File #: 14-1941, **Version:** 2

ORDINANCE REPEALING TITLE 40 OF THE MUNICIPAL CODE OF THE CITY OF NEWARK (ZONING ORDINANCE), TITLE 37 OF THE MUNICIPAL CODE OF THE CITY OF NEWARK (LAND USE PROCEDURES), AND TITLE 38 OF THE MUNICIPAL CODE OF THE CITY OF NEWARK (SUBDIVISION/SITE PLAN ORDINANCE) AND ADOPTING TITLE 41 (NEWARK ZONING & LAND USE REGULATIONS) WITHIN THE NEWARK MUNICIPAL CODE
Deferred 6F-f 121714
Deferred 6F-a 010715
Sponsors: Gonzalez/ Crump

WHEREAS, the Newark Planning Office undertook a multi-year process to update the Newark Master Plan, adopted in 2012, and to overhaul its Zoning Ordinance to conform with that Master Plan in order to modernize zoning and land use regulations and align Newark's regulatory framework with contemporary planning and development policies; and

WHEREAS, many standards and laws within the existing Title 40 of the Municipal Code of the City of Newark (Zoning Ordinance), Title 37 of the Municipal Code of the City of Newark (Land Use Procedures) and Title 38 of the Municipal Code of the City of Newark (Subdivision/Site Plan Ordinance) should be amended to encourage development and be amended to address outdated and inconsistent terms and policies, confusing format, and regulations that were often in opposition to the City's current planning and development policies; and

WHEREAS, over the past several years, the City has held neighborhood-based and city-wide workshops which shaped and influenced the proposed Amendments to the Master Plan Land Use Element and proposed Newark Zoning & Land Use Regulations. The City has collected comments from business organizations, community-based organizations and individuals; and

WHEREAS, the Newark Central Planning Board held a public hearing on September 8, 2014 to hear public comment on the proposed repeal of Title 40 of the Municipal Code of the City of Newark (Zoning Ordinance), Title 37 of the Municipal Code of the City of Newark (Land Use Procedures), and Title 38 of the Municipal Code of the City of Newark (Subdivision/Site Plan Ordinance) and the adoption of Title 41 (Newark Zoning & Land Use Regulations); and

WHEREAS, on October 28, 2014 the Municipal Council adopted Resolution 7R3-A (s) referring the Draft of Zoning and Land Use Regulations, dated October 2, 2014 prepared by the Department of Economic and Housing Development, Division of Planning and Community Development with support from Phillips, Preiss, Grygel Associates, to the Newark Central Planning Board, pursuant to *N.J.S.A.* 40:55D-64, for their formal review, report and recommendations as required by *N.J.S.A.* 40:55D-26; and

WHEREAS, The Newark Central Planning Board held a public hearing on November 10, 2014 and unanimously adopted a resolution recommending that the Municipal Council of the City of

Newark, New Jersey adopt an ordinance to repeal Title 40 of the Municipal Code of the City of Newark (Zoning Ordinance), Title 37 of the Municipal Code of the City of Newark (Land Use Procedures), and Title 38 of the Municipal Code of the City of Newark (Subdivision/Site Plan Ordinance) and adopt Title 41 (Newark Zoning & Land Use Regulations); and

WHEREAS, the Municipal Council has considered the recommendations of the Central Planning Board and has determined to repeal Title 40 of the Municipal Code of the City of Newark (Zoning Ordinance), Title 37 of the Municipal Code of the City of Newark (Land Use Procedures), and Title 38 of the Municipal Code of the City of Newark (Subdivision/Site Plan Ordinance) and adopt Title 41 (Newark Zoning & Land Use Regulations); and

WHEREAS, this Ordinance shall supersede all development regulations found within all adopted Urban Renewal Plans and Redevelopment Plans in the City of Newark with the exception of the following. The development regulations within all other previously adopted Urban Renewal Plans and Redevelopment Plans have been found to be inconsistent with the 2012 Newark Master Plan and shall be superseded by the regulations in Title 41 (Newark Zoning & Land Use Regulations); leaving all non-development regulatory provisions of these Urban Renewal Plans and Redevelopment Plans in effect:

1. Newark's River: Public Access and Redevelopment Plan 6PSF-I 080713
2. Kent/Brenner/Springfield Redevelopment Plan 6PSF-B 040109
3. Broad Street Station District Redevelopment Plan 6PSF-A 012109
4. Lincoln Park Redevelopment Plan 6PSF-c 051811
5. Bergen South Redevelopment Plan 6PSF-H 120308
6. Living Downtown Plan 6S&FG 090308
7. Old Third Ward Urban Renewal Plan 7RB 061560
8. Northern Fairmount Neighborhood Redevelopment Plan 6PSF-B(S) 063010
9. Newark Downtown Core District Redevelopment Plan and Amendment to the Newark Plaza Urban Renewal Plan 6S&FF 100604

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY THAT:

1. Title 40 of the Municipal Code of the City of Newark (Zoning Ordinance), Title 37 of the Municipal Code of the City of Newark (Land Use Procedures), and Title 38 of the Municipal Code of the City of Newark (Subdivision/Site Plan Ordinance) are hereby repealed.

2. Title 41 (Newark Zoning & Land Use Regulations) is hereby created within the Newark Municipal Code and adopted in the form attached hereto.

3. The zoning for Block 128, Lot 1.01, Block 130, Lots 1 and 12, Block 133, Lot 1, Block 134, Lot 10, and Block 136, Lots 63.01, 63.02, 63.03 shall be the zoning outlined in the Newark Plaza N.J.R.-58 Urban Renewal Project as last amended on August 5, 1992 (6S+FC) in its entirety.

4. To the extent that any previous ordinance is inconsistent with or contradictory hereto, said ordinance is hereby repealed or amended to the extent necessary to make it consistent herewith.

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5. This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

6. The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

STATEMENT

Ordinance repealing Title 40 of the Municipal Code of the City of Newark (Zoning Ordinance), Title 37 of the Municipal Code of the City of Newark (Land Use Procedures), and Title 38 of the Municipal Code of the City of Newark (Subdivision/Site Plan Ordinance) and adopting Title 41 (Newark Zoning & Land Use Regulations) within the Newark Municipal Code in the form attached hereto.

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