



Legislation Text

File #: 18-1666, **Version:** 1

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 including a new Section 12.3 under Chapter 15 of Title 41, to be entitled "Professional Review Fees, Escrows and Procedures" to establish escrow deposit fees to cover the cost of professionals hired by the City to review and analyze land use applications to the Newark Central Planning Board for review and recommendation as required by N.J.S.A. 40:55D-26 in accordance with N.J.S.A. 40:55D-64.

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 (the "City"); 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 purpose of offsetting the administrative and clerical costs for running those Boards; and

WHEREAS, N.J.S.A. 40:55D-53.2(b) allows a municipality to require developers to provide a monetary deposit toward the anticipated cost of professional services to be incurred by the City in reviewing the developers' land use application; and

WHEREAS, the Department of Economic and Housing Development has determined that the City's Zoning and Land Use Regulations do not provide for a monetary deposit by developers to offset the cost of professional services incurred by the City in reviewing land use applications and the implementation of N.J.S.A. 40:55D-53.2(b) would result in a cost savings for the City for professional services provided by City's internal planning experts and outside consultants hired by the City to review and analyze land use applications made to the Boards; and

WHEREAS, the Department of Economic and Housing Development proposes an amendment to the Land Use Procedures to include a new Section 12.3 to Chapter 15 of the Zoning and Land Use Regulations (Title 41) to be entitled "Professional Review Fees, Escrows and Procedures" which will establish a schedule of escrow deposits to be made by developers to fund the review of their land use applications; 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 requires developers to provide a monetary deposit, which will be held in escrow, toward the anticipated cost of professional services provided by the City's planning staff and outside consultants hired by the City to review and analyze land use applications made by developers to the Newark Central Planning Board, the Newark Zoning Board of Adjustment, and the Newark Landmarks and Historic Preservation Commission.
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 include a new Section 12.3 under Chapter 15 of the Zoning and Land Use Regulations to be entitled "Professional Review Fees, Escrows and Procedures." The proposed amendment to the Zoning Ordinance will require developers to provide a monetary deposit toward the anticipated cost of professional services to be incurred by the City in reviewing the developers' land use applications.