

SOUTH ORANGE VILLAGE
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ORDINANCE #2022-18

Introduction: June 27, 2022

Adoption: July 25, 2022

AN ORDINANCE OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE IN ESSEX COUNTY, NEW JERSEY AMENDING VILLAGE CODE CHAPTER 143 FEES, SECTIONS 143-13 LAND DEVELOPMENT, 143-39 OTHER FEES, 185-3 DEFINITIONS; WORD USAGE AND 185-156 APPLICATION AND ESCROW FEES

WHEREAS, the Township of South Orange Village recently undertook an extensive reexamination of its current Land Development escrow and fee structure; and

WHEREAS, the Township of South Orange Village wishes to create a more transparent expectation of project cost and facilitate the calculation of such costs

NOW THEREFORE, BE IT ORDAINED, by the Board of Trustees of the Township of South Orange Village, County of Essex, State of New Jersey, as follows:

SECTION 1.

Section 143-13 Land Development is hereby amended and restated in its entirety as follows:

Description	Code Section	Fee
Certified list of persons requiring notice	§ <u>185-34</u>	\$10
Use Permit	§ <u>185-156(C)(1)</u>	\$100
Application for building and occupancy deposit	§ <u>185-58C</u>	\$1,000
Fee for redemption of impounded residential real estate signs	§ <u>185-143B(2)(h)</u>	\$25
Fee for redemption of impounded signs announcing building alterations, repairs,	§ <u>185-143B(3)(k)</u>	\$25



painting, renovations or reconstruction		
Application Fees- Planning Board:		
Subdivisions		
Sketch plat	§ 185-156l(A)(1)	\$250
Minor subdivisions	§ 185-156l(A)(1)	a) without "c" variance: \$500 b) with "c" variance: \$1,000
Preliminary major subdivisions	§ 185-156l(A)(1)	\$1,000 + \$100/lot if over 3 lots
Final major subdivisions	§ 185-156l(A)(1)	a) without "c" variance: \$1,000 + \$100/lot if over 3 lots b) with "c" variance: \$1,500 + \$100/lot if over 3 lots
Resubmittal of application	§ 185-156l(A)(1)	\$100
Site plans (Including Conditional Use)		
Sketch Site Plan	§ 185-156l(A)(2)	\$250
Minor Site Plan	§ 185-156l(A)(2)	a) without "c" variance(s): \$500 b) with "c" variance(s): \$1,000
Preliminary Site Plan without "c" variance(s)	§ 185-156l(A)(2)	a) \$700 if under 0.25 acres or under 5,000 gross square feet of building b) \$1,400 if over 0.25 acres or over 5,000 gross square feet of building



Preliminary Site Plan with "c" variance(s)	§ <u>185-156I(A)(2)</u>	a) \$1,200 if under 0.25 acres or under 5,000 gross square feet of building b) \$1,900 if over 0.25 acres or over 5,000 gross square feet of building
Final Site Plan without "c" variance(s)	§ <u>185-156I(A)(2)</u>	a) \$700 if under 0.25 acres or under 5,000 gross square feet of building b) \$1,400 if over 0.25 acres or over 5,000 gross square feet of building
Final Site Plan with "c" variance(s)	§ <u>185-156I(A)(2)</u>	a) \$1,200 if under 0.25 acres or under 5,000 gross square feet of building b) \$1,900 if over 0.25 acres or over 5,000 gross square feet of building
Resubmittal of application	§ <u>185-156I(A)(2)</u>	\$100
Application Fees- Zoning Board of Adjustment:		
Appeals filed pursuant to N.J.S.A. 40:55D-70d–New Use/Structures:		
Residential 1 and 2-Family	§ <u>185-156I(B)(3)</u>	\$250
All other	§ <u>185-156I(B)(3)</u>	\$400
Appeals filed pursuant to N.J.S.A. 40:55D-70d– Extensions/Alterations:		
Residential 1- and 2-Family	§ <u>185-156I(B)(4)</u>	\$250
All other	§ <u>185-156I(B)(4)</u>	\$400
Appeals filed pursuant to N.J.S.A. 40:55D-34		



Residential 1 and 2 Family	§ <u>185-156l(B)(5)</u>	\$250
All other	§ <u>185-156l(B)(5)</u>	\$400
Appeals filed pursuant to N.J.S.A. 40:55D-36		
Residential 1 and 2 Family	§ <u>185-156l(B)(6)</u>	\$250
All other	§ <u>185-156l(B)(6)</u>	\$400
"C" Variances	§ <u>185-156l(A)(4)</u>	Included within subdivision and site plan fees sections as shown above.
"D" Variances	§ <u>185-156l(B)(9)</u>	a) 1 and 2 Family applications: \$500 per variance b) All other applications: \$1,000 per variance
Site Plan Exempt (One- and Two-Family) with "C" Variance	§ <u>185-156l(B)(5)</u>	\$500
Zoning Official:	§ <u>185-156C</u>	
Application for use permits	§ <u>185-156l(C)(1)</u>	\$100
Application for zoning approvals without permits	§ <u>185-156l(C)(2)</u>	\$50
Historic Preservation Commission		
Applications referred to the Commission by the Secretary of the Planning Board and Zoning Board of Adjustment for nonbinding advice	§ <u>185-156l(D)(1)</u>	\$20



Applications for certificate of appropriateness:		
Subdivision	§ <u>185-156I(D)(2)(a)</u>	\$120
Demolition	§ <u>185-156I(D)(2)(b)</u>	\$120
Relocation	§ <u>185-156I(D)(2)(c)</u>	\$120
Inspection fees	§ <u>185-157</u>	5% of the construction costs
Reproduction of minutes of meetings or other reproduction costs	§ <u>185-158A</u>	\$0.50
Cost of transcripts to interested parties	§ <u>185-158B</u>	Cost to municipality
Copy of decision	§ <u>185-158C</u>	\$0.50
Certified list of persons requiring notice	§ <u>185-158D</u>	\$10
Publication notice	§ <u>185-158E</u>	Cost to municipality
Technical Review Fee Deposits:		
Escrow Fees- Subdivisions		
Minor Subdivision- Residential without "c" variance (s)	§ <u>185-156II(1)</u>	\$1,000/lot
Minor Subdivision- Residential with "c" variance(s)	§ <u>185-156II(1)</u>	\$3,000/lot
Minor Subdivision- Non-Residential without "c" variance(s)	§ <u>185-156II(1)</u>	\$2,000/lot



Minor Subdivision- Residential with Non- "c" variance(s)	§ <u>185-156ll(1)</u>	\$4,000/lot
Major Subdivision- Sketch Plat	§ <u>185-156ll(1)</u>	\$500/lot
Preliminary Major Subdivision	§ <u>185-156ll(1)</u>	\$4,000 + \$1,000/lot if over 3 lots
Final Major Subdivision without "c" variance(s)	§ <u>185-156ll(1)</u>	\$4,000
Final Major Subdivision with "c" variance(s)	§ <u>185-156ll(1)</u>	\$8,000
Amended Subdivision	§ <u>185-156ll(1)</u>	½ the cost of preliminary or final, as the case may be
Escrow Fees- Site Plans (Including Conditional Use)		
Minor Site Plan without "c" variance(s)	§ <u>185-156ll(2)</u>	a) \$5,000 if under 0.25 acres or under 5,000 gross square feet of building b) \$10,000 if over 0.25 acres or over 5,000 gross square feet of building
Minor Site Plan with "c" variance(s)	§ <u>185-156ll(2)</u>	a) \$7,000 if under 0.25 acres or under 5,000 gross square feet of building b) \$12,000 if over 0.25 acres or over 5,000 gross square feet of building
Preliminary Major Site Plan without "c" variance(s)	§ <u>185-156ll(2)</u>	a) \$3,500 if under 0.25 acres or under 5,000 gross square feet of building b) \$7,500 if over 0.25 acres or over 5,000 gross square feet of building



Preliminary Major Site Plan with "c" variances	§ <u>185-156ll(2)</u>	a) \$7,500 if under 0.25 acres or under 5,000 gross square feet of building b) \$11,500 if over 0.25 acres or over 5,000 gross square feet of building
Final Major Site Plan without "c" variance(s)	§ <u>185-156ll(2)</u>	a) \$3,500 if under 0.25 acres or under 5,000 gross square feet of building b) \$7,500 if over 0.25 acres or over 5,000 gross square feet of building
Final Major Site Plan with "c" variance	§ <u>185-156ll(2)</u>	a) \$7,500 if under 0.25 acres or under 5,000 gross square feet of building b) \$11,500 if over 0.25 acres or over 5,000 gross square feet of building
Amended Site Plan	§ <u>185-156ll(2)</u>	1/2 the cost of preliminary or final, as the case may be
Variances		
Appeals- Single Family	§ <u>185-156ll(3)</u>	\$1,000
Appeals- Non-Single Family	§ <u>185-156ll(3)</u>	\$2,000
Interpretations	§ <u>185-156ll(3)</u>	\$2,000
Dimensional/Bulk Variances - Residential	§ <u>185-156ll(3)</u>	Included within subdivision and site plan fees shown above
Dimensional/Bulk Variances - Non-Residential	§ <u>185-156ll(3)</u>	Included within subdivision and site plan fees shown above



Use Variance - One- and Two-Family	§ <u>185-156ll(3)</u>	\$3,000
Use Variance - All Other Applications	§ <u>185-156ll(3)</u>	\$4,500
Extension of Approval	§ <u>185-156ll(4)</u>	\$1,000
Request for Zone Change	§ <u>185-156ll(5)</u>	\$2,500
Request for Master Plan Amendment	§ <u>185-156ll(6)</u>	\$2,500
Site Plan Exempt (One- and Two-Family) with "C" Variance:	§ <u>185-156ll(7)</u>	\$3,500
Pre-Application Sketch Plan Review		
Single- and -Two- Family Residential and Minor Subdivision	§ <u>185-156ll(8)</u>	\$500
Mixed Use or Non-Residential on less than either 0.25 acres or 5,000 Gross Square Footage:	§ <u>185-156ll(8)</u>	\$1,000
Mixed Use or Non-Residential on less than either 0.25 acres or 15,000 Gross Square Footage:	§ <u>185-156ll(8)</u>	\$1,750
All Other	§ <u>185-156ll(8)</u>	\$3,500
Certificate of appropriateness:	§ <u>185-159A(4)</u>	



Subdivision	§ 185-159A(4)	\$750
Demolition	§ 185-159A(4)	\$750
Relocation	§ 185-159A(4)	\$750
Special Meeting Fees — special meeting with Planning Board, Board of Adjustment or Historic Preservation Commission	§ 185-159B	a) 1 or 2- Family Applications: \$1,750 b) All other Applications: \$3,000
Permit to erect temporary structure on private property:		
30-day permit	§ 185-163K(8)	\$25
90-day permit	§ 185-163K(8)	\$100
180-day permit	§ 185-163K(8)	\$250
30-day permit renewals	§ 185-163K(8)	\$50
Permit to erect temporary structure in the public right-of-way:		
30-day permit	§ 185-163L(5)	\$100
Renewal fee	§ 185-163L(5)	\$50

SECTION 2.

Village Code Section 143-39 Other Fees is hereby amended in its entirety as follows:

Description	Fee
Amend/Correct Vital Record	\$40



Backflow Valve Certification	\$125
Bid Specifications	\$200
All Other Permits, Zoning Reviews & Meetings with the Zoning Officer	\$125
Police Side Job Administrative Fee, per hour:	
For use of officer	\$5
For use of vehicle	\$10
Police side job officer hourly rate:	
For traffic control	\$75
For Security	\$50
Police Reports	\$0.50
Police Production of CD Copy	\$25
Police Finger Print Card	\$20
Raffle Application Fee	\$30
Zoning Fence & A/C Permits	\$75

SECTION 3

Village Code Section 185-3 Definitions; Word Usage is hereby amended by amending the following definition for Site Plan defined as follows:

SITE PLAN - A development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to soils, topography, vegetation, surface drainage, underground watercourses, floodplains, marshes and waterways, the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities and inverts, utility services, easements, landscaping, structures and signs, lighting and screening devices, fire zones and any other information that may be reasonably required in order to make an informed determination as to approval of the plan by the Planning Board pursuant to this chapter. See definition for site plan, minor and site plan, major.



SECTION 4.

Village Code Section 185-3 Definitions; Word Usage is hereby amended by the addition of the following entries:

SITE PLAN, MINOR: A site plan for development which meets one or more of the following criteria:

- 1) The construction of an addition to an existing building, the floor area of which will not exceed the lesser of 50% of the floor area of the existing building or 2,000 square feet.
- 2) The improvements related to nonconforming accessory structures (excluding principal buildings) and site improvements to a developed property, provided the structures and improvements are incidental and accessory to the principal use of the property and does not exceed 1,000 square feet of gross floor area.
- 3) The creation of between five and ten new parking spaces.
- 4) The development does not require a major soil disturbance permit or site disturbance greater than 5,000 square feet.

SITE PLAN, MAJOR: Any site plan not classified as a minor site plan.

ZONING PERMIT: A document signed by the Zoning Officer which is required by this chapter as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building and which acknowledges that such use, structure or building complies with the provisions of this chapter or variance therefrom.

SECTION 5

Village Code Section 185-156 Application Fees shall be amended and restated in its entirety as follows:

185-156 Application and Escrow Fees

All fees shall be set forth in Chapter 143, Fees of this Code.

I. Application Fees



A. Planning Board

1. Subdivisions:

- a) Sketch plat
- b) Minor Subdivision without "c" variance(s)
- c) Minor Subdivision with "c" variance(s)
- d) Preliminary Major Subdivision
- e) Final Major Subdivision without "c" variance(s)
- f) Final Major Subdivision with "c" variance(s)
- g) Resubmittal of Application

2. Site Plans (Including Conditional Use):

- a) Sketch Site Plan
- b) Minor Site Plan without "c" variance(s)
- c) Minor Site Plan with "c" variance(s)
- d) Preliminary Site Plan without "c" variance(s)
- e) Preliminary Site Plan with "c" variance(s)
- f) Final Site Plan without "c" variance(s)
- g) Final Site Plan with "c" variance(s)
- h) Resubmittal of Application

3. Additional Fees. In addition to the fees chargeable above for subdivision and/or site plan review by the Planning Board, the applicant shall pay an additional fee for any action required by the Planning Board under N.J.S.A. 40:55D-60 corresponding to the applicable fees as herein set forth for a comparable action by the Zoning Board of Adjustment.

4. "C" Variances

5. Site Plan Exempt (One and Two-Family) with "C" Variance

B. Zoning Board of Adjustment

1. Application for new construction filed pursuant to N.J.S.A. 40:55D-70a, b and c: as set forth in Chapter 143, Fees, of this Code. On applications pursuant to N.J.S.A. 40:55D-70a, the filing fee shall be returned to the applicant is successful in overturning the decision of the municipal official.

2. Applications relating to fences and A/C units

3. Appeals- New Use/Structures

- a) Residential 1- and 2- Family
- b) All Other

4. Appeals- Extensions/Alterations

- a) Residential 1-and 2- Family
- b) All Other

5. Appeals Filed Pursuant to N.J.S.A. 40:55D-34



- a) Residential 1-and 2- Family
 - b) All Other
- 6. Appeals Filed Pursuant to N.J.S.A. 40:55D-36
 - a) Residential 1-and 2-Family
 - b) All Other
- 7. Only one fee is to be charged for a single application, regardless of its complexity, and such fee will be the highest fee chargeable under the above schedule.
- 8. On appeals under N.J.S.A. 40:55D-76b, the filing fee should be the sum of the applicable fee under Subsection B of the fee schedule of this section, plus applicable fee under the Planning Board schedule.
- 9. "D" Variances
- C. Zoning Official:
 - 1. Application for Use Permits
 - 2. Application for Zoning approvals without Permits
 - 3. Any revised use permit or zoning approval application presented to the Zoning Official within 30 days of an initial denial shall be exempt from additional use permit or zoning approval fees.
 - 4. Any fees paid for an application for a use permit that is granted conditioned on Board of Adjustment or Planning Board approval shall be credited toward the resulting Board of Adjustment or Planning Board review application fees.
 - 5. All other Permits, Zoning Reviews & Meetings with the Zoning Officer required
- D. Historic Preservation Commission
 - 1. Applications referred to the Commission by the Secretary of the Planning Board and Zoning Board of Adjustment pursuant to §9-24 of Chapter 9, Article III, of this Code for nonbinding advice as to the application for development.
 - 2. Applications for Certificates of Appropriateness
 - a) Subdivision
 - b) Demolition
 - c) Relocation
- E. Any Special Meeting with the Planning Board, Zoning Board of Adjustment or Historic Preservation Commission shall incur a fee as set forth in Chapter 143, Fees.



II. Escrow Fees

1. Subdivisions

- a) Minor Subdivision- Residential without "c" variance(s)
- b) Minor Subdivision- Residential without "c" variance(s)
- c) Minor Subdivision- Non-Residential without "c" variance(s)
- d) Minor Subdivision- Non-Residential with "c" variance(s)
- e) Major Subdivision- Sketch Plan
- f) Preliminary Major Subdivision
- g) Final Major Subdivision without "c" variance(s)
- h) Final Major Subdivision with "c" variance(s)
- i) Amended Subdivision

2. Site Plans (Including Conditional Use)

- a) Minor Site Plan without "c" variance(s)
- b) Minor Site Plan with "c" variance(s)
- c) Preliminary Major Site Plan without "c" variance(s)
- d) Preliminary Major Site Plan with "c" variance(s)
- e) Final Major Site Plan without "c" variance(s)
- f) Final Major Site Plan with "c" variances(s)
- g) Amended Site Plan

3. Variances

- a. Appeals- Single-Family
- b. Appeals- Non-Single Family
- c. Interpretations
- d. Dimensional/Bulk Variances-Residential
- e. Dimensional/Bulk Variances- Non-Residential
- f. Use Variance- One- and Two Family
- g. Use Variance- All Other Application

4. Extension of Approval

5. Request for Zone Change

6. Request for Master Plan Amendment

7. Site Plan Exempt (One and Two Family) with "C" Variance

8. Pre-Application Sketch Plan Review

- a. Single and Two Family Residential and Minor Subdivision
- b. Mixed Use or Non-Residential on less than either 0.25 acres or 5,000 Gross Square Footage



- c. Mixed Use or Non-Residential on less than either 0.25 acres or 15,000 Gross Square Footage
- d. All Other

SECTION 6

Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7

This ordinance shall take effect after referral to the Planning Board pursuant to N.J.S.A. 40:55D-64, notice and a hearing pursuant to N.J.S.A. 40:55D-62.1, and upon final passage and publication as required by law. The Village Clerk shall provide any and all notifications mandated by the Municipal Land Use Law, N.J.S.A. 40:49-2.1 and N.J.S.A. 40A:55-1 et seq.

SECTION 8

On passage this ordinance shall be codified.

Introduction – First Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown			X			
Coallier						X
Haskins			X			
Hartshorn Hilton		X	X			
Jones					X	
Zuckerman	X		X			

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Board of Trustees at their meeting held on June 27, 2022.

Ojetti E. Davis
Village Clerk



Adoption – Second Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown		X	X			
Coallier			X			
Haskins			X			
Hartshorn Hilton			X			
Jones						X
Zuckerman	X		X			

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Trustees at their meeting held on July 25, 2022.



Ojetti E. Davis
Village Clerk

Adopted:



Sheena C. Collum
Village President

Attest:



Ojetti E. Davis
Village Clerk