



Legislation Details (With Text)

File #: 20-0238 **Version:** 1 **Name:** Ordinance: Title 41, Zoning and Land Use Regulations, Chapter 15, Section 12 - Performance Guarantees

Type: Ordinance **Status:** Adopted

File created: 2/7/2020 **In control:** Municipal Council and City Clerk

On agenda: 3/10/2020 **Final action:** 4/7/2020

Title: AN ORDINANCE AMENDING TITLE 41, ZONING AND LAND USE REGULATIONS, CHAPTER 15, SITE PLAN PROCEDURES, SECTION 12-2, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, TO AUTHORIZE A RELEASE OF PERFORMANCE GUARANTEES POSTED WITH CITY OF NEWARK TO BE RELEASED ADMINISTRATIVELY.

Sponsors: Council of the Whole

Indexes:

Code sections: 41: - Title 41, Zoning & Land Use Regulations

Date	Ver.	Action By	Action	Result
4/7/2020	1	Municipal Council	Close on Public Hearing and Adopt	Pass
3/24/2020	1	Municipal Council	Adopt on First Reading	Pass
3/18/2020	1	Municipal Council	No Action Taken	
3/10/2020	1	Municipal Council	Advance to First Reading	Pass

AN ORDINANCE AMENDING TITLE 41, ZONING AND LAND USE REGULATIONS, CHAPTER 15, SITE PLAN PROCEDURES, SECTION 12-2, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, TO AUTHORIZE A RELEASE OF PERFORMANCE GUARANTEES POSTED WITH CITY OF NEWARK TO BE RELEASED ADMINISTRATIVELY.

WHEREAS, N.J.S.A. 40:55D-53, of the Municipal Land Use Law, creates a procedure for the release of Performance guarantees in Land Use Planning Board and Zoning Board of Adjustment proceedings, requiring such release to be made by resolution of the Governing Body; and

WHEREAS, it would be more efficient to allow for the administrative release of such Performance Guarantees, instead of requiring individual legislation.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

SECTION 1. Title 41, Zoning and Land Use Regulations, Chapter 15, Site Plan Procedures, Section 12, Application for Development Procedures of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, is hereby amended to add a new Subsection 41:15-12.3 (14) Release of Performance Guarantees, as follows:

41:15-12.3. Professional Review Fees, Escrow and Procedures.

14. Release of Performance Guarantees. The City Clerk may administratively release, without need of further legislation in order to comply with N.J.S.A. 40:55D-53, a Performance Guarantee posted pursuant to the Zoning and Planning Ordinance and any Zoning or Planning resolution of approval, upon receipt of the following:

- a. A written request from the Department of Economic and Housing Development, Office of Planning and Zoning (on behalf of the Planning Board or the Zoning Board of Adjustment, as the case may be), that the applicant has met the necessary requirements for the full release of the Performance Guarantee; and
- b. A Certification from the City Engineer that the bonded improvements are complete and satisfactory.

SECTION 2. If any Section, Subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. This ordinance shall take effect upon final passage and publication and in accordance with the laws of the State of New Jersey.

STATEMENT

Ordinance amending Title 41, Zoning and Land Use Regulations Chapter 15, site plan procedures, Section 12-2, to expressly allow for the administrative release of a Performance Guarantee required to be posted with the City of Newark.