

## DEVELOPMENT REGULATIONS

### *17 Attachment 1*

#### **APPENDIX A**

##### **Planning Board to Act as Zoning Board of Adjustment**

- a. Statutory Authority. The Borough of South Belmar had previously established a Zoning Board of Adjustment in accordance with Statute.

The Mayor and Borough Council have amended its ordinance whereby there existed in the Borough both a Planning Board and Zoning Board as separate bodies.

N.J.S.A. 40:55D-25 permits a municipality having a population of fifteen thousand (15,000) or less to appoint a nine (9) member Planning Board to exercise to the same extent and subject to the same restrictions all powers of a Board of Adjustment thereby eliminating the need for such a separate body.

The Borough of South Belmar is a municipality having a population of fifteen (15,000) citizens or less.

- b. Dissolution of Zoning Board of Adjustment as a separate entity. By the adoption of Ordinance No. 90-535, the Zoning Board of Adjustment, as it previously existing in the Borough of South Belmar, is hereby dissolved to the extent that such a Board exists as a separate functioning body within the Borough.
- c. Powers of the Planning Board Acting as the Zoning Board of Adjustment.
1. The Development Regulations Ordinance of the Borough of South Belmar are hereby amended to the extent that there is hereby established pursuant to Statute, a Planning Board constituting nine (9) members, which Planning Board shall exercise to the same extent and subject to the same restrictions all of the powers of a Board of Adjustment.
  2. The aforesaid newly constituted nine (9) member Planning Board shall exercise all the powers of a Board of Adjustment, but the Class I and Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A. 40:55D-70; and
  3. All ordinances inconsistent with this chapter are hereby amended to the extent permitted by Statute so as to permit the Planning Board to carry out the functions of the Board of Adjustment in accordance with Statute.
- d. References to Zoning Board of Adjustment Currently in Code. All references to the Zoning Board of Adjustment within the Code of the Borough of South Belmar are hereby amended to reflect the fact that the function of the Zoning Board will be carried out in accordance with the requirements of N.J.S.A. 40:55D-25c so as to reflect the rights of the Borough of South Belmar to carry out zoning activities as if such body was still in effect in separate form.