



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 22-CODE-893

AN ORDINANCE AMENDING CHAPTER 59 OF THE CODE OF THE BOROUGH OF OAKLAND, ENTITLED "LAND USE AND ZONING"

WHEREAS, the Borough of Oakland (the "Borough") has previously adopted Chapter 59 of the Code of the Borough of Oakland entitled "Land Use and Zoning"; and

WHEREAS, the Borough desires to amend Chapter 59 entitled "Land Use and Zoning" Section 13 entitled "Fees" of the Borough Code to modify the certain fees associated with land use and zoning applications to the Borough; and

WHEREAS, the Borough Council has determined it appropriate to amend said ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Oakland that the current language of Chapter 59 entitled "Land Use and Zoning", Section 13 entitled "Fees" of the Borough Code, is hereby amended as follows (additions in **bold** and deletions marked by "—"):

§59.13 Fees.

There is hereby established in connection with various applications for development and other matters which are the subjects of this chapter the following schedule of fees, which shall be paid by the appropriate parties:

- A. Copy of the decision of the governing body to the interested party in connection with an appeal pursuant to § 59-9: \$10.
- B. Publication in a newspaper of the decision of the governing body on an appeal pursuant to § 59-9: cost of publication.
- C. Development applications.
 - (1) Sketch plat, simple lot line change: \$25.
 - (2) Sketch plat, three lots or less: \$100 plus \$25 for each lot in excess of one lot.
 - (3) Sketch plat, more than three lots: a minimum charge of \$250 plus \$50 for each lot in excess of three lots.
 - (4) Preliminary plat: \$250, plus \$50 per lot.
 - (5) Final plat: minimum charge of \$250 and \$50 for each lot in excess of one lot.
 - (6) Site plans. (Note: For purposes of determining the site plan fee, if only a portion of a property is to be developed and said property can be further subdivided under the requirements of this chapter, the lot area shall be construed to be an area which can be subdivided under the requirements of this chapter wherein all proposed buildings and improvements would meet all required setback

and yard requirements. When a site plan for a new building or structure or addition thereto does not involve off-street parking, traffic circulation or drainage facilities, the site plan filing fee as it pertains to lot area shall apply only to the ground floor area of the building or structure.)

(a) Preliminary site plan: \$200 plus \$2.50 per 1,000 square feet of lot area or part thereof, plus \$2 per 100 square feet of proposed building floor area or part thereof.

(b) Final site plan: \$100 plus \$1.25 per 1,000 square feet of lot area or part thereof, plus \$1 per 100 square feet of proposed building floor area or part thereof.

(7) Application for a change to the classification or boundaries of a zoning district: \$500.

D. Conditional use applications: \$350 plus \$2.50 per 1,000 square feet lot area or part thereof, plus \$2 per 100 square feet of building area or part thereof.

E. Variances and appeals.

(1) Appeals from decision of the Zoning Enforcement Official pursuant to § 59-25A: \$100.

(2) Interpretation of Zoning Map or zoning regulations or for decision on other special questions pursuant to § 59-25B: \$100.

(3) Variances pursuant to § 59-25C from lot area, lot dimensional, setback and yard requirements: ~~\$200~~ **\$250** plus ~~\$25~~ **\$50** for each additional variance requested. However, in the case of application under Section 59-25C for a variance solely to construct a deck or fence upon residential property, the application fee shall be \$100.

(4) Variances from use regulations pursuant to § 59-25D: \$500 per acre or a part thereof involved in the application.

(5) Direction pursuant to § 59-25F for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved on an Official Map: \$150.

(6) Direction pursuant to § 59-25G for issuance of a permit for a building or structure not related to a street: \$150.

F. Escrow deposit for inspection fees.

(1) In addition to the required application fees established herein, the applicant shall be required to establish one or more escrow accounts with the Borough of Oakland to cover the reasonable costs of professional review and consultation.

(2) Said escrow fees shall be required for:

(a) Preliminary subdivision approval.

(b) Final subdivision approval.

(c) Any subdivision requiring conditional use approval.

(d) Any subdivision requiring site plan approval.

(e) Any subdivision requiring planned development approval.

- (f) Any subdivision requiring a variance of any type.
- (g) Any major site plan.
- (h) For any variance application ~~in which the Board of Adjustment determines in its sole discretion that it~~ requires the professional services of the Borough Engineer or other borough consultant to fully and properly consider the application.
- (i) Any application for a certificate of occupancy before the Planning Board as required by Section 59-106 of this chapter.
- (j) Application for a change to the classification or boundaries of a zoning district.

(3) Upon receipt of an application for ~~one of the~~ **the items set forth in subsections (F)(2)a, b, c, d, e, f, g, i and j** above, the approving authority secretary shall send a copy of the application and one set of all maps and reports to the Borough Engineer, the planning consultant, the approving authority attorney and any other professionals whose services are deemed necessary in connection with the application. Within seven days of receipt of same, said professionals shall submit an estimate of funds sufficient in amount to undertake technical reviews and findings of fact relative to the application at hand. ~~Such estimated fees shall be approved by the approving authority.~~ The applicant shall deposit, forthwith upon demand, funds to meet such estimates, which funds shall be required to be placed in an escrow account by the Treasurer of the Borough of Oakland to be used as follows:

- (a) The Borough Engineer, planning consultant, approving agency attorney, water and sewer consultants and any other professionals engaged shall submit vouchers for all necessary fees for examination and review, which fees shall be paid in the ordinary manner.
- (b) Any of the aforesaid moneys left in the escrow account, upon completion of the project or phase of the application procedure, as the case may be, shall be returned to the applicant ~~as soon as it is practicably possible~~ **upon written request and confirmation from the construction department and any professionals engaged that all requirements of the application have been met and all professional invoices have been paid.**
- (c) Should additional funds be required after the original funds are exhausted, such funds as shall, in the judgment of the approving authority, be necessary shall be paid by the applicant to the Treasurer of the Borough of Oakland and placed in the appropriate account or accounts.
- (d) Upon receipt of sufficient funds for the escrow account, the approving authority secretary shall notify the Borough Engineer, planning consultant, approving authority attorney, water and sewer consultants and any other professionals engaged that all appropriate examinations and reviews shall be undertaken.
- (e) The approving authority shall take no formal action unless all application fees and escrow funds have been paid to the Borough of Oakland.

(4) The initial Escrow fees for a variance application as required by subsection (F)(2)(h) above shall be established at four (4) times the total fees for the application. The applicant shall deposit these escrow fees along with the application, which funds shall be required to be placed in an escrow account by the Treasurer of the Borough of Oakland to be used as follows:

- (a) The Borough Engineer, planning consultant, approving agency attorney, water and sewer consultants and any other professional engaged shall submit vouchers for all necessary fees for examination and review, which fees shall be paid in the ordinary manner.
- (b) Any of the aforesaid funds left in the escrow account upon completion of the project or phase of the application procedure, as the case may be, shall be returned to the applicant upon written request and confirmation from the construction department and any professionals engaged that all requirements of the application have been met and all professional invoices have been paid.
- (c) Should additional funds be required after the original escrow funds are exhausted, such funds as shall, in the judgment of the approving authority, be necessary shall be paid by the applicant to the Treasurer of the Borough of Oakland and placed in the appropriate account or accounts.
- (d) Upon receipt of funds for the escrow account, the approving authority secretary shall notify the Borough Engineer, planning consultant, approving authority, water and sewer consultants and any other professionals engaged that all appropriate examinations and reviews may be undertaken or resumed.
- (e) The approving authority shall take no formal action unless all application fees and escrow funds have been paid to the Borough of Oakland.

G. Advertising fees. An advertising fee in the amount of \$50 shall be submitted by an applicant for a land use application for the costs incurred by the borough for publication fees.

H. Tax Map correction fee.

- (1) Minor subdivision fee for tax map changes: \$250;
- (2) Major subdivision fee for Tax Map changes: \$100 per lot.

These fees are payable at the time the subdivision map or deed is submitted for signature.

I. Special Meetings. In the event that an Applicant requests a Special Meeting of either the Planning Board of the Board of Adjustment, the Applicant shall pay a fee of \$2,000.00 to cover the costs of the Special Meeting.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Adopted this ____ day of
_____, 2022.

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk