



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 20-0737, Version: 1

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**Dept./ Agency:** Law

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

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

**Purpose:** To rescind Resolution 7R2-h(AS) adopted on June 10, 2020 which referred 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 including a new Chapter 22 of Title 41, to be entitled "Shipping Containers" to establish a license requirement for the storage of Shipping Containers in the City of Newark and impose fines, to the Newark Central Planning Board for review and recommendation as required by statute, and instead referring the attached Proposed Ordinance entitled "Shipping Containers" 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.

**Additional Information:**

A copy of the proposed ordinance is attached to the file.

**WHEREAS**, it has been found and declared that there exist in the City of Newark (the "City") unused or abandoned Shipping Containers, which are, hazardous, dangerous or detrimental to the health, safety, and welfare of the residents of the City of Newark; and

**WHEREAS**, Shipping Containers present an eyesore and nuisance in the communities and neighborhoods where they have been illegally stored; and

**WHEREAS**, within the proximity to the marine terminals, unused or abandoned Shipping Containers have become a blight within the City, and

**WHEREAS**, protecting the aesthetics, integrity, vitality, health, safety and welfare of residents affected by stored Shipping Containers is a serious concern in the City; and

**WHEREAS**, such conditions should be curtailed for the public health, safety and welfare of the residents within the City; and

**WHEREAS**, the Department of Economic and Housing Development proposes an amendment to the Zoning and Land Use Procedures to include a new Chapter 22 in Title 41, the Zoning and Land Use Regulations to be entitled "Shipping Containers" which will establish a license requirement for the storage of Shipping Containers in the City of Newark and imposes fines and assessments against property owners storing Shipping Containers without said license; 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**, on June 10, 2020, the Municipal Council approved resolution 7R2-h(AS) referring a proposed ordinance to the Newark Central Planning Board; and

**WHEREAS**, it has become necessary to amend the proposed ordinance which requires a new resolution rescinding resolution 7R2-h(AS) adopted on June 10, 2020 and refer the amended proposed ordinance to the Newark Central Planning Board.

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

1. Rescinds, in its entirety, Resolution 7R2-h(AS) adopted June 10, 2020.
2. Pursuant to N.J.S.A. 40:55D-64, the Municipal Council hereby refers to the Newark Central Planning Board for its review, report, and recommendation, the Proposed Ordinance amending the Zoning and Land Use Regulation, attached hereto as Exhibit A, to establish a license requirement for the storage of Shipping Containers and impose fines and assessments against property owners storing Shipping Containers without said license.
3. The Newark 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 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.
4. The Newark Central Planning Board shall also conduct 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.
5. A copy of this resolution and the proposed amendment shall be filed with the Office of the City Clerk by the Director of the Department of Economic and Housing Development.

### **STATEMENT**

This resolution rescinds, in its entirety, Resolution 7R2-h(AS) adopted on June 10, 2020, and hereby declares that the Municipal Council refers the attached Proposed Ordinance Amending the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, Title 41, entitled "Zoning and Land Use Regulations of the City of Newark" to include a new Chapter 22 to the Zoning and Land Use Regulations to be entitled "Shipping Containers." The Proposed Ordinance will establish a license requirement for the storage of Shipping Containers in the City of Newark and impose fines and assessments against property owners storing Shipping Containers without said license.