



Legislation Text

File #: 24-0902, Version: 1

Dept/ Agency: Economic and Housing Development

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

Type of Service: Referral of Proposed Amendment to Title 41 of the Municipal Code of the City of Newark (Zoning and Land Use Regulations) to the Newark Central Planning Board

Purpose: Requesting the Newark Central Planning Board to consider an amendment to Title 41 of the Municipal Code of the City of Newark (Zoning and Land Use Regulations), pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

Additional Information:

Ordinance 6PSF-e adopted on November 1, 2023, amended and replaced Title 41 of the Municipal Code of the City of Newark (Zoning and Land Use Regulations).

WHEREAS, the Central Planning Board of the City of Newark adopted Memorialization Resolution October 3, 2022, adopting 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 Municipal Land Use Law at N.J.S.A. 40:55D-62, provides municipalities with the power to adopt or amend zoning ordinances; and

WHEREAS, such zoning ordinances shall be adopted after the 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, on November 1, 2023, the Newark Municipal Council ("Municipal Council") adopted Ordinance 6PSF-e ("New Ordinance"), comprehensive amendments and replacement of Title 41 of the Municipal Code of the City of Newark (Zoning and Land Use Regulations)("NZLUR"), which is a continuation of the Newark360 process and designed to effectuate the policy statements and recommendations contained therein; and

WHEREAS, after working with the New Ordinance for several months, it has been determined that it will be beneficial to the City of Newark to modify several of the standards to continue to encourage beneficial development within the City; and

WHEREAS, the Municipal Council wishes to amend the permitted uses and building types in

the Commercial-1 (C-1) Zone to include two-family, three-family, four-family, and townhouse residential dwellings and four-family dwelling use in the Mixed-Use 1 and 2 (MX-1 and MX-2) Zones to reflect the mixed-use character of the zones and to allow new small-scale residential developments to be constructed and to coexist in an area that permits larger scale residential development and commercial uses; and

WHEREAS, the Municipal Council wishes to amend the permitted uses and building types in the Commercial-2 (C-2) Zone to permit two-family, three-family, and four-family residential dwellings subject to a zoning standard that the uses not be permitted on a property with frontage on a collector or arterial road; and

WHEREAS, the Municipal Council wishes to amend the bulk standards for four-family dwellings to permit up to 4 stories and 48 feet in the Residential-4 (R-4), C-1, C-2, MX-1 and MX-2 Zones since four-story structures are within the bulk framework permitted for other uses and building types in these zones; and

WHEREAS, the Department of Economic and Housing Development wishes to modify Section 41:4-3, Permitted Uses in Industrial, Airport, and Port Area Districts, to conditionally permit Truck, Tractor, Trailer, and Heavy Vehicle Parking or Storage in the Industrial-2 (I-2) Zone, which use was intended to be conditionally permitted but excluded due to a scrivener's error; and

WHEREAS, the Department of Economic and Housing Development wishes to modify Section 41:7-2-1, Requirements for Off-Street Parking, Residential Uses, which provides minimum residential parking requirements to establish a minimum requirement of 0.5 spaces per unit for two-, three-, and four-family and town house residential developments to create additional flexibility with the development of small infill properties in the city, promote affordability in new residential development, and account for the approximately 31% of households in the city that do not have a vehicle available, according to the 2022 American Community Survey; and

WHEREAS, the Department of Economic and Housing Development, along with the Department of Engineering, and Department of Water and Sewer Utilities, wish to amend Chapter 17 "Storm Drainage" by replacing it with an updated ordinance that is in keeping with the New Jersey Department of Environmental Protection's (NJDEP) N.J.A.C. 7:8, Stormwater Management which was amended, effective July 17, 2023, Exhibit B, which is attached hereto and made a part hereof; and

WHEREAS, the Department of Economic and Housing Development wishes to add a new Chapter 23 "Street Designation" to include a list of collector and arterial streets in the City of Newark that is maintained by the Division of Traffic and Signals and referenced in several sections of the NZLUR to avoid confusion about the streets that meet these qualifications, Exhibit C, which is attached hereto and made a part hereof; 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 Amendments included in Exhibits A, B, and C 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 MUNICIPAL COUNCIL OF THE CITY OF NEWARK THAT:

1. The Newark Municipal Council (“Municipal Council”) hereby refers the draft Proposed Amendment to Title 41 of the Municipal Code of the City of Newark, the zoning ordinance, attached hereto as Exhibits A, B and C to the Newark Central Planning Board, for its review 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, Newark 360 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 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 of Newark’s Zoning and Land Use Regulations to the Newark Central Planning Board for review and recommendation in accordance with N.J.S.A. 40:55D-64.