

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 120 LAND USE PART 5 "AFFORDABLE HOUSING", ARTICLE 35 "DEVELOPMENT FEES", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose:

The purpose of this Ordinance is to amend Chapter 120 LAND USE ORDINANCE whereby the Borough Council seeks to amend the Non-Residential Development District Fee within the Borough to Comply with State Statute.

BE IT HEREBY ORDAINED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

NOW THEREFORE, Chapter 120 "Land Use", Part 5 "Affordable Housing", Article 35 "Development Fees", Section 4 "Development Fee Schedule", item 1 is amended to read as follows:

- 120.35.4 B Nonresidential Development
- (1) Nonresidential development fees shall be 2.5% of the equalized assessed value for nonresidential development within all zone districts, which is not exempt from the provisions of this subsection as set forth in this article.

NOW THEREFORE, Chapter 120 "Land Use", Part 5 "Affordable Housing", Article 35 "Development Fees", Section 4 "Development Fee Schedule", item 2 is amended to read as follows:

- 120.35.4 B Nonresidential Development
- (2) If a "D" variance is granted by the Borough of Kenilworth Planning Board, pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area ration (FAR) realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of 6% rather than the development fee of 2.5%. However, if the zoning on a site has changed during the two-year period preceding the filing of the "D" variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two years preceding the filing with the Borough of Kenilworth Planning Board of the "D" variance application.

Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

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INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				KAY CECERI						
		X				LAWRENCE CLEMENTI						
	X	X				MARK DAVID						
		X				GERRY LAUDATI						
		X				DANIEL LOPEZ						
X		X				ROBERT SCHIELKE						
Introduced: February 12, 2020						I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: March 11, 2020												
						<hr/> Laura Reinertsen, Borough Clerk						