

SECTION 6 ADMINISTRATIVE PROCEDURES

A. Rules and Regulations

The Planning Board and the Zoning Board of Adjustment shall adopt and may amend reasonable rules and regulations not inconsistent with the New Jersey Municipal Land Use Law, New Jersey Statute 40:55D-1 et. seq. or this ordinance for the administration of their functions, powers and duties and shall furnish a copy thereof to any person upon request and may charge a reasonable fee for any such copy. Copies of all such rules and regulations and amendments thereto shall be maintained in the zoning office.

B. Meetings

1. The Planning Board and Zoning Board of Adjustment shall fix the time and place for holding regular meetings for business authorized to be conducted. Regular meetings shall be scheduled not less than once a month and shall be held as scheduled, unless cancelled for lack of applications for development.
2. Special meetings shall be provided at the call of the chairman or on request of any two (2) Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
3. No action shall be taken at any meeting without a quorum being present. All actions shall be taken by a majority vote of the quorum, except as otherwise required by this ordinance.

C. Minutes

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and the reasons therefor. The minutes shall thereafter remain available for public inspection during normal business hours at the zoning office. An interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a reasonable fee for production of the minutes for his use. In accordance with the Open Public Meetings Act, New Jersey Statute 10:4-14, the minutes of the meetings shall be reasonably comprehensive.

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D. Hearings

1. The Planning Board and Zoning Board of Adjustment shall hold a hearing on each application for development or adoption or revision or amendment to the master plan.
2. The Boards shall make the rules governing such hearings. Any maps and documents for which approval is sought at a hearing shall be on file during normal business hours in the Planning Board or Zoning Board office and available for public inspection at least twenty-one (21) days before the date of the hearing. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.
3. The officer presiding at the hearing, or such person as he may designate, shall have the power to administer oaths and to issue subpoenas, to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, New Jersey Statute 2A:67A-1 et. seq., shall apply.
4. The testimony of all witnesses relating to any application for development shall be taken under oath or affirmation by the presiding officer and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
5. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial, or unduly repetitious evidence.
6. The Board shall provide for the verbatim recording of the proceedings by either a stenographer, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof, upon request, to any interested party at his expense, provided that the City Council may provide by ordinance for the City to assume the expense of any transcripts necessary for appeal to the City Council of decisions by the Zoning Board of Adjustment approving use variances, up to a maximum amount as specified by the ordinance.

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7. Each decision on an application for development shall be in writing and shall include the findings of fact and conclusions based thereon.
 - a. Failure of a motion to approve an application for development to receive the number of votes required for approval shall be deemed an action denying application. A denial under this subsection must be memorialized as hereinafter provided.
 - b. The Board may provide such written decision and findings and conclusions either on the date of the meeting on which the Board takes action to grant or deny approval or, within 45 days of such meeting by the adoption of a resolution of memorialization setting forth the decision and the findings and conclusions of the Board thereon. Any action resulting from the failure of a motion to approve an application shall be memorialized by resolution, as provided above, notwithstanding the time at which such action occurs is within the applicable time period for rendering a decision on the application.
 - c. The adoption of a resolution of memorialization, pursuant to this subsection, shall not be construed to alter the applicable time period for rendering a decision on the application for development. Such resolution shall be adopted by a vote of a majority of the members of the Board who voted for the action previously taken and no other members shall vote thereon. The vote on such resolution shall be deemed to be a memorialization of an action of the Board and not to be an action of the Board.
 - d. Whenever a resolution of memorialization is adopted in accordance with this subsection, the date of such adoption shall constitute the date of decision for the purpose of mailings, filings and publications required by this section.
8. A copy of the decision shall be mailed by the Board within ten (10) days of the date of the decision to the applicant or, if represented, to his attorney, without separate charge and to all who request a copy of the decision for a reasonable fee. A copy of the decision shall also be filed in the Planning Board or Zoning Board office. The Planning Board secretary shall make a copy of such a filed decision available to any interested party for a reasonable fee and available for public inspection during reasonable hours.

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9. A brief notice of the decision shall be published in the official newspaper of Gloucester City. Such publication may be arranged by the Board for a reasonable fee for such service and the printing costs to also to be paid by the applicant. Nothing contained in this ordinance shall be construed as preventing the applicant from arranging such publication, if he so desires. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision, whether arranged by the municipality or by the applicant.
10. At the request of the developer, the Planning Board shall grant an informal review at a meeting of a concept plan for a development for which the developer intends to prepare and submit an application for development. The amount of fees for such an informal review shall be a credit toward fees for review of the application for development. A developer shall not be bound by any concept plan for which review is requested and the Planning Board shall not be bound by any such review. Such informal review shall not include any review work by the Board's professionals unless a satisfactory escrow fee is deposited for review costs.

E. Notice of Application

Notice pursuant to subsections 1, 2, 3, 4, 5, 6 and 7 of this section shall be given by the applicant and shall be given at least ten (10) days prior to the date of the hearing.

1. Public notice of a hearing on an application for development shall be given except for:
 - a. minor subdivisions;
 - b. final approvals.
2. Public notice shall be given in the event variance relief is requested as a part of an application for development otherwise excepted herein from public notice. Public notice shall be given by publication in the official newspaper of Gloucester City.

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Notice of hearing requiring public notice pursuant to Subsection A. of this section shall be given to the owners of all real property, as shown on the current tax duplicate, located within 200 feet in all directions of the property, which is the subject of such hearing. This requirement shall be deemed satisfied by notice of the condominium association in the case of any unit owners whose unit has a unit above or below it or the horizontal property regime in the case of any co-owner who has an apartment above or below it. Notice shall be given by:

- (a) service of a copy thereof on the property owner as shown on the said current tax duplicate or his agent in charge of the property;
- (b) mailing a copy thereof by certified mail to the property owner at his address, as shown on the current tax duplicate.

Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the property, which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas.

3. Upon the written request of an applicant, the administrative office shall, within seven (7) days, make and certify a list from said current tax duplicate of names and addresses of owners to whom the applicant shall be entitled to rely upon the information contained in such list and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. A sum not to exceed \$.25 per name or \$10.00, whichever is greater, may be charged for such list.
4. Notice of hearing on applications for development involving properties located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the clerk of such municipality.

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5. Notice shall be given by personal service or certified mail to the Camden County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the official county map or the county master plan, adjoining other county land or situated within 200 feet of a municipal boundary.
6. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.
7. Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds 150 acres or 500 units. Such notice shall include a copy of any maps or documents required to be on file with the Board, pursuant to Section 4 of this Article.
8. The applicant shall file an Affidavit of Proof of Service with the Board holding the hearing on the application for development in the event that the applicant is required to give notice, pursuant to this section.
9. Notice pursuant to subsections 4., 5., 6., and 7. of this section shall not be deemed to be required unless public notice pursuant to subsection 1 and notice pursuant to subsection 2 of this section are required.

F. Notice Concerning Master Plan

The Planning Board shall give:

1. Public notice on a hearing of adoption, revision or amendment of the master plan. Such notice shall be given by publication in the official newspaper of Gloucester City at least ten (10) days prior to the date of this hearing.
2. Notice by personal service or certified mail to the clerk of an adjoining municipality of all hearings on adoption, revision or amendment of a master plan involving property situated within 200 feet of such adjoining municipality at least ten (10) days prior to the date of any such hearing.

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3. Notice by personal service or certified mail to the Camden County Planning Board shall be given at least ten (10) days prior to the date of all hearings on the adoption, revision or amendment of the municipal master plan. Such notice shall include a copy of any such proposed master plan or any revision or amendment thereto. Not more than thirty (30) days after the date of such adoption, revision or amendment of a master plan, notice of such adoption, revision or amendment shall be given to the Camden County Planning Board, which shall include a copy of the master plan or revision or amendment thereto.

G. Effect of Mailing Notice

Any notice made by certified mail pursuant to this ordinance shall be deemed complete upon mailing.

H. Ordinance, Capital Improvement, and Official Map Notices

1. Notice by personal service or certified mail shall be made to a clerk of an adjoining municipality of all hearings on adoption, revision or amendment of a development regulation involving property situated within 200 feet of such adjoining municipality at least ten (10) days prior to the date of any such hearing.
2. Notice by personal service or certified mail shall be made to the Camden County Planning board of:
 - a. all hearings on adoption, revision or amendment of any development regulation at least ten (10) days prior to the date of the hearings:
 - b. The adoption, revision or amendment of the Municipal Capital Improvement Program or Municipal Official Map not more than thirty (30) days after the date of such adoption, revision or amendment.

Any notice provided hereunder shall include a copy of the proposed development regulation, the Municipal Official Map or the Municipal Capital Program or any proposed revision or amendment thereto, as the case may be.

3. Notice of hearings to be held pursuant to this section shall state the date, time and place of the hearing and the nature of the matters to be considered. Any notice by certified mail pursuant to this section shall be deemed complete upon mailing.

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I. Filing of Ordinances

The zoning, subdivision or site plan review articles of this ordinance or any revision or amendment thereto shall not take effect until a copy thereof shall be filed with the Camden County Advisory Board. A zoning ordinance or amendment or revision thereto, which, in whole or in part, is inconsistent with or not designed to effectuate the land use plan element of the master plan, shall not take effect until a copy of the resolution required by subsection a. of Section 49 of P.L. 1975, C. 291 (C. 40:55D-62) shall be filed with the county planning board. The secretary of the county planning board shall, within ten (10) days of the date of receipt of a written request for copies of any development regulation, make such available to the party so requesting with said secretary's certification that said copies are true copies and that all filed amendments and resolutions are included. A reasonable charge may be made by the county planning board for said copies. The official map of Gloucester City shall not take effect until filed with the Camden County Recording Officer.

J. Appeal to the Superior Court of New Jersey

All appeals of any final decision of the Board of Adjustment or the Planning Board on any class of application for development shall be made to the Superior Court of New Jersey according to law.

INTENTIONALLY OMITTED

K. Enforcement

The City Council shall enforce the provisions of the Municipal Land Use law, NJSA 40:55D-1 et. seq., and the provisions of this ordinance. To that end, the City Council shall require the issuance of specified permits, certificate, or authorization as a condition precedent to:

1. The erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure;
2. The use or occupancy of any building, structure or land;
3. The subdivision or resubdivision of any land.

The City shall establish an administrative officer and offices for the purpose of issuing such permits, certificates or authorizations and may condition the issuance of such permits, certificates and authorizations upon the submission of such data, materials, plans, plats and information as is authorized hereunder and upon the express approval of the appropriate state, county or municipal agencies and may establish reasonable fees to cover administrative costs for the issuance of such permits, certificates and authorizations.

In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used or developed in violation of this ordinance or any other ordinance of Gloucester City, the City Council and its agents or interested party, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation to prevent the occupancy of such

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building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

L. Appeal to the Board of Public Utilities

If a public utility, as defined in New Jersey Statute 48:2-13, is aggrieved by the action of a board or municipal agency through its exercise of its powers under this ordinance with respect to any action in which the public utility has an interest, an appeal to the Board of Public Utility Commissioners of the State of New Jersey may be taken within thirty-five (35) days after such action without appeal to the City Council, unless such public utility so chooses. In such case, appeal to the public utility commissioners may be taken within thirty-five (35) days after action by the City Council. A hearing on the appeal of a public utility to the Public Utility Commissioners shall be had on notice to the agency from which appeal is taken to all parties primarily concerned, all of whom shall be afforded an opportunity to be heard.

If, after such hearing, the Board of Public Utility Commissioners shall find that the present or proposed use by the public utility of the land described in the petition is necessary for the service, convenience or welfare of the public, the public utility may proceed in accordance with such decision of the Board of Public Utility Commissioners, this ordinance or any regulation made thereunder to the contrary notwithstanding. This ordinance or any regulation made hereunder shall not apply to a development proposed by a public utility for installation in more than one municipality for the furnishing of service, if upon a petition of the public utility, the Board of Public Utility Commissioners shall, after hearing of which any municipalities affected shall have notice, decide the proposed installation of the development in question is reasonably necessary for the service, convenience or welfare of the public. Nothing in this ordinance shall be construed to restrict the right of any interested party to obtain a review of the action of the municipal board or agency or of the Board of Public Utility Commissioners by any court of competent jurisdiction according to law.

M. Exclusive Authority of Planning Board and Zoning Board of Adjustment

Any power expressly authorized by this ordinance to be exercised by the Planning Board and Zoning Board of Adjustment shall not be exercised by any other body, except as otherwise provided in this ordinance.

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N. Tolling of Running of Period of Approval

In the event that, during the period of approval heretofore or hereafter granted to an application for development, the developer is barred or prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare, or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health or welfare and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this ordinance shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

O. Conditional Approval

1. In the event that a developer submits an application for development proposing a development that is barred or prevented, directly or indirectly, by legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare, or by a directive or other issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the Board shall process such application for development in accordance with this ordinance and, if such application for development complies with this ordinance, the Board shall approve such application, conditioned upon removal of such legal barrier to development.
2. In the event that development proposed by an application for development requires an approval by a governmental agency other than the local board, the board shall, in appropriate circumstances, condition its approval upon the subsequent approval of such governmental agency. However, the Board shall make a decision on any application for development within the time period provided by statute or within an extension of such period as has been agreed to by the applicant unless the board is prevented or relieved from so acting by the operation of law.

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P. Payment of Taxes

Every application for development submitted to the Planning Board or the Zoning board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property that is the subject of such application. Taxes shall be kept current while any application is pending or under review. The Board may, however, agree to condition any approval or any relief, either upon the prompt payment of such taxes or assessments or the making of adequate provision thereof, in such manner that the City will be adequately protected.