



Legislation Details (With Text)

**File #:** 18-1667      **Version:** 1      **Name:** Reso referring land use application fee increase to CPB

**Type:** Resolution      **Status:** Adopted

**File created:** 10/23/2018      **In control:** Economic and Housing Development

**On agenda:** 3/12/2019      **Final action:** 3/12/2019

**Title:** Dept/ Agency: Economic and Housing Development  
 Action: ( ) Ratifying (X) Authorizing ( ) Amending  
 Type of Service: Referral of Proposed Ordinance to the Central Planning Board for Formal Review  
 Purpose: Resolution referring a Proposed Ordinance amending Title 41 of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, entitled "Newark Zoning and Land Use Regulations, by amending Chapter 15-2-2 entitled "Schedule of Fees" to establish an increase in the application fee schedule for applications made to the Central Planning Board, Zoning Board of Adjustment and the Landmark and Historic Commission; pursuant to N.J.S.A. 40:55D-8.  
 Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
3/12/2019	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS**, the Zoning and Land Use Regulations of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented (the "Zoning and Land Use Regulations") were recently amended to enhance planning, housing and economic development within the City of Newark; and

**WHEREAS**, the Zoning and Land Use Regulations, Title 41, Section 15-12.2, provides for the assessment of non-refundable application fees for applications to the Newark Central Planning Board, Newark Zoning Board of Adjustment and the Newark Landmarks and Historic Preservation Commission (the "Boards") for the purposes of offsetting the administrative and clerical costs of running those Boards; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-8(a) “[e]very municipal agency shall adopt and may amend reasonable rules and regulations, not inconsistent with this act or any applicable ordinance, for the administration of its functions, powers and duties . . .”; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-8(b) a municipality shall, by ordinance, establish a schedule of reasonable fees to be paid by applicants for the review of an application for development/land use by a municipal agency; and

**WHEREAS**, the Department of Economic and Housing Development has determined that the current schedule of application fees set forth in Section 15-12.2 does not cover the City’s administrative costs in reviewing the land use applications submitted to the Central Planning Board, the Zoning Board of Adjustment, and the Landmarks and Historic Preservation Commission reviewed and processed by the City’s land use agencies (“Land Use Application Fees”); and

**WHEREAS**, the Department of Economic and Housing Development has determined that an increase in the Land Use Application Fees set forth in Section 15-12.2 as permitted by N.J.S.A. 40:55D-8 (a) and (b) would close the current financial gap and would result in a cost savings to the City; and

**WHEREAS**, the Department of Economic and Housing Development proposes an upward adjustment of the Land Use Application Fees set forth in Section 15-12.2; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-64, prior to the hearing on adoption of a Zoning Ordinance, or any amendments thereto, the Municipal Council shall refer any such proposed ordinance or amendment to the Newark Central Planning Board for formal review, report and recommendation as required by N.J.S.A. 40:55D-26.

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

1. Pursuant to N.J.S.A. 40:55D-26, the Municipal Council hereby refers to the Central Planning Board for its review, report, and recommendation, the draft Proposed Amendment to the Zoning Ordinance (“Proposed Amendment”), attached hereto as Exhibit A, which recommends an increase in the land use application fees set forth in Section 15-12.2 of the City’s Zoning and Land Use Regulations in order to cover the administrative costs incurred by the City in reviewing land use applications.
2. The Central Planning Board shall submit to the Municipal Council a report, within thirty-five (35) days after referral, which must include identification of any provisions within the Proposed Amendment that are inconsistent with the Master Plan and its recommendations regarding the rectification of any such inconsistencies, as well as any other matters as it deems appropriate in accordance with N.J.S.A. 40:55D-26.
3. The Central Planning Board shall also conduct specific review and report to the Municipal Council as to whether the Proposed Amendment is substantially consistent with the Land Use Plan Element and the Housing Plan Element of the Master Plan or designed to effectuate such Plan Elements pursuant to N.J.S.A. 40:55D-62.
4. A copy of this Resolution and the Proposed Amendment shall be filed with the Office of

the City Clerk by the Director of the Department of Economic and Housing Development.

**STATEMENT**

This Resolution hereby declares that the Municipal Council refers a Proposed Amendment to the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, Title 41, entitled “the Zoning and Land Use Regulations of the City of Newark”, to increase the land use application fees set forth in Section 15-2.2 in an effort to cover the administrative cost accrued by the City in reviewing land use applications.