

RESOLUTION No. 2021-

***RELATIVE TO AMENDING CITY OF NIAGARA FALLS
ZONING ORDINANCE SECTION 1302.4.2 (D)***

BY:

Council Chairman Kenny Tompkins
Council Member Frank Soda
Council Member John Spanbauer
Council Member Christopher Voccio

WHEREAS, the City Council of the City of Niagara Falls, New York is the legislative, policy-making, and appropriating body for the City; and

WHEREAS, the members of the City Council are elected to four-year terms of office, but serve in a part-time capacity and rely on the City department heads and other personnel to assist them in the performance of their respective duties; and

WHEREAS, the City Council is empowered by the City Charter of the City of Niagara Falls, New York to adopt an annual budget which appropriates funds for municipal services; levy taxes and special assessments; borrow money; enter into contracts, franchises, and other agreements; amend the City Charter; investigate the conduct of city affairs; and to exercise all powers of local legislation with respect to enacting, amending, or rescinding local laws, ordinances, and resolutions; and

WHEREAS, the City Council is further empowered by the City Charter of the City of Niagara Falls, New York to have access to all records and papers kept by all City officers, departments, boards, commissions, agencies and other instrumentalities of City government; and

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WHEREAS, the City Council is further empowered by the City Charter of the City of Niagara Falls, New York to establish such citizen advisory bodies as it deems necessary to provide itself with advice and recommendations with respect to specific matters, except as may affect the executive branch; and

WHEREAS, the Planning Board of the City of Niagara Falls is empowered by the City Charter to study and consider all proposed amendments to the zoning ordinance of the City, including all proposed changes in the boundaries of districts established thereby, and to submit to the City Council a definite recommendation thereon, previous to the adoption of any amendment by the City Council; and

WHEREAS, the Board of Appeals of the City of Niagara Falls is empowered by the City Charter to consider all appeals from a decision by an administrative official, to decide any question involving the interpretation of any provision of the zoning ordinance; and

WHEREAS, Section 1302.4.2 (D) of the Zoning Ordinance (July 24, 2009) of the City of Niagara Falls New York mandates that amendments to the Zoning Ordinance not approved by the Planning Board of the City of Niagara Falls may be adopted only by a unanimous vote of the City Council; and

WHEREAS, local planning boards possess only advisory powers with respect to land use regulations that may be included in their respective recommendations to local governing bodies; and

WHEREAS, neither New York State General Municipal Law nor the City Charter of the City of Niagara Falls, New York includes a provision for unanimous consent of the governing body with respect to its legislative and policy-making function; and

WHEREAS, the provision for unanimous consent of the City Council contained within Section 1302.4.2 (D) of the Zoning Ordinance must be considered a serious usurpation of the legislative and policy-making authority of the City Council;

NOW, THEREFORE, BE IT RESOLVED that the City Council desires to amend Section 1302.4.2 (D) of the Zoning Ordinance (July 24, 2009) of the City of Niagara Falls New York, and

BE IT FURTHER RESOLVED that the mandate for unanimous approval by the City Council for amendments to the Zoning Ordinance not approved by the Planning Board be abolished and replaced by a provision for three-fourths majority approval of the City Council as constituted by the City Charter; that being four (4) votes; and

BE IT FURTHER RESOLVED that a public hearing be held regarding the proposed amendment to Section 1302.4.2 (D) of the Zoning Ordinance on the 23rd day of June 2021 at 6:00 P.M. Eastern Standard Time, in the City Council Chambers of the City of Niagara Falls, New York, and that five days' notice of said public hearing be published in the Niagara Gazette preceding said public hearing.

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