



Legislation Details (With Text)

File #: 19-0580 **Version:** 1 **Name:** Amend Zoning Ordinance to Increase Zoning and Land Use Application Fees

Type: Ordinance **Status:** Adopted

File created: 3/29/2019 **In control:** Economic and Housing Development

On agenda: 6/18/2019 **Final action:** 7/10/2019

Title: AN ORDINANCE AMENDING TITLE XLI, ZONING AND LAND USE REGULATIONS, CHAPTER 15, SITE PLAN PROCEDURES, SECTION 12-2, FEES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED BY INCREASING THE ZONING AND LAND USE APPLICATION FEES.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
7/10/2019	1	Municipal Council	Close on Public Hearing and Adopt	Pass
6/18/2019	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

AN ORDINANCE AMENDING TITLE XLI, ZONING AND LAND USE REGULATIONS, CHAPTER 15, SITE PLAN PROCEDURES, SECTION 12-2, FEES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED BY INCREASING THE ZONING AND LAND USE APPLICATION FEES.

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 XLI, Chapter 15, Site Plan Procedures, Section 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 Zoning and Land Use Regulations, Title XLI, Chapter

15, Site Plan Procedures, Section 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 Chapter 15 Section 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 Chapter 15 Section 12-2; and

WHEREAS, the Municipal Council, pursuant to N.J.S.A. 40:55D-64, sought the recommendations of the Newark Central Planning Board relative to these issues; and

WHEREAS, on March 12, 2019, the Municipal Council adopted 7R2-a(S) referring the proposed increase in the Land Use Application Fees set forth in Chapter 15 Section 12-2 to the Central Planning Board for formal review, report and recommendations as required by N.J.S.A. 40:55D-26; and

WHEREAS, the Central Planning Board, at its March 18, 2019 regular meeting, reviewed the proposed amendment and adopted a resolution confirming that it is substantially consistent with the statement, goals and objectives of the City’s Master Plan, in accordance with the provisions of N.J.S.A. 40:55D-62.

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

SECTION 1. Title XLI, Chapter 15, Section 12-2 (2) entitled, “Schedule of Fees” is hereby replaced in its entirety to reflect the following:

41:15-12-2. Fees

2. Schedule of Fees

a. Application fees:

<u>Type of Application</u>	<u>Use Category</u>	<u>Application Fee</u>
Zoning Determination	Residential	\$250
	Mixed Use	\$300
	Commercial	\$300
	Industrial	\$350
	Others not specified	\$300
	Affordable Housing 21% and over	None
	Public & Municipal Use	None

Legal Use Letters	All Categories	\$25
Certificate of Non Conformity	All Categories	\$300
Extension of CPB or BOA Approval	All Categories	\$500
Special Meeting by CPB or BOA	All Categories	\$5,000
Minor Site Plan	Residential	\$750
	Commercial	\$850
	Industrial	\$900
	Affordable Housing	\$400
	Others not specified	\$850
Preliminary Major Site Plan	Residential 3-5 dwelling units	\$750
	Residential 6-10 dwelling units	\$850
	Residential 11-20 dwelling units	\$1,150
	Residential 21-50 dwelling units	\$1,250
	Residential 51-100 dwelling units	\$1,750
	Residential over 100 dwelling units	\$3,000
	Residential over 300 dwelling units	\$4,000
*Affordable Housing Units will be excluded from dwelling counts for purpose of determining application fee.		
	Commercial less than 5,000 sq. ft.	\$850
	Commercial 5,000 to 20,000 sq. ft.	\$2,000
	Commercial 20,001 to 100,000 sq. ft.	\$3,250
	Commercial over 100,000 sq. ft.	\$5,500
	<i>Additional: Application subject to EJCIO Basic Form</i>	\$500
	<i>Additional: Application subject to EJCIO Full Form</i>	\$1,000
	Industrial less than 5,000 sq. ft.	\$1,000
	Industrial 5,000 to 20,000 sq. ft.	\$2,250
	Industrial 20,001 to 100,000 sq. ft.	\$3,500
	Industrial over 100,000 sq. ft.	\$6,500
	<i>Additional: Application subject to EJCIO Basic Form</i>	\$1,500
	<i>Additional: Application subject to EJCIO Full Form</i>	\$3,000
Final Major Site Plan	Residential 3-5 dwelling units	\$375
	Residential 6-10 dwelling units	\$500
	Residential 11-20 dwelling units	\$525
	Residential 21-50 dwelling units	\$550
	Residential 51-100 dwelling units	\$1,000

	Residential 101-300 dwelling units	\$1,500
	Residential over 300 dwelling units	\$2,000
<i>*Affordable Housing Units will be excluded from dwelling counts for purpose of determining application fee.</i>		
	Commercial less than 5,000 sq. ft.	\$500
	Commercial 5,000 to 20,000 sq. ft.	\$1,000
	Commercial 20,001 to 100,00 sq. ft.	\$1,625
	Commercial over 100,000 sq. ft.	\$3,000
	<i>Additional: Application subject to EJCIO Basic Form</i>	\$250
	<i>Additional: Application subject to EJCIO Full Form</i>	\$500
	Industrial less than 5,000 sq. ft.	\$625
	Industrial 5,000 to 20,000 sq. ft.	\$1,250
	Industrial 20,001 to 100,000 sq. ft.	\$1,875
	Industrial over 100,000 sq. ft.	\$3,500
	<i>Additional: Application subject to EJCIO Basic Form</i>	\$750
	<i>Additional: Application subject to EJCIO Full Form</i>	\$1,500
Subdivision	Minor Subdivision: 2 acres or less	\$1,100
	Minor Subdivision: Over 2 acres	\$2,000
	Preliminary Major Subdivision	\$2,500
	Final Major Subdivision	\$1,300
Conditional Use	All categories except cell antenna	\$750
	Cell Antenna	\$3,000

Use Categories	"C" Variance	"D" Variance
Residential		
3-5 dwelling units	\$300	\$2,000
6-10 dwelling units	\$500	\$2,150
11-20 dwelling units	\$500	\$2,500
21-50 dwelling units	\$750	\$2,750
51-100 dwelling units	\$1,000	\$3,000
Over 100 dwelling units	\$1,250	\$3,250
Over 300 dwelling units	\$1,500	\$3,500
Commercial		
Less than 5,000 sq. ft.	\$500	\$2,250
5,001 to 20,000 sq. ft.	\$750	\$2,500

20,001 to 100,000 sq. ft.	\$1,000	\$2,750
Over 100,000 sq. ft.	\$1,250	\$3,000
<i>Additional: Application subject to EJCIO Basic Form</i>	\$350 per each "C" variance, \$500 per each "D" variance (New)	
<i>Additional: Application subject to EJCIO Full Form</i>	\$500 per each "C" variance, \$500 per each "D" variance	
<i>*Variance fee will apply to commercial portion of mixed use projects</i>		
Industrial		
Less than 5,000 sq. ft.	\$750	\$2,500
50,001 to 20,000 sq. ft.	\$1,000	\$2,750
20,001 to 100,000 sq. ft.	\$1,250	\$3,000
Over 100,000 sq. ft.	\$1,500	\$3,500
<i>Additional: Application subject to EJCIO Basic Form</i>	\$500 per each "C" variance, \$750 per each "D" variance (New)	
<i>Additional: Application subject to EJCIO Full Form</i>	\$750 per each "C" variance, \$1,000 per each "D" variance	
Cell Antenna	\$2,000	\$4,000

Landmark & Historic Commission Fee Schedule	
<u>Application Type</u>	<u>Application Fee (Non Refundable)</u>
Certificate of No Effect	
<u>Non-Residential</u>	\$50
<u>Residential</u>	\$40
<u>Sign/Awning Application</u>	\$100
<u>Façade and/or Store Front Application</u>	\$150
<u>Sidewalk Repair or Replacement Application</u>	\$50
<u>Demolition Application (when not filed concurrently w</u>	\$500
Certificate of Appropriateness (COA)	
<u>Residential</u>	
New construction on vacant land	\$500.00
All others:	
- 1 to 4 dwelling units	\$100
- 5 dwelling units and over	\$25 per dwelling unit up to a maximum of \$1,000
<u>Non-Residential</u>	
- With principal building	\$100 per 1,000 sq. ft. of GFA or part thereof

- Without principal building	\$100 per 1,000 sq. ft. of lot area or part thereof
Extension of COA approval	\$200
Special Meeting requested by applicant	\$500

*Note: Fees for mixed-use projects will be determined based upon the number of dwelling units and square footage of non-residential area.

b. Certified list of names and addresses of owners of property located within two hundred (200) feet of property which is the subject of a hearing: \$30.00.

c. Certificate certifying approval of a subdivision application: \$20.00.

SECTION 2:

Any prior ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only, however, to the extent of such conflict or inconsistency.

SECTION 3:

If any part of this Ordinance is declared unconstitutional or illegal, the remaining provisions shall continue in full force and effect.

SECTION 4:

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

STATEMENT

This Ordinance amends Title XLI, Zoning and Land Use Regulations, Chapter 15, Site Plan Procedures, Section 12-2, Fees, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented by increasing the Zoning and Land Use Application Fees.