

ZONING AND LAND USE ADOPTING ORDINANCE

41:AO Attachment 1

Zoning and Land Use Adopting Ordinance



City of Newark

Ordinance

6PSF-e 11/01/2023

City Hall
920 Broad Street
Newark, New Jersey
07102

File ID: 23-1473

Type: Ordinance

Status: Adopted

AN ORDINANCE AMENDING AND REPLACING TITLE 41 OF THE MUNICIPAL CODE OF THE CITY OF NEWARK ZONING AND LAND USE REGULATIONS.

WHEREAS, the Newark Central Planning Board adopted the Newark360 Master Plan and Land Use Element ("Newark360") at a duly noticed public hearing on September 26, 2022; 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 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 Newark 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, on March 15, 2023, the Municipal Council adopted Resolution 7R2-f, directing the Newark Central Planning Board to review the proposed zoning amendments, replacing Title 41 of the Newark Municipal Code of the City of Newark, Zoning and Land Use Regulations, to determine whether the requested amendments are consistent with Newark360, the Master Plan, and transmit its findings and recommendations, if any; and

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

WHEREAS, the Newark Central Planning Board reviewed the proposed zoning amendments, Revised Title 41, at its meeting of April 24, 2023, and transmitted its finding along with recommendations to the Municipal Council; and

WHEREAS, subsequently there were several community meetings in May and June of 2023 held by the Office of Planning and Zoning and the Department of Economic and Housing Development, whereby additional amendments were required; and

WHEREAS, on August 8, 2023, the Municipal Council adopted Resolution 7R2-f(S),

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pursuant to N.J.S.A. 40:55D-26, referring the additional amendments, resulting from the community meetings to the proposed zoning amendments to the Newark Central Planning Board, to determine whether the requested amendments are consistent with Newark 360, the Master Plan, and transmit its findings and recommendations, if any; and

WHEREAS, the Newark Central Planning Board reviewed the proposed zoning amendments, Revised Title 41, at its regular public meeting on August 21, 2023, and did not identify any substantial inconsistencies with Newark 360, the Master Plan, and made several recommendations and findings, which are incorporated in the attached proposed Chapter 41:AO Zoning and Land Use Adopting Ordinance, Revised Title 41, and is being transmitted to the Municipal Council simultaneously; and

WHEREAS, this Ordinance together with Revised Title 41 shall supersede all development regulations found within the Kent/Brenner/Springfield Redevelopment Plan (6PSF-b adopted on April 1, 2009), Old Third Ward Urban Renewal Plan (7RB adopted on June 15, 1960), and Northern Fairmount Neighborhood Redevelopment Plan (6PSF-b(S) adopted on June 30, 2010); leaving all non-development regulatory provisions of these Urban Renewal Plans and Redevelopment Plans in effect; and

WHEREAS, the Municipal Council finds that this Ordinance, amending and replacing Title 41 of the Municipal Code of the City of Newark, is designed to effectuate the Newark360 Master Plan and Land Use Element.

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

SECTION 1. The Municipal Council hereby amends and replaces in full Title 41 of the Municipal Code of the City of Newark (Zoning and Land Use Regulations), with the form attached hereto.

SECTION 2. 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.

SECTION 3. The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this Ordinance shall be declared by a Court of competent jurisdiction to be invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

SECTION 4. The Deputy Mayor/Director of the Department of Economic and Housing Development shall file a copy of this Ordinance along with Title 41 of the Municipal Code of the City of Newark (Zoning and Land Use Regulations), attached hereto, with the Office of the City Clerk.

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

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SECTION 6. Codification. This Ordinance shall be a part of the Code of the City of Newark as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code. The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Newark in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

STATEMENT

This Ordinance amends and replaces Title 41 of the Municipal Code of the City of Newark (Zoning and Land Use Regulations).

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	9/14/2023	Jeannet Pavez	Approved as Modified	9/13/2023
1	3	9/14/2023	Allison Ladd	Approved	9/18/2023
1	5	9/14/2023	Eric S. Pennington	Approved	9/18/2023
1	6	9/14/2023	Leslie Peters	Approved	9/21/2023
1	7	9/14/2023	Michelle Nelson	Approved	9/18/2023
1	8	9/14/2023	Kenyatta Stewart	Approved	9/18/2023

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:	
1	Municipal Council	09/20/2023	Advance to First Reading				Pass	
	Action Text:	A motion was made by the Council of the Whole that this item be Advanced to First Reading. The motion was adopted by the following votes:						
		Yes: 6 - Patrick Council, C. Lawrence Crump, Dupre' Kelly, Luis Quintana, Louise Scott-Rountree and LaMonica McIver						6-1-2
		No: 1 - Carlos Gonzalez						
		Abstain: 2 - Anibal Ramos Jr. and Michael Silva						
1	Municipal Council	10/04/2023	Adopt on First Reading				Pass	
	Action Text:	A motion was made by the Council of the Whole that this item be Adopted on First Reading. The motion was adopted by the following votes:						
		Yes: 5 - Patrick Council, C. Lawrence Crump, Dupre' Kelly, Louise Scott-Rountree and LaMonica McIver						5-2-2
		No: 2 - Carlos Gonzalez and Anibal Ramos Jr.						
		Abstain: 2 - Luis Quintana and Michael Silva						
1	Municipal Council	11/01/2023	Adopted on second reading and final passage				Pass	

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Action Text: Council of the Whole to Adopted on second reading and final passage. The motion was adopted by the following votes:

Yes: 5 - Patrick Council, C. Lawrence Crump, Dupre' Kelly, Louise
Scott-Rountree and LaMonica Melver
No: 3 - Carlos Gonzalez, Luis Quintana and Anibal Ramos Jr.
Abstain: 1 - Michael Silva


5-3-1

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Approved or Rejected By 
Ras J. Baraka, Mayor

Date 11/3/23

Certified By 
Kecia Daniels, City Clerk

CERTIFIED TO BY ME THIS
Date NOV 06 2023