



Legislation Details (With Text)

File #: 23-1575 **Version:** 1 **Name:** Ordinance: Amending Title XLI, Zoning and Land Use Regulations, Chapter 12, Zoning Board of Adjustment - Creating a Supplemental Zoning Board of Adjustment

Type: Resolution **Status:** Adopted

File created: 10/3/2023 **In control:** Economic and Housing Development

On agenda: 10/4/2023 **Final action:** 10/4/2023

Title: Dept/ Agency: Economic and Housing Development
 Action: () Ratifying (X) Authorizing () Amending
 Type of Service: Resolution Endorsing a Draft Ordinance
 Purpose: Resolution referring a Draft Ordinance amending Title 41, entitled the "ESTABLISHMENT OF A SUPPLEMENTAL ZONING BOARD OF ADJUSTMENT," 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.

Sponsors:

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|--------|--------|
| 10/4/2023 | 1 | Municipal Council | Adopt | Pass |

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WHEREAS, the Municipal Council of the City of Newark (the "Municipal Council") adopted Title 41 (Newark Zoning & Land Use Regulations) by resolution 6PSF-c, on February 4, 2015; and

WHEREAS, the Municipal Council, pursuant to N.J.S.A. 40:55D-69, created a Zoning Board of Adjustment (the "Zoning Board") by appointing seven (7) members and two (2) alternate members ("Alternates"); and

WHEREAS, the Municipal Council adopted resolution 7R2-c(AS) on January 9, 2019, to authorize (1) the appointment of two (2) additional alternate members to the Zoning Board and (2) an annual schedule of thirty (30) regular meetings and ten (10) special meetings to be held by the Zoning Board; and

WHEREAS, the City of Newark has been experiencing an influx of development applications in the last few years; and

WHEREAS, in spite of the additional regular meetings, thirty (30) instead of twenty-two (22),

and special meetings held by the Zoning Board, the wait period for an application and/or appeal to be heard by the Zoning Board is a minimum of six (6) months or more; and

WHEREAS, this backlog of applications and appeals adversely affects the Zoning Board's ability to make a decision in a timely manner as per N.J.S.A. 40:55D-72 and N.J.S.A. 40:55D-73; and

WHEREAS, failure of the Zoning Board to render a decision on an application and/or appeal in one hundred and twenty days (120) as per the Municipal Land Use Law (40:55D-73) shall constitute a decision favorable to the applicant; and

WHEREAS, the Mayor of the City of Newark (the "Mayor") has determined that the Zoning Board is unable to process pending appeals and applications in a timely manner; 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, 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 ORDAINED 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 establishing a supplemental Zoning Board of Adjustment attached hereto as Exhibit A 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 Zoning Ordinance establishing a supplemental Zoning Board of Adjustment, to the Newark Central Planning Board for review and recommendation in accordance with N.J.S.A. 40:55D-64.