



Legislation Text

File #: 21-1214, Version: 1

Dept/ Agency: Economic and Housing Development

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

Type of Service: Referral of Proposed Ordinance to the Central Planning Board for Formal Review

Purpose: Resolution referring to the Central Planning Board for review and recommendation a proposed Ordinance amending Title 41 of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as Amended and Supplemented, entitled "Newark Zoning and Land Use Regulations", by amending Chapter 22, Section 6 entitled "Shipping Containers Zoning Regulations" by creating an exemption to shipping container zoning regulation as required by N.J.S.A. 40:55D-26 in accordance with N.J.S.A. 40:55D-64.

Additional Information:

A copy of the proposed ordinance is attached as Exhibit A.

WHEREAS, on October 21, 2020, the Municipal Council adopted ordinance 6PSF-q which amended Title XLI, Zoning and Land Use Regulations, to supplement to amend Chapter 22, entitled Shipping Containers; and

WHEREAS, the ordinance was intended to regulate the illegal storage of shipping containers in neighborhoods, which were and can be unsafe, hazardous, an eyesore, and contributed to blight in various residential neighborhoods; and

WHEREAS, shipping containers stacked in neighborhoods with no municipal oversight, can be dangerous and can become an attractive nuisance without having safeguards inherent in the way containers are stored on-port by Port Newark Container Terminal and others; and

WHEREAS, in light of stringent safety protocols put in place by Port Newark Container Terminal and other on-port shipping companies, the concerns for the storage of containers on port is not the same as for containers stored off-port; and

WHEREAS, the proposed amendment will create an exemption to shipping container regulation for Operators on-port, under the condition that those Operators meet certain safety criteria; 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 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; 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.

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 to the Central Planning Board for its review, report, and recommendation, the Proposed Ordinance (“Proposed Ordinance”) amending the Zoning and Land Use Regulation, attached hereto as Exhibit A, to amend Chapter 22, Section 6 entitled “Shipping Containers Zoning Regulations” in order to amend regulations regarding stacking containers.

2. The Central Planning Board shall submit to the Municipal Council a report, within thirty-five (35) days after referral, which must include identification of any provisions within the Proposed Ordinance that are inconsistent with the City’s Master Plan and its recommendations regarding the rectification of any such inconsistencies, as well as any other matters as it deems appropriate in accordance with N.J.S.A. 40:55D-26.

3. The Central Planning Board shall also conduct a specific review and report to the Municipal Council as to whether the Proposed Ordinance 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.

4. The Deputy Mayor/Director of the Department of Economic and Housing Development shall file a copy of this resolution and the proposed ordinance with the Office of the City Clerk.

STATEMENT

This Resolution declares that the Municipal Council refers a Proposed Ordinance Amending the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, Title 41, entitled “the Zoning and Land Use Regulations of the City of Newark” by amending to amend Chapter 22, Section 6 entitled “Shipping Containers Zoning Regulations” by creating an exemption to shipping container zoning regulation.