



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE # 19-12**

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF FLORHAM PARK, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDED AND REVISING CHAPTER 212 SUBDIVISION AND SITE PLAN REVIEW AND CHAPTER 250, ZONING OF THE CODE OF THE BOROUGH OF FLORHAM PARK

WHEREAS, the Florham Park Planning Board have reviewed Chapter 212 entitled “Subdivision and Site Plan Review” and have reviewed Chapter 250 entitled “Zoning” and recommend the following amendments and revisions; and

WHEREAS, said changes have been reviewed and recommended by the Borough’s Planner; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Florham Park, County of Morris, and State of New Jersey as follows:

SECTION 1. Section 212 entitled “Subdivision and Site Plan Review”, Subsection 1 entitled “Definitions” of the Code of the Borough shall be revised and amended as follows:

The definition for **minor site plan** in Section 212-1 shall be deleted and replaced with the following:

MINOR SITE PLAN

*A plan for non-residential development (other than subdivision) for any addition, alteration, or modification of less than 1,000 square feet of floor area and/or less than 2,000 square feet of **improved Lot Coverage**; provided, however, that such plan:*

- A. *Does not involve a planned development, any new street, or extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42;*

- B. Does not require the granting of any variances from the zoning requirements of this chapter or waivers from the design standards of Article XV of this chapter;
- C. Does not involve any lot, tract, parcel, building or structure that was approved as a minor or major site plan within the preceding 18 months;
- D. Is limited to a use permitted by ordinance; and
- E. Contains the information reasonably required in order to make any informed determination as to whether the requirements established by this chapter for approval of a minor site plan have been met.

SECTION 2. Section 212 entitled “Subdivision and Site Plan Review”, Article II entitled “Planning Board and Zoning Board of Adjustment”, Subsection 15, entitled “Planning Board and Zoning Board Application Fees”, Section B. “Fees for applications to the Planning Board or the Zoning Board of Adjustment shall be as set forth in the attached schedule at the end of this chapter.” This section shall now be amended to include the revised schedules which are attached to this Ordinance replacing the former Fee Schedules.

SECTION 3. Section 212 entitled “Subdivision and Site Plan Review”, Article IV entitled “Site Plans”, Subsection 21 entitled “General Procedures”, Subsection A. shall be amended to read as follows:

A. Review and approval. Prior to the issuance of a building permit or certificate of occupancy for any use other than a single-family residence as permitted by this chapter or for any change in the use of a building or part thereof or where a new use requires a greater amount of off-street parking than the prior use, the Planning Board or Borough Engineer shall review and approve a site development plan of the proposed use and shall ascertain that all of the requirements of this chapter and this Code are complied with.

SECTION 4. Section 212 entitled “Subdivision and Site Plan Review”, Article IV entitled “Site Plans”, Subsection 23 entitled “Application; deposit required”, Subsection B. shall be amended Subsection to read as follows:

B. Fee schedule.

PLANNING BOARD FEE SCHEDULE

Site Plan Waiver

Application Fee	\$350.00
Escrow Deposit	\$600.00

Major Subdivision

Application Fee	\$1,000.00 plus \$100.00 per individual lot
Escrow Deposit	\$5,000.00
Final Approval Fee	\$500.00
Variance	\$300.00 for each variance requested
Minor Subdivision	
Application Fee	\$500.00 plus \$50.00 per individual lot
Escrow Deposit	\$3,000.00
Major Site Plan	
Application Fee (Preliminary)	\$500.00 per acre or part thereof plus \$7.50 per 100 sq. ft. of building floor area. (Minimum fee - \$250.00)
Minimum charge (Preliminary)	\$1,500.00
Escrow Deposit	\$5,000.00
Final Approval Fee	\$1,000.00 for each final approval
Escrow Deposit (if filed separately)	\$3,000.00
Variance	\$300.00 for each variance requested
Site Plan Revisions	\$350.00
Minor Site Plan	
Application Fee	\$1000.00
Escrow Deposit	\$3000.00
General Development Plan	Refer to Borough Code Chapter 212-23 for fee calculation
Rezoning Request / Zoning Ordinance Amendment Request	
Application Fee	\$1,000.00
Escrow Deposit	\$5,000.00
Informal Concept Review	
Administrative Fee	\$ 250.00
Escrow Deposit	\$1,000.00
Special Meetings	\$1,000.00
Borough Engineer Meeting	\$250.00
Development Permit	
Fee	\$100.00 per acre, plus 1 1/2% of the Borough Engineer's Cost of Improvement Estimate Plus, cost of survey if required

ZONING BOARD OF ADJUSTMENT FEE SCHEDULE

Bulk Area Variance (C):

Residential Application Fee	\$200.00 (per variance)
Escrow Deposit	\$500.00

Non-Residential Application Fee	\$300.00 (per variance)
Escrow Deposit	\$600.00

Use Variance (D):

Residential Application Fee	\$500.00 (per variance)
Escrow Deposit	\$1000.00

Non-Residential Application Fee	\$1,000.00 (per variance)
Escrow Deposit	\$2,500.00

Site Plans, Subdivisions, Site Plan Waivers

refer to Planning Board Fee Schedule

Request for Interpretation of Zoning Map or Zoning Ordinance:

Residential Application Fee	\$200.00 (per request)
Non-Residential Application Fee	\$400.00 (per request)
Escrow Deposit	\$1000.00

Appeal of Decision of Zoning Officer:

Residential Application Fee	\$200.00 (per appeal)
Non-Residential Application Fee	\$400.00 (per appeal)
Escrow Deposit	\$1000.00

Floodplain, Wetlands or construction in or on an unimproved road:

Application Fee	\$1,000.00
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SECTION 5. Section 212 entitled “Subdivision and Site Plan Review”, Article IV entitled “Site Plans”, Subsection 23 entitled “Application; deposit required”, Subsection C. shall be amended to read as follows:

C. Fees for general development plans.

(i) Application fees and escrow requirements. Upon submission of an application for a planned commercial development, all applicants shall be required to submit specified fees in accordance with the following schedule at the Office of the Secretary of the Planning Board:

(a) Twenty-five dollars per acre, plus \$0.01 per square foot of gross floor area for each building, for a general development plan. If any portion of the property comprising the general development plan is intended or proposed for dedication to the Borough of Florham Park, not comprised of any roadways to be established, the Borough may waive the aforementioned per-acre charge for those acres.

(b) The escrow review deposit for a general development plan shall be calculated and paid in the same manner as provided for site plans.

(c) Conditions of approval to be binding. All conditions of general development plans, preliminary and final approval of any planned commercial development or all conditions of preliminary and final approval of a particular phase of a planned commercial development shall be binding upon all present and future owners, tenants, occupants, lessors, lessees, heirs, assignees, developers, contractors and subcontractors, and the same shall be set forth in a developer's agreement in recordable form and approved by the Borough Council.

SECTION 6. Section 212 entitled "Subdivision and Site Plan Review", Article IV entitled "Site Plans", Subsection 23 entitled "Application; deposit required", Subsection G. shall be amended to read as follows:

G. Fees for informal concept review. The fee for an informal concept review by the Planning Board shall include an application fee of \$250, together with an escrow deposit of \$1,000.

SECTION 7. Section 212 entitled "Subdivision and Site Plan Review", Article IV entitled "Site Plans", Subsection 23 entitled "Application; deposit required", Subsection H. shall be amended to read as follows:

H. Special meetings fee. A fee of \$1,000 shall be charged to any applicant for each special meeting of the Planning Board held to accommodate an applicant.

SECTION 8. Section 250-7.2 entitled "Certificate of Occupancy/Approval", Subsections B.(1)(c) and B.(1)(d) shall be amended to read as follows:

B.(1)(c) Upon a change of occupancy of an existing nonresidential building or structure, or tenant space and after review and approval by the Borough Engineer pursuant to § 250-8 hereof or § 212-21 of this Code, the Construction Code Official, upon payment of an appropriate fee, shall issue a certificate of continued occupancy, provided that there

are not violations of law or orders of the Construction Code Official pending and that it is established after inspection and investigation that the alleged use of the building or structure has heretofore existed. The certificate of continued occupancy shall evidence only that a general inspection of the visible parts of the building has been made and that there are not apparent violations of the regulations. Nothing in this subsection shall prevent the continued use and occupancy of any such lawfully existing building or structure.

B.(1)(d) Any change in the occupancy or use of nonresidential premises will be treated as a new use and will require the review and approval of the Borough Engineer as aforesaid and the issuance of a certificate of continued occupancy.

SECTION 9. Section 250-8 entitled “Site plan applications; waiver”, Subsections B., D., and E. are amended to read as follows:

§ 250-8 Site plan applications; waiver.

B. To apply for a waiver of site plan review, the owner shall submit sufficient information to the Borough Engineer so as to facilitate his/her decision. The information shall include, but not necessarily be limited to, a survey or other suitable map, the date of and copies of any prior site plan approval affecting the property and a definite statement as to why no present site plan review is necessary.

D. The Borough Engineer may consider granting a waiver of site plan review where a new use does not require substantial structural changes and a greater amount of off-street parking than the prior use and where the proposed use does not pose an increased risk to the public health, safety, morals and general welfare.

E. Except for special or extraordinary reasons as determined by the Borough Engineer, a site plan waiver shall customarily issue where a site plan approval was obtained within the past five years and there is compliance with Subsections **B**, **C** and **D** above.

SECTION 10. Section 250-8 entitled “Site plan applications; waiver”, shall be amended to add Subsection F. to read as follows:

F. Should the Borough Engineer deny a site plan waiver the application shall be referred to the Planning Board for review and decision. The Borough Engineer shall submit a report to the Planning Board notifying the Board of all site plan waiver actions.

SECTION 11. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 12. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 13. This Ordinance shall take effect upon final publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Florham Park introduced on May 16, 2019 and will be further considered after Public Hearing held on June 13, 2019.

INTRODUCED: May 16, 2019

ADOPTED:

ATTEST:

BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS
NEW JERSEY

Sheila A. Williams, Borough Clerk

Mark Taylor, Mayor

Chapter 212

Attachment 2

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Chapter 212

Attachment 1

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