

AN ORDINANCE AMENDING CHAPTER 175 LAND USE REGARDING THE CREATION OF A
NINE-MEMBER PLANNING BOARD
PURSUANT TO N.J.S.A. 40:55D-225c
OF THE CODE OF THE CITY OF MARGATE CITY, COUNTY OF ATLANTIC
AND STATE OF NEW JERSEY

WHEREAS, the City of Margate City of the County of Atlantic and State of New Jersey qualifies under N.J.S.A. 40:55-25c. for a Planning Board to exercise the powers of the Zoning Board of Adjustment and to have nine members; and

WHEREAS, the City of Margate City Planning Board currently consists of a seven member Board and the City of Margate City Zoning Board of Adjustment consists of seven members;

AND WHEREAS, the purpose of this Ordinance is to consolidate the Zoning Board of Adjustment and the Planning Board and to increase the Planning Board membership to nine members and to exercise the option provided by the aforesaid statutory authority;

BE IT ORDAINED by the Board of Commissioners of the City of Margate, City the following Sections of Ordinance 175 are hereby amended and supplemented as follows:

SECTION 1. Chapter 175-3 A (1) Membership. City of Margate Planning Board shall consist of nine members of the following four classes:

- (a) Class I: The Mayor or Mayor's designee. (Unchanged)
- (b) Class II: one of the officials of the City, other than a member of the City Commissioners, to be appointed by the Mayor.(Unchanged)
- (c) Class III: a member of the City Commissioners to be appointed by the City Commissioners. (Unchanged)
- (d) Class IV: Six other citizens of the City to appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment except that one member may be a member of the Board of Adjustment. Not more than one Class IV member may be a member of the Board of Education. For the purpose of this section, membership on a City board or commission whose function is advisory in nature, the establishment of which is discretionary and not required by statute, shall not be considered the holding of City office.
- (e) Alternate members. Four alternate members shall be appointed and shall meet the qualifications of Class IV members. Alternate members shall be appointed for a term of two years, and at the time of their appointments shall be designated Alternate No. 1 and Alternate No. 2, respectively. 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.

SECTION 2. Chapter 175-3 B (1) Powers and Jurisdiction of Planning Board shall be amended to add the following Sections:

(1)(g) The City of Margate City hereby exercises the option provided by N.J.S.A 40:55D-25(c). The Planning Board shall exercise, to the same extent and subject to the same restrictions, all the powers and duties of a Board of Adjustment; where the Class I and Class III members shall not participate in the consideration of applications for development which involves relief pursuant to N.J.S.A.40:55D-70(d).

(1)(h) Whenever relief is requested pursuant to this Subsection, notice of a hearing on the application shall include reference to the request for variance or direction for issuance of a permit, as the case may be.

SECTION 3. Chapter 175-4 is amended to delete the heading Zoning Board of Adjustment and to add the heading Planning Board to exercise powers of Zoning Board of Adjustment.

Chapter 175-4A.through 175-4E. is hereby repealed and replaced with the following:

175-4A. The City of Margate City hereby exercises the option provided by N.J.S.A.40:55D-25(c) and accordingly the City of Margate City Zoning Board of Adjustment is terminated and is no longer a municipal agency.

175-4B. For purposes of implementing the exercise of said option, the term Planning Board shall be substituted for the term Zoning Board of Adjustment or equivalent in each and every instance Zoning Board of Adjustment or equivalent appears in any City of Margate City Ordinance, Resolution, or Regulation.

175-4C.Where the substitution of Planning Board for Zoning Board of Adjustment or equivalent results in an apparent duplication, redundancy, or conflict in any Ordinance, Resolution or Regulation, the same shall be liberally construed and interpreted to implement the option provided by N.J.S.A.40:55D-25(c) whereby the Planning Board replaces and performs all functions of the Zoning Board of Adjustment.

SECTION 5, Chapter 175-5 is amended to delete the heading Zoning Board of Adjustment and to add the heading Planning Board to exercise the powers of Zoning Board of Adjustment.

SECTION 6, Chapter 175-5A.through 5I. is hereby amended as follows:

Any and all references contained in Chapter 175-5(A. through I.) to the Zoning Board of Adjustment shall be deleted.

All Ordinances, parts of Ordinances inconsistent herewith are hereby repealed.

If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is 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 hereof.

Board of Commissioners of the City of Margate City, NJ

Introduction: _____

Enactment: _____