



Legislation Details (With Text)

File #: 21-0662 **Version:** 1 **Name:** Religious Sites Ordinance
Type: Ordinance **Status:** Adopted
File created: 5/10/2021 **In control:** Economic and Housing Development
On agenda: 5/19/2021 **Final action:** 6/2/2021

Title: AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY AMENDING TITLE XLI, "NEWARK ZONING AND LAND USE REGULATIONS", CHAPTER 10, "HISTORICAL SITES AND DISTRICTS" TO ADDRESS THE SALE OR TRANSFER OF RELIGIOUS BUILDINGS AND FACILITIES.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
6/2/2021	1	Municipal Council	Close on Public Hearing and Adopt	Pass
5/19/2021	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY AMENDING TITLE XLI, "NEWARK ZONING AND LAND USE REGULATIONS", CHAPTER 10, "HISTORICAL SITES AND DISTRICTS" TO ADDRESS THE SALE OR TRANSFER OF RELIGIOUS BUILDINGS AND FACILITIES.

WHEREAS, the preservation of historical sites and districts in the City of Newark are aimed at maintaining sites of significance in municipal history, architecture, archeology, and culture as they exist within districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feelings, and association; and

WHEREAS, there exists in the City of Newark, properties owned by religious institutions and used for religious purposes for over twenty-five (25) years that have become an integral part of the fabric of the community by the nature of their location, design, setting, materials, workmanship, feelings or association, and are situated in or out of designated historical districts; and

WHEREAS, the Mayor and the Municipal Council is desirous of amending Title XLI, Newark Zoning and Land Use Regulation, Chapter 10, Historical Sites and Districts to include provisions to require that buildings owned by religious entities and used for religious purposes for over twenty-five (25) years maintain its religious use in perpetuity unless certain criteria are met prior to the implementation of a change in use or purpose of the buildings; and

WHEREAS, pursuant to N.J.S.A. 40:55D-64, prior to the Hearing on the adoption of a Zoning Ordinance, or any amendments thereto, the Municipal Council shall refer any such Proposed Ordinance or amendment to the Central Planning Board for formal review, report and

recommendation as required by N.J.S.A. 40:55D-26; and

WHEREAS, the Central Planning Board finds the proposed legislation is consistent with the purpose and intent of the City of Newark Master Plan specifically set forth in the findings of facts made in a memorialized resolution dated May 3, 2021; and

WHEREAS, N.J.S.A. 40:48-2 authorizes a municipality to make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants.

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

Note: Additions are shown in bold and underlined and deletions are shown as ~~strikethrough~~.

Section 1. Title XLI, Zoning and Land Use Regulations, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, be amended to add to Chapter 10, "Historical Sites and Districts" as follows:

41:10-5-3. Compliance Required

In no case, however, shall any use be permitted which requires demolition, relocation, or alteration of a designated historic building, structure, site or within a designated district so as to adversely affect its character except upon compliance with the terms of this Chapter.

As to any building, facility or property owned by a religious institution and used for religious purposes, no Certificate of Occupancy shall be issued if the religious building or facility has been used for religious purposes for twenty-five (25) years or if the religious building or facility is in a designated historic building, structure, site or is located within a designated historic district except upon compliance with the terms of this Chapter and the following requirements:

- 1. Any religious building or facility that has been used for religious purposes for twenty-five (25) years or more and is exempted from paying state and/or local taxes due to its status as a religious institution N.J.S.A. 54:4-3.6, must continue to be used as a religious building or facility upon a sale or transfer, unless prior to the sale or transfer, the Board of Directors of the religious building/ facility obtains approval for said sale or transfer in accordance with N.J.S.A. 16:1-6.**
- 2. The Board of Directors of the religious institution shall present a transition plan and proposal for the specific use of the religious building or facility, including the name of the purchaser or transferee, thirty (30) days before the public meeting required by N.J.S.A. 16:1-6.**
- 3. Upon approval of the membership, a copy of the transition plan and proposal submitted to the membership, along with the recorded votes of members by individual name and a list of all members of the religious institution who attended the public meeting held pursuant to N.J.S.A. 16:1-6, must accompany any application for a Certificate of Occupancy, or application for approvals from the City's Historic Commission, Central**

Planning Board and Zoning Board.

Section 2. The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, such clause, phrase, sentence, paragraph or provision shall be served and shall be inoperative and the remainder of this ordinance shall remain operative and in full force and effect.

Section 3. This ordinance shall take effect upon final passage and publication and in accordance with the laws of the State of New Jersey.

STATEMENT

This ordinance amends Title XLI, Zoning and Land Use Regulations, Chapter 10, Historical Sites and Districts, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented to address the sale or transfer of religious buildings or facilities.