

**AMENDMENT AND RESTATEMENT OF AN ORDINANCE
CONCERNING A SCHEDULE OF FEES FOR THE
PROCESSING OF LAND USE APPLICATIONS**

Section 1 Authorization and Purpose

1.1 Pursuant to the provisions of the Connecticut General Statutes Section 8-1c, the Town of Essex does hereby amend and restate the Town of Essex Ordinance 02-02, "An Ordinance Concerning the Adoption of a Schedule of Fees for the Processing of Land Use Applications," adopted October 24, 2002.

Section 2 Definitions

2.1 Land use regulatory Commission: The Planning Commission, Zoning Commission, Zoning Board of Appeals and Inland Wetlands Commission of the Town of Essex, which are herein referred to individually as "the Commission."

2.2 Land use application: any application to a land use regulatory Commission within its statutory jurisdiction, which is herein referred to as "application." Applications to the Planning Commission may include applications for the subdivision or resubdivision of land, petitions to amend previously approved applications, to amend Subdivision Regulations, to revise lot lines and matters which may be referred to the Planning Commission for consideration under the Connecticut General Statutes.

2.3 Processing: all functions performed in connection with or associated with a land use application by a land use regulatory Commission, including but not limited to: fees and expenses relating to the administrative handling of the application; legal advertisements regarding hearings, decisions, and other matters requiring publication to the newspaper; recording and transcribing minutes of Commission meetings relative to the application; staff salaries and overhead expenses for Town Sanitarian, Fire Marshal, or other Town officials and expenses in direct connection with the technical and regulatory review; Commission Counsel fees in direct connection with legal advice and review of documents directly related to the application; consultant expenses in direct connection with technical review of the application; and the pre- and post-approval costs associated with the application such as engineering review of construction plans and inspections of improvements during construction to assure compliance.

Section 3 Fee Schedule-General Requirements

3.1 The fees set forth herein shall supersede any specific fees set forth in the Connecticut General Statutes, any special act, municipal ordinance and any fee set forth in the regulations of the land use regulatory Commissions.

3.2 The base fees as set forth in this ordinance are due and payable to the Town of Essex upon submission of a land use application, unless another date for payment is specified herein.

3.3 Applicants shall pay for the expense of additional technical review of applications, including but not limited to review by engineering, planning, environmental and legal consultants to the Commission, and for such post approval functions as may be required. For this expense, the Commission will prepare an estimate at the time of official receipt of application as established by Connecticut General Statutes. The applicant shall deposit with the Town of Essex an amount equal to one hundred fifty percent (150%) of this estimate within 30 days of determination of estimate. The costs incurred by technical review consultants during the technical review of the application, or for post approval functions, if applicable, will be drawn against this deposit. In the case of Affordable or Incentive Housing applications submitted under the auspices of CGS Section 8-30g or 8-13m-x, the deposit requirement may, at the Commission's discretion, be reduced to one hundred percent (100%) of the estimate.

Upon completion of the additional technical review and final action by the Commission on the application, including post approval functions, if applicable, the Town shall determine all costs incurred for technical review and shall refund the excess monies, without interest, to the applicant. Applicants shall not be responsible for costs incurred for technical review which exceed one hundred fifty percent (150%) of the Commission's estimate. No base fees shall be refunded unless the function for which the base fee is charged is not performed.

Fee Schedule-Planning Commission

3.4

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| a. | Base Fee | \$750.00 |
| b. | Per Lot Fee | \$100.00 |
| c. | Road Fee | \$1.00 per linear foot of new road |
| d. | State Fee | As determined by CGS Section 22a-27j as amended |
| e. | Public Hearing | In the event a Public Hearing is required, the applicant shall pay a fee not to exceed \$1,250.00 as established by the Planning Commission at the time it schedules the Public Hearing as its estimate of the cost associated with advertising, recording, and transcribing the Public Hearing. Such sum shall be paid prior to the commencement of the Public Hearing. |

3.5 Upon approval of a subdivision or re-subdivision by the Planning Commission, the following fees shall be paid prior to the filing of the approved subdivision or re-subdivision plan to cover the cost of site meetings, inspection of improvements during construction, and final road acceptance inspections:

- a. Base Fee \$100.00
- b. Per Lot Fee \$100.00
- c. Road Fee \$400.00
- d. Inspection Fee \$1.00 per linear foot of new road
- e. Erosion Control \$50.00 per lot
- f. Legal Fee Charged at the actual hourly rate at which the Commission's counsel charges the Commission for legal services.

3.6 For a petition to revise a lot line, the following fees shall be submitted:

- a. Per Lot Fee \$25.00
- b. Legal Fee As estimated per Section 3.3

3.7 For a petition to amend the Subdivision Regulations, the following fees shall be submitted:

- a. Base Fee \$100.00
- b. Technical & Legal Review As estimated per Section 3.3

3.8 For a petition to modify the terms of a previously approved subdivision or re-subdivision, the following fees shall be submitted:

- a. Base Fee \$100.00
- b. Technical & Legal Review As estimated per Section 3.3

Section 4 When Fee is Not Required

The Commission may by resolution determine that the base fees, or portions thereof, are not required in particular cases of a resubmission of a disapproved application or in cases where application changes are minor. Boards, Commissions, and Departments of the Town of Essex are exempt from Fee requirements.

Section 5 Effective Date

This Amended and Restated Ordinance shall be effective fifteen (15) days after publication in a newspaper having substantial circulation in the Town of Essex.