

CITY OF PASSAIC  
ORDINANCE NO. 2455-24

**ORDINANCE AMENDING CHAPTER 317 OF THE CODE OF THE CITY OF PASSAIC TO ADD ARTICLE XVII, MUNICIPAL EXEMPTION FROM ZONING REGULATIONS**

**WHEREAS**, the City of Passaic desires to clarify and codify the process by which municipal projects may be exempt from certain zoning regulations; and

**WHEREAS**, such exemption is necessary to facilitate the efficient provision of public services and facilities; and

**WHEREAS**, the City Council finds that it is in the best interest of the City to establish clear guidelines for the exercise of municipal exemption from zoning regulations; and

**WHEREAS**, the City Council wishes to ensure that any such exemption is exercised reasonably and with due consideration for the public interest and impact on surrounding properties.

**WHEREAS**, the Planning Board has transmitted its report of recommendations regarding the zoning ordinance amendments to the Governing Body pursuant to N.J.S.A. 40:55D-26; and

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Passaic, in the County of Passaic, and State of New Jersey *Chapter 317* of the Code of the City of Passaic is hereby amended to add Article XVII, which shall read as follows:

**SECTION 1**

**ARTICLE XVII: MUNICIPAL EXEMPTION FROM ZONING REGULATIONS**

**§ 317-85. Application to City**

Regardless of whether the City of Passaic or any duly constituted City board, agency or department is acting in or pursuant to the performance of a governmental or proprietary function, any municipally owned, operated or controlled building, structure, facility or use, either existing or proposed, shall be permitted in any class of zone as set forth in this chapter, it being the intention of this subsection that whatever the City may authorize to do shall constitute a functional government and that whenever the City shall act, pursuant to granting authority, it acts as government and not as a private entrepreneur.

**§ 317-86. Reasonable Exercise of Authority**

While exempt from formal zoning approvals, the City of Passaic shall exercise this authority reasonably, with consideration for:

- A. The kind of function or land use involved
- B. The extent of the public interest to be served
- C. The impact on surrounding properties
- D. The deviation from the City's zone plan
- E. Consideration of alternative sites

**§ 317-87. Public Consultation Requirement**

Prior to exercising its authority under this article for significant projects, the City shall:

- A. Conduct a courtesy review by the Planning Board
- B. Hold a public hearing to allow meaningful public input
- C. Consider expert testimony and analysis
- D. The resolution of approval shall document the decision-making process, including alternatives considered

**§ 317-88. Private Partnerships**

When the City enters into partnerships with private entities for projects on municipal property:

- A. The primary purpose must serve the public interest
- B. Private entities may share in the City's zoning exemption if the public benefit outweighs private gain

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- C. The City shall consider:
  - a. Reasons for the partnership
  - b. Public interest served at the particular location
  - c. Nature of the private enterprise
  - d. Balance of public benefit against private gain

**§ 317-89. Limitations**

This article does not exempt the City from:

- A. State and federal regulations
- B. Environmental protection laws
- C. Historic preservation requirements
- D. Other applicable non-zoning local ordinances

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**SECTION 4.** This ordinance shall take effect upon final passage and publication as provided by law.

INTRODUCED BY COUNCILPERSON: Daniel Schwartz

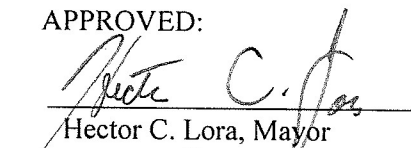
SECONDED BY COUNCILPERSON: Thania Melo

Record of Council Vote on Final Passage	Aye	Nay	Abstain	Absent
COLON-MONTANEZ, M.	X			
GARCIA, J.	X			
MELO, T.	X			
LOVE, T.	X			
MUNK, C.	X			
SCHAER, G.	X			
SCHWARTZ, D.	X			

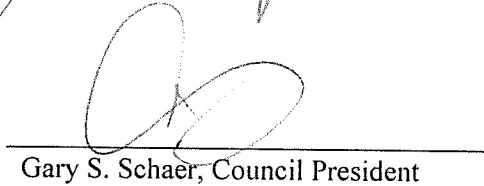
Adoption of first reading at a meeting of the Council of the City of Passaic, NJ on July 16, 2024

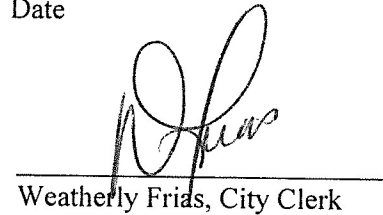
Adopted on the second and final reading after the hearing on September 5, 2024

APPROVED:

  
 Hector C. Lora, Mayor

9/10/24  
 Date

  
 Gary S. Schaer, Council President

  
 Weatherly Frias, City Clerk