



## Legislation Details (With Text)

**File #:** 18-1727      **Version:** 2      **Name:** Referral, to the Planning Board, of Amendment to Zoning Ordinance to create an MX-3 Zoning Classification

**Type:** Resolution      **Status:** Adopted

**File created:** 11/5/2018      **In control:** Economic and Housing Development

**On agenda:** 11/8/2018      **Final action:** 11/27/2018

**Title:** Dept/ Agency: Economic and Housing Development  
 Action: ( ) Ratifying (X) Authorizing (X) Amending  
 Type of Service: Resolution Endorsing  
 Purpose: Resolution referring draft Proposed Ordinance amending Zoning and Land Use Regulations to the Newark Central Planning Board for formal review, report, and recommendation as required by N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64  
 Additional Information:  
 Refers to Planning Board an Ordinance amending Title XLI, Chapters 2, 3 and 4 of the Municipal Code to Establish the MX-3 Zoning Classification  
 Deferred 7R2-d (as) 110818

**Sponsors:** Augusto Amador, John Sharpe James

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
11/27/2018	1	Municipal Council	Motion to amend	Pass
11/27/2018	1	Municipal Council	Adopted as Amended	Pass
11/8/2018	1	Municipal Council	Defer	Pass

**Dept/ Agency:** Economic & Housing Development  
**Action:** ( ) Ratifying (X) Authorizing (X) Amending  
**Type of Service:** Resolution Endorsing referral of amendment to Zoning Ordinance and Zoning Map to Central Planning Board as required by law.  
**Purpose:** Resolution referring the Draft Ordinance and Draft Map amending zoning and land use regulations to Newark Central Planning Board for formal review, report, and recommendation as required by N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64  
**List of Property:** N/A  
 (Address/Block/Lot/Ward)  
**Additional Information:** Refers to Planning Board an Ordinance and Maps amending Title XLI, Chapters 1 through 5 of the Municipal Code to Establish the MX-3 Zoning Classification.  
**Deferred 7R2-d (as) 110818**

**WHEREAS**, the Municipal Council seeks to expand housing and economic opportunities along the Downtown Core area’s major streets and transportation corridors and protect adjacent low-density neighborhoods; and

**WHEREAS**, the Municipal Council wishes to promote a walkable neighborhood with a vibrant commercial/retail zone; 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 has drafted a Proposed Amendment to the City's zoning ordinance which establishes the MX-3 Zoning classification; and

**WHEREAS**, the MX-3 Zone allow for a blend of high density residential and commercial uses in the same building or district, within a half (1/2) mile from Newark Penn Station which builds upon Newark's strength as a multimodal transportation hub to support the Downtown Core District; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-64, prior to the hearing on adoption of a zoning ordinance or map, or any amendments thereto, the governing body shall refer any such proposed ordinance or amendment to the Newark Central Planning Board, which shall prepare a report including identification of any provisions "which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate", 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 and draft Proposed Amended Zoning Map to the Central Planning Board for the preparation of a report as required by N.J.S.A. 40:55D-26.

**NOW, THEREFORE, BE IT RESOLVED BY THE NEWARK MUNICIPAL COUNCIL 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, and which establishes the MX-3 Zoning Classification, to the Central Planning Board for the preparation of a report including identification of any provisions "which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate" 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 pursuant to N.J.S.A. 40:55D-26.
3. A copy of this Resolution and the draft Proposed Amendment shall be filed with the Office of the City Clerk by the Director of the Department of Economic and Housing Development.
4. This Resolution shall take effect immediately.

**STATEMENT**

This Resolution refers a proposed amendment of Newark's zoning and land use regulations and Newark's Zoning Map, establishing the MX-3 Zoning classification, to the Newark Central Planning Board for review and recommendation in accordance with N.J.S.A. 40:55D-64.