



Legislation Details (With Text)

File #: 16-1790 **Version:** 2 **Name:** Resolution: Referring a Draft Ordinance Amending Title 41 Zoning and Land Use Regulations and creating a new Chapter - Inclusionary Zoning for Affordable Housing
Type: Resolution **Status:** Adopted
File created: 11/21/2016 **In control:** Economic and Housing Development
On agenda: 11/29/2016 **Final action:** 12/7/2016

Title: Dept/ Agency: Economic and Housing Development
Action: () Ratifying (X) Authorizing (X) Amending
Type of Service: Resolution Endorsing Draft Ordinance
Purpose: Resolution referring the Draft Ordinance amending Title 41, entitled the "Newark Zoing and Land Use Resolutions" to include a new Chapter entitled "Inclusionary Zoning for Affordable Housing." requiring new residential development which consists of thirty (30) or more units to receive variance relief to set aside 20% of the total residential units in the development for affordable housing to the Newark Central Planning Board for review and recommendation as required by N.J.S.A. 40:55D-26 in accordance with N.J.S.A. 40:55D-64
Additional Information:
Failed 7R2-L (s/as) 112916

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/7/2016	1	Municipal Council	Adopt	Pass
11/29/2016	1	Municipal Council	Adopt	Fail

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WHEREAS, Newark’s Master Plan recognizes that “the region’s housing growth is already shifting to urban centers like Newark,” that “for the first time in more than a century, Newark is now a growing City,” and “providing housing of choice to more of the region’s middle and upper income households who will support Newark’s growing economy, strengthen the City’s fiscal health, and help Newarkers of all types, ages, and income levels find quality homes;” and

WHEREAS, Newark wishes to ensure that as the City grows and attracts new market rate

residential development, that it also provides a realistic opportunity for the City to meet or exceed its fair share of the region's affordable housing need; and

WHEREAS, the Municipal Council, pursuant to N.J.S.A. 40:55D-62, may adopt or amend a Zoning Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the Municipal Council, through the Department of Economic and Housing Development and its Outside Counsel have drafted a Proposed Amendment to the City's Zoning Ordinance, which requires new residential development, which consists of thirty (30) or more units, to receive variance relief to set aside 20% of the total residential units in the development for affordable housing throughout the City of Newark; and

WHEREAS, pursuant to N.J.S.A. 40:55D-64, prior to the hearing on adoption of a Zoning Ordinance, or any amendments thereto, the Municipal Council shall refer any such proposed Ordinance or amendment to the Newark Central Planning Board for formal review, report, and recommendation as required by N.J.S.A. 40:55D-26; and

WHEREAS, the Municipal Council, pursuant to N.J.S.A. 40:55D-64, wishes to refer the draft Proposed Amendment to the Central Planning Board for formal review, report, and recommendation as required by N.J.S.A. 40:55D-26.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. Pursuant to N.J.S.A. 40:55D-64, the Municipal Council hereby refers the draft Proposed Amendment to the Zoning Ordinance, attached hereto as Schedule A, which requires new residential development, which consists of thirty (30) or more units, to receive variance relief to set aside 20% of the total residential units in the development for affordable housing throughout the City of Newark, to the Central Planning Board for formal review, report, and recommendation as required by N.J.S.A. 40:55D-26.
2. The Newark Central Planning Board shall submit to the Municipal Council a report, within thirty-five (35) days after referral, which includes identification of any provisions which are inconsistent with the Master Plan and recommendations concerning any such inconsistencies, as well as any other matters as it deems appropriate in accordance with N.J.S.A. 40:55D-64 and for specific review by the Central Planning Board and report to the Municipal Council as to whether said amendment is substantially consistent with the Land Use Plan Element and the Housing Plan Element of the Master Plan or designed to effectuate such Plan Elements pursuant to N.J.S.A. 40:55D-62.
3. A copy of this resolution and the draft Proposed Amendment shall be filed with the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.
4. This resolution shall take effect immediately.

STATEMENT

This resolution hereby declares that the Municipal Council refers a Proposed Amendment to the Zoning Ordinance, amending Title 41, entitled the “Newark Zoning and Land Use Regulations” to include a new Chapter entitled “Inclusionary Zoning for Affordable Housing,” requiring new residential development which consists of thirty (30) or more units to receive variance relief to set aside 20% of the total residential units in the development for affordable housing to the Newark Central Planning Board for review and recommendation in accordance with N.J.S.A. 40:55D-64.