

Explanation: This Ordinance amends Chapter XV of *The Revised General Ordinances of the Township of Warren* entitled, "Land Use Procedure and Development" by establishing procedures and fees for requests to rezone properties within the Township of Warren.

**TOWNSHIP OF WARREN
ORDINANCE NO. 12-15**

AN ORDINANCE AMENDING CHAPTER XV ENTITLED "LAND USE PROCEDURES AND DEVELOPMENT", SECTION 15-3 "FILING OF APPLICATION" BY ADDING NEW SUBSECTION 15-3.4 ENTITLED "REQUEST FOR REZONING".

BE IT ORDAINED, by the Township Committee of the Township of Warren, County of Somerset, State of New Jersey that Chapter XV of *The Revised General Ordinances of the Township of Warren* entitled, "Land Use Procedure and Development" is hereby amended as follows:

SECTION I. Section 15-3 entitled, "Filing of Application" is hereby amended by adding new subsection 15-3.4 entitled, "Request for Rezoning". The remaining portion of Section 15-3 shall remain unchanged. The new subsection section shall read as follows:

15-3.4. Request for Rezoning.

- a. Any rezoning request made by a property owner or by the beneficial owner of any property within the Township (other than for a rezoning initiated by the Township or any of its constituent boards, bodies or agencies or by any instrumentality of the County or of the State of New Jersey) shall be made in writing to the Township Clerk and be accompanied by the following fees:
 - (i) Application Fee: \$250.00; and
 - (ii) Escrow Fee for the Township to retain consultants to review such request for rezoning, including but not limited to a professional planner, Township Engineer, a traffic consultant and the Township Attorney: \$5,000.00.
- b. The fees set forth above shall be drawn as separate checks made payable to "Township of Warren". The applicant shall be required to replenish the aforesaid consultants escrow account if the escrow posted is insufficient to cover the fees and costs of the consultants

reviewing the rezoning request. Any unexpended escrow shall be refunded to the applicant.

- c. If the Township Committee authorizes the Township Attorney to draft a rezoning ordinance, the applicant shall post an additional \$1,000.00 to cover the costs of drafting such ordinance. The applicant shall be required to replenish said attorney escrow if the escrow posted is insufficient to cover the Township Attorney's fees and costs. Any unexpended escrow shall be refunded to the applicant.
- d. The applicant shall reimburse the Township for its actual out-of-pocket costs if notice is required under N.J.S.A. 40:55D-62.1 in connection with such request for rezoning.
- e. The application and escrow fees detailed above shall be required to be posted irrespective of whether such rezoning request is initiated by the applicant before the Township Committee or the Township Planning Board.

SECTION II. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations.

SECTION III. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Warren for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55d-64. The Planning Board is directed to make and transmit to the Township Committee within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION IV. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

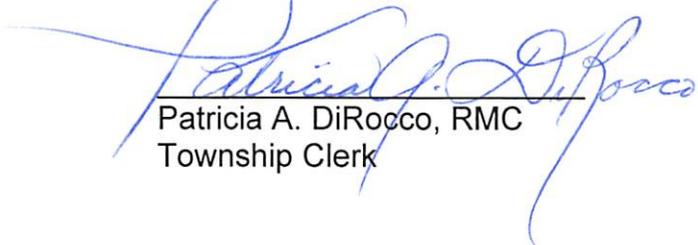
SECTION V. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION VI. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Somerset County Planning Board pursuant to N.J.S.A. 40:50D-16.

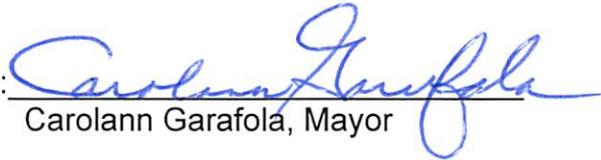
Note to Codifier: Deleted provisions indicated by brackets [].
New provision indicated in underline _____.

ATTEST:

TOWNSHIP OF WARREN



Patricia A. DiRocco, RMC
Township Clerk

By: 

Carolann Garafola, Mayor

INTRODUCED: June 21, 2012

ADOPTED: July 19, 2012

EFFECTIVE: July 26, 2012