



Legislation Details (With Text)

File #: 19-0202 **Version:** 1 **Name:** Ordinance amending XLI Zoning Code - Board of Adjustments
Type: Ordinance **Status:** Adopted
File created: 1/31/2019 **In control:** Economic and Housing Development
On agenda: 2/22/2019 **Final action:** 3/6/2019

Title: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK AMENDING TITLE XLI, CHAPTER 12, ARTICLES 1-1, 1-2, AND 3 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED TO AUTHORIZE THE APPOINTMENT OF TWO (2) ADDITIONAL ALTERNATE MEMBERS OF THE NEWARK ZONING BOARD OF ADJUSTMENT (THE "BOARD"), AN ANNUAL SCHEDULE OF THIRTY (30) MEETINGS AND TEN (10) SPECIAL MEETINGS TO BE HELD BY THE BOARD, AND PROVIDE FOR AN ANNUAL STIPEND TO BOARD MEMBERS.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/6/2019	1	Municipal Council	Close on Public Hearing and Adopt	Pass
2/22/2019	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK AMENDING TITLE XLI, CHAPTER 12, ARTICLES 1-1, 1-2, AND 3 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED TO AUTHORIZE THE APPOINTMENT OF TWO (2) ADDITIONAL ALTERNATE MEMBERS OF THE NEWARK ZONING BOARD OF ADJUSTMENT (THE "BOARD"), AN ANNUAL SCHEDULE OF THIRTY (30) MEETINGS AND TEN (10) SPECIAL MEETINGS TO BE HELD BY THE BOARD, AND PROVIDE FOR AN ANNUAL STIPEND TO BOARD MEMBERS.

WHEREAS, the Municipal Council, pursuant to N.J.S.A. 40:55D-62, may adopt or amend a Zoning Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, Title 41 of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, entitled "The Zoning and Land Use Regulations of the City of Newark" (the "Zoning and Land Use Regulations") only provides for two (2) alternate members ("Alternates") on the Zoning Board of Adjustment and does not: (1) address the number of regular and special meetings to be held annually by the Zoning Board, and; (2) identify the amount of compensation to be received by Zoning Board members,; and

WHEREAS, per N.J.S.A. 40:55D-69, a Zoning Board of Adjustment may have up to four (4) alternate members ("Alternates"); and

WHEREAS, the Municipal Council of the City of Newark proposed an Ordinance to amend the

Newark Zoning and Land Use Regulations (“NZLUR”), Title XLI of the Municipal Code. This Ordinance proposes to authorize the appointment of two (2) additional alternate members to the Zoning Board of Adjustment, an annual schedule of thirty (30) regular meetings and ten (10) special meetings to be held by the Zoning Board of Adjustment, and provide for an annual stipend for Zoning Board members; and

WHEREAS, the Municipal Council, pursuant to N.J.S.A. 40:55D-64, sought the recommendations of the Newark Central Planning Board relative to these issues; and

WHEREAS, the Central Planning Board, at its January 28, 2019 regular meeting, confirmed that the proposed amendment is substantially consistent with the City’s Master Plan as well as its goals and objectives related to sustainable economic development, in accordance with the provisions of N.J.S.A. 40:55D-62.

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

SECTION 1: Title 41, Chapter 12, Articles 1-1, 1-2, and 3 of Newark Municipal Code are hereby amended as follows:

Bold and underlined is new text not present in the current zoning ordinance. ~~Strike through~~ is text deleted from the current Zoning Ordinance.

Chapter 12. Zoning Board of Adjustment

41:12-1. Establishment; Membership

41:12-1-1. There is hereby established, pursuant to the provisions of N.J.S.A. 40:55D-1 et seq., in the City of Newark, the Zoning Board of Adjustment of seven (7) members and ~~two (2)~~ **four (4)** alternates who shall all be residents of the City of Newark, shall be appointed by the Municipal Council and who shall not hold any elective office or positions under the municipality. **The members and alternate members of the board shall receive a salary of not more than \$5,000.00 per annum for attending (30) regular board meetings and \$250.00 for each of the ten (10) special meetings which may be scheduled annually to address all applications which have not been placed on the board’s agenda within a two (2) month time frame. Such salaries shall be paid quarterly and in proportion to the number of meetings attended during each quarter. It is mandatory that all applications which have not been placed on the agenda of a special meeting be scheduled as needed. It is mandatory that all applications which have not appeared on the Board’s agenda in the described period must be placed on the agenda of a special meeting to be scheduled as needed.**

41:12-1-2. There may be ~~two (2)~~ **four (4)** alternate members of the Zoning Board of Adjustment, appointed by the Governing Body, who shall be designated by the Chairperson as “Alternate No. 1” and “Alternate No.2”, **“Alternate No. 2”, “Alternate No. 3” and “Alternate No. 4”**. Alternate members may participate in discussions of the proceedings but may not vote, except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

41:12-3. Organization of the Board

The Zoning Board of Adjustment shall elect a Chairperson and a Vice Chairperson from its members and shall select a Secretary who may or may not be a member of the Board.

SECTION 2:

Severability: If any Section, Subsection, sentence, clause, phrase or portion of these Chapters are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3:

Repealer: All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4:

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

STATEMENT

This Ordinance amends Title XLI, Chapter 12, Articles 1-1, 1-2 and 3 of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, to authorize: (1) the appointment of two (2) additional alternate members to the Zoning Board of Adjustment, (2) an annual schedule of thirty (30) regular meetings and ten (10) special meetings to be held by the Zoning Board of Adjustment, and; (3) an annual stipend for Zoning Board members.