

ORDINANCE NO. 12, 2019

AN ORDINANCE AMENDING CHAPTER 140 FEES, ARTICLE I PLANNING AND ZONING FEES OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 140, Fees, Article I Planning and Zoning Fees, 140-1 Fee Schedule, A. Subdivisions is hereby amended to read as follows:

(5) Professional review costs. The applicant shall pay for all reasonable charges for review of minor subdivision application and preliminary and/or final major subdivision application by Board Engineer and Board Attorney. The applicant shall deposit at the time of filing of the application a deposit of \$1,000 in the case of a minor subdivision and a deposit of \$2,000 in the case of a preliminary major subdivision, and a deposit of \$1,000 in the case of a final major subdivision for said professional review costs. If professional review costs exceed the deposit, the excess shall be paid by the applicant prior to hearing of the application. If the deposit exceeds the professional review costs, the excess shall be returned to the applicant as soon a conveniently possible.

SECTION 2: Chapter 140, Fees, Article I Planning and Zoning Fees, 140-1 Fee Schedule, B. Site Plans is hereby amended to read as follows:

(2) Professional review costs. The applicant shall pay for all reasonable charges for review of a site plan application by the Board Engineer and Board Attorney. The applicant shall deposit at the time of filing of the application a deposit of \$2,000 for said engineering and solicitor review costs. If engineering review costs exceed the deposit, the excess shall be paid by the applicant prior to hearing of the application. If the deposit exceeds the engineering review costs, the excess shall be returned to the applicant as soon as conveniently possible.

SECTION 3: Chapter 140, Fees, Article I Planning and Zoning Fees, 140-1 Fee Schedule, C. Variance is hereby amended to read as follows:

- (1) Applications for variances pursuant to N.J.S.A. 40:55D-70c: \$300, payable upon the filing of an application.
- (2) Professional review costs. The applicant shall pay for all reasonable charges for review of “c” variance applications by Board Engineer and Board Attorney. The applicant shall deposit at the time of filing of the application a deposit of \$500.00 for said review costs plus \$200 for each additional variance sought. If professional review costs exceed the deposit, the excess shall be paid by the applicant prior to hearing of the application. If the deposit exceeds the professional review costs, the excess shall be returned to the applicant as soon a conveniently possible.
- (3) Applications for variances pursuant to N. J. S. A 55D-70d: \$1,000 plus \$200 for each and every variance sought, payable upon the filing of an application.

(4) Professional review costs. The applicant shall pay for all reasonable charges for review of “d” variance applications by Board Engineer and Board Attorney. The applicant shall deposit at the time of filing of the application a deposit of \$1,000.00 for said review costs. If professional review costs exceed the deposit, the excess shall be paid by the applicant prior to hearing of the application. If the deposit exceeds the professional review costs, the excess shall be returned to the applicant as soon a conveniently possible.

(5) Applications filed for appealing the decision of the Zoning Officer shall be \$325; and

(6) Applications filed for the purpose of obtaining an interpretation: \$325, payable upon the filing of an application.

(7) Applicants making a request for a continuation (requesting to have their application heard at a future meeting) shall pay a fee of \$150, payable at time of request.

(8) Applicants making a request to be heard at a special meeting other than the regular monthly meeting of the Planning Board shall pay a fee of \$525, payable at the time of the request.

(9) Where one application for development includes several approval requests, the total sum of all of the individual required fees and escrows shall be paid.

SECTION 4: Chapter 140, Fees, Article I Planning and Zoning Fees, 140-1 Fee Schedule, Section D. is hereby amended to read as Request for Re-Zoning and to include the following:

1. A application for re-zoning within the City of Linwood shall be \$300

2. Professional review costs. The applicant shall pay for all reasonable charges for review associated with any request for re-zoning performed by Board Engineer and Board Attorney. The applicant shall deposit at the time of filing of the application a deposit of \$500. If professional review costs exceed the deposit, the excess shall be paid by the applicant prior to hearing of the application. If the deposit exceeds the professional review costs, the excess shall be returned to the applicant as soon a conveniently possible.

SECTION 5: Chapter 140, Fees, Article I Planning and Zoning Fees, 140-1 Fee Schedule, is hereby amended to add Section E Miscellaneous to read as follows:

(1) Certified lists of owners from Tax Collector: \$10, payable upon filing of application.

(2) Stenographer. Prior to approval of application, the applicant shall pay proportionate costs for attendance by a stenographer.

(3) Transcript of hearing of Planning Board: actual cost to Planning Board; deposit of \$500 upon ordering the transcript, with the balance payable upon receipt of the transcript.

(4) Publication of decision of Planning Board: \$50, payable upon filing of application.

(5) Zoning review fee; \$500 for all new residential and commercial dwellings; \$300 for all residential additions; \$50 for all other zoning reviews.

SECTION 6: Chapter 140, Fees, Article I Planning and Zoning Fees, 140-2 Waiver, is hereby amended to read as follows:

The Planning Board of the City of Linwood shall have the right to waive any of the before-mentioned fees where it is determined by said Board that a delay has been caused solely by the City of Linwood through no fault of the applicant or for other good cause as determined by the Planning Board.

SECTION 7: Chapter 140, Fees, Article I Planning and Zoning Fees, is hereby amended to add 140-3 Summarized list of fees:

The list that follows is a summarized list of the fees as specified in Chapter 140.

SECTION 8: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 9: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 10: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>May 8, 2019</i>
<i>PUBLICATION:</i>	<i>May 13, 2019</i>
<i>PASSAGE:</i>	<i>May 22, 2019</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, May 8, 2019 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on May 22, 2019.

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LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

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RICHARD L. DEPAMPHILIS, III, MAYOR