



## Legislation Text

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File #: 23-1279, Version: 1

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**Dept/ Agency:** Economic and Housing Development

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Resolution endorsing referral to the Newark Central Planning Board, as required by law

**Purpose:** Resolution directing the Newark Central Planning Board to review an Ordinance amending and replacing, Title 41 of the Municipal Code of the City of Newark "Zoning and Land-Use Regulations".

**Additional Information:**

**WHEREAS**, the Newark Central Planning Board (the "Central Planning Board") adopted the Newark360 Master Plan and Land Use Element ("Newark360") at a duly noticed public hearing on September 26, 2022 in accordance with N.J.S.A. 40:55D-28; and

**WHEREAS**, Newark360 was the culmination of a multi-year planning and public outreach process during which in-person and virtual meetings were conducted throughout the city and during which input was received from thousands of residents and stakeholders; and

**WHEREAS**, the N.J.S.A. 40:55D-62 provides municipalities with the power to adopt or amend zoning ordinances; 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 Central Planning Board for formal review, report, and recommendation as required by N.J.S.A. 40:55D-26; and

**WHEREAS**, such zoning ordinances shall be adopted after the Central Planning Board adopts a master plan land use element and housing plan element and all the provisions of the zoning ordinance shall be either substantially consistent with the elements or designed to effectuate the elements; and

**WHEREAS**, the Municipal Council adopted Resolution 7R2-f on March 15, 2023, directing the Central Planning Board to review an Ordinance amending and replacing Title 41 of the Municipal Code of the City of Newark; and

**WHEREAS**, the Central Planning Board reviewed the Ordinance at its Regular Meeting held on April 24, 2023 and transmitted its findings to the Municipal Council; and

**WHEREAS**, several community meetings were held in May and June 2023 by the Office of Planning and Zoning, and the Department of Economic and Housing Development thereby proposing additional revisions to the proposed Ordinance; and

**WHEREAS**, the Municipal Council wishes to direct the Central Planning Board to review an Ordinance with the additional revisions; and

**WHEREAS**, the proposed amendments to Title 41 of the Municipal Code of the City of Newark (Zoning and Land Use Regulations) constitute a wholesale amendment that will replace the ordinance and are a continuation of the Newark360 process and designed to effectuate the policy statements and recommendations contained therein; and

**WHEREAS**, this Ordinance shall supersede all development regulations found within the Kent/Brenner/Springfield Redevelopment Plan (6PSF-b040109), Old Third Ward Urban Renewal Plan (7RB061560), and Northern Fairmount Neighborhood Redevelopment Plan (6PSF-b(S)063010); leaving all non-development regulatory provisions of these Urban Renewal Plans and Redevelopment Plans in effect; and

**WHEREAS**, the Municipal Council directs the Central Planning Board to review the proposed new Title 41 Zoning and Land Use Regulations for consistency with the Master Plan pursuant to 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. Title 41 of the Municipal Code of the City of Newark (Zoning and Land Use Regulations) attached hereto is hereby transmitted to the Central Planning Board for its review and comment as to consistency with the Newark 360 Master Plan and Land Use Element.
2. Pursuant to N.J.S.A. 40:55D-26 the Central Planning Board shall review the Ordinance and transmit its findings to the Municipal Council within thirty-five (35) days of this referral.
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 authorizes the Municipal Council to refer a Proposed Amendment to amend and replace replacing Title 41 of the Municipal Code of the City of Newark (Zoning and Land Use Regulations) to the Central Planning Board for review and recommendation in accordance with N.J.S.A. 40:55D-64.