detached housing	20 feet minimum
	Side Yard, attached housing	Zero (0) feet
	Rear yard	30 feet minimum
	Frontage build-out	Not applicable
Accessory Building Setbacks	Front yard (h.1) ²	20 feet minimum + principal bldg. setback
	Side yard (h.2) ²	5 feet minimum or 10 feet at corner
	Rear yard (h.3) ²	5 feet minimum
Private Frontages (§ 320-26A)	Common lawn	Permitted
	Porch and fence	Permitted
	Terrace	Permitted
	Forecourt	Permitted
	Shopfront and awning	Permitted
	Gallery	Permitted
	Arcade	Permitted

NOTES:

¹ For projects that include structured parking, affordable housing, or enhanced open space, the permitted lot coverage is increased to 80%.

² See § 230-19C.

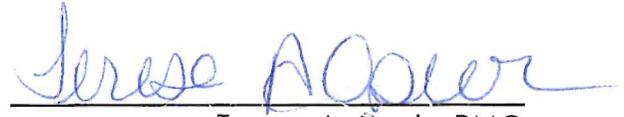
NOW, THEREFORE BE IT FURTHER ORDAINED, that:

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

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

NOTICE

TAKE NOTICE the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on February 9, 2026. It was adopted, as amended, after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm on March 9, 2026 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



TOWN OF NEWTON

RESOLUTION #111-2026

March 9, 2026

“Resolution Rejecting the Recommendation of the Town of Newton Land Use Board Regarding the Adoption of Ordinance 2026-5”

WHEREAS, on February 9, 2026, the Town Council introduced Ordinance 2026-5, entitled “AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 320, ENTITLED ‘ZONING: FORM-BASED CODE’, MOST NOTABLY SECTION 320-19, ENTITLED ‘SPECIAL DISTRICT 9 - PLANNED NEIGHBORHOOD DEVELOPMENT ZONE’” (“Ordinance”); and

WHEREAS, the Ordinance seeks to amend the SD-9 Zone District to encourage the development of affordable housing units in accordance with the Consent Order that was entered by the Superior Court of the State of New Jersey on December 9, 2025, in the Town’s Declaratory Judgment action granting the Town a Conditional Compliance Certification, pursuant to N.J.S.A. 52:27D-304(q), with respect to the Town’s affordable housing obligations for the Fourth Round (2025-2035); and

WHEREAS, pursuant to N.J.S.A. 40:55D-26, the Town Council referred the Ordinance to the Town of Newton Land Use Board (“Board”) for its review and recommendation regarding the consistency of the Ordinance with the Town’s Master Plan; and

WHEREAS, the Board has transmitted a report to the Town Council in which the Board found that the Ordinance is inconsistent with the Master Plan due to the Board’s concerns that the proposed increases in the permitted densities: a) may impact the rural nature of the Town; b) would place a burden on municipal water and sewer infrastructure; c) is inconsistent with the Regional Town Center designation; and, d) would pose constraints to development in the Paterson Avenue Redevelopment Area; and

WHEREAS, the Town Council has reviewed the Board’s report and disagrees with the Board’s finding that the Ordinance is inconsistent with the Town’s Master Plan as the Ordinance is designed to achieve the overriding goal of providing the realistic development of affordable housing to meet the Town’s present and prospective housing needs, with particular attention to low and moderate income housing, consistent with the Town’s constitutional obligations under the Fair Housing Act and the Mount Laurel Doctrine; and

WHEREAS, the Town Council further finds that the adoption and implementation of the Ordinance is in the public interest and will promote the general welfare;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Town hereby rejects the Board's recommendation regarding the adoption of Ordinance 2026-5 and hereby determines that Ordinance 2026-5 is consistent with the Town of Newton's Master Plan in that it meets the overriding goal of providing the realistic development of affordable housing to meet the Town's present and prospective housing needs, with particular attention to low and moderate income housing, consistent with the Town's constitutional obligations under the Fair Housing Act and the Mount Laurel Doctrine and is in the public interest and will promote the general welfare.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, March 9, 2026.



Teresa A. Oswin, RMC
Municipal Clerk