

PLEASE TAKE NOTICE the following ordinance was introduced and passed on first reading at the November 18, 2024 meeting of the Mayor and Borough Council and will be considered for second reading and final passage during the meeting scheduled to begin at 7:00 p.m. on December 16, 2024 in the Municipal Building, located at 555 Brighton Avenue, Spring Lake Heights, at which time and place any person desiring to comment on this ordinance will be given the opportunity to be heard. A copy of the ordinance is available in the clerk's office.

Janine Gillis, Borough Clerk

**ORDINANCE No. 2024-19
BOROUGH OF SPRING LAKE HEIGHTS
COUNTY OF MONMOUTH**

**AN ORDINANCE AMENDING CHAPTER 22, ARTICLE VIII, FEES OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE HEIGHTS**

BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Spring Lake Heights in the County of Monmouth, State of New Jersey, that the Borough's Land Development Ordinance at Chapter 22, Article VIII Fees is hereby amended as follows:

NOTE: Sections of Chapter 22, Article VIII Fees that are to be amended are set forth below. All additions are shown in ***bold italics with underlines***. All deletions are shown in ~~***bold italics with strikeouts***~~. All sections that are unchanged remain in regular typeface.

Chapter 22, Article VIII Fees shall be amended as follows:

Chapter 22 MUNICIPAL LAND USE REGULATIONS

ARTICLE VIII Land Use Application Fees and Professional Service Escrow Deposits

§ 22-800 Application Fees

The Application fees are determined by the type of application. Professional services include but are not limited to legal, engineering, planning, environmental, traffic, landscaping, and any other discipline needed by the applicant and/or the Land Use Board.

~~§ 22-801. SUBDIVISION. [Ord. #6-1989, § 801]~~

~~a. Preliminary Plat. \$500, plus \$50 per lot based on the total number of lots in the subdivision.~~

~~b. Final Plat.~~

~~1. Major subdivisions: 1/2 of the preliminary plat fee.~~

~~2. Minor subdivisions: \$250 plus \$25 for each lot created.~~

~~§ 22-802. SITE PLAN. [Ord. #6-1989, § 802]~~

~~a. Preliminary Site Plan.~~

~~1. Residential: \$500, plus \$50 per dwelling unit.~~

~~2.— Nonresidential: \$500 per acre of the entire tract or \$50 per 1,000 square feet of gross floor area, whichever is greater.~~

~~3.— Conditional use: \$100.~~

~~b.— Final Plat: 1/2 of the preliminary plat fee.~~

~~§ 22-803. VARIANCES. [Ord. #6-1989, § 803]~~

~~a.— Appeals to action of an administrative officer pursuant to N.J.S.A. 40:55D-70a: \$100.~~

~~b.— Interpretation of the Zoning Ordinance, Zoning Map or Official Map pursuant to N.J.S.A. 40:55D-70b: \$250.~~

~~c.— Hardship variance pursuant to N.J.S.A. 40:55D-70c(1): \$100.~~

~~d.— Deviation variance pursuant to N.J.S.A. 40:55D-70c(2) and N.J.S.A. 40:55D-60: \$250.~~

~~e.— Use variance pursuant to N.J.S.A. 40:55D-70d:~~

~~1.— Residential: \$500, plus \$100 per dwelling unit.~~

~~2.— Nonresidential: \$500 per acre of the entire tract or \$50 per 1,000 square feet of gross floor area, whichever is greater.~~

~~§ 22-804. INFORMAL SUBDIVISION AND/OR SITE PLAN REVIEW. [Ord. #6-1989, § 804]~~

~~a.— Conceptual presentation before the appropriate municipal agency: \$50.~~

~~b.— Review of conceptual presentation by municipal staff: \$250 per review requested by the applicant from each of legal, engineering, environmental, traffic, planning, landscaping, etc., disciplines.~~

~~c.— Informal review fees shall be credited toward development review fees imposed by this article, pursuant to N.J.S.A. 40:55D-10.1.~~

~~§ 22-805. WAIVER. [Ord. #6-1989, § 805]~~

~~Submissions before the approving agency for a waiver of site plan: \$50, plus \$250 per review required by the municipal agency for review from each of legal, engineering, environmental, traffic, planning, landscaping, etc., disciplines.~~

~~§ 22-806. AMENDMENT OF APPROVAL. [Ord. #6-1989, § 806]~~

~~a.— Amendment of preliminary or final plat or plan previously approved determined to be of minor nature by the approving agency: \$25.~~

~~b.— Amendment of preliminary or final plat previously approved determined to be nonsubstantial by the approving agency: \$100, plus \$250 per review required by the municipal agency for review from each of legal, engineering, environmental, traffic, planning, landscaping, etc., disciplines.~~

~~c.— Amendment of preliminary or final plat or plan previously approved determined to be substantial by the approving agency: full fee as required by this article.~~

- d. ~~Application for extension of time of site plan or subdivision approval pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.): \$100.~~
- e. ~~Application for extension of time to complete required improvements pursuant to N.J.S.A. 40:55D-53b: \$1,000, plus \$250 per review required by the approving agency for review from each of legal, engineering, environmental, traffic, planning, landscaping, etc., disciplines.~~

~~§ 22-807. APPEAL TO GOVERNING BODY. [Ord. #6-1989, § 807]~~

~~Any appeal to the Borough Council of actions taken pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.): \$500.~~

§ 22-801 LAND USE APPLICATION FEES

The Land Use Application Fees are defined in the Land Use Application Fees Chart as shown below:

<i>Borough of Spring Lake Heights</i>		
<i>Table 1: Land Use Application Fees</i>		
<i>Application</i>	<i>Fee</i>	<i>Additional Fee(s)</i>
<i>Subdivision</i>		
<i>Preliminary Plat</i>	<i>\$500</i>	<i>\$50.00 per lot x total lots in subdivision</i>
<i>Final Plat</i>		
<i>Major</i>		<i>One half (1/2) of the Preliminary Plat Fee</i>
<i>Minor</i>	<i>\$350</i>	<i>\$25.00 for each lot created</i>
<i>Site Plan</i>		
<i>Preliminary Plan</i>		
<i>Residential</i>	<i>\$500</i>	<i>\$50.00 per dwelling unit</i>
<i>Commercial/Nonresidential</i>	<i>\$500</i>	<i>\$100 per 1,000 sq. ft. of gross floor area</i>
<i>Conditional Use</i>	<i>\$150</i>	
<i>Final Plat</i>		
		<i>One-half (1/2) of the Preliminary Plat Fee</i>
<i>Variances</i>		
<i>C(1) & C(2) Variances</i>	<i>\$300</i>	
<i>Use</i>		
<i>Residential</i>	<i>\$500</i>	<i>\$100 per dwelling unit</i>
<i>Commercial/Nonresidential</i>	<i>\$500</i>	<i>\$50 per 1,000 sq. ft. of gross floor area</i>
<i>Appeal Action of Borough Officer</i>	<i>\$500</i>	
<i>Interpretation of Zoning Ordinance/ Map</i>	<i>\$500</i>	
<i>Amendment of Approval</i>		
<i>Amendment of Previously Approved Preliminary or Final Plat</i>	<i>\$250</i>	<i>\$250 per review per Professional</i>
<i>Extension of Time</i>	<i>\$2,000</i>	
<i>Informal Plan Review- Site or Subdivision</i>		
<i>Conceptual Presentation</i>	<i>\$100</i>	
<i>Applicant Request of Conceptual</i>	<i>\$250</i>	<i>Per requested review per</i>

<i>Presentation</i>		<i>Professional</i>
<i>Waiver of Site Plan</i>	<i>\$750</i>	<i>\$250 per review per professional</i>
<i>Appeal to Borough Council</i>	<i>\$500</i>	

§ 22-808~~2~~. SPECIAL MEETINGS. [Ord. #6-1989, § 808]

Upon the request of an applicant for a dedicated special meeting to review the submission before the appropriate agency:

- a. Prior to the elapse of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) time limits for decision: \$1,000 per special meeting.
- b. After the elapse of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) time limits: no fee.

§ 22-809~~3~~. PROFESSIONAL SERVICES ESCROW DEPOSITS. [Ord. #6-1989, § 809; Ord. #5-2003, § 1]

- a. The applicant shall deposit with the Borough moneys to be utilized to pay the cost of any professional fees incurred for review of an application for development, review and preparation of documents, or other purposes under the provisions of P.L. 1975, c.291 (C.40:55D-1 et seq.), as well as actual out-of-pocket expenses of any such professionals or consultants including normal and typical expenses incurred in processing applications. The professional's review of the application of development shall include the professional's time spent in attendance at any hearing on the application for development. Said moneys shall be placed in an escrow account pursuant to Section 22-813, Escrow Deposits.
- b. No submission shall be deemed complete until such time as the applicant shall have deposited with the Borough in certified check or money order, the amount of escrow determined herein. The amount of fees to be posted shall be:

Residential Development Application (units and/or lots)	Escrow Fee To be Posted
1	\$300
2 to 4	600
5 to 25	2,000
26 to 100	4,000
100+	to be calculated per Section 22-809e

Commercial Development Application (gross floor area)	Escrow Fee To be Posted
0 to 1,250	\$1,000

1,251 to 10,000	2,000
10,001 to 20,000	4,000
20,001 plus	to be calculated per Section 22-809e

<i>Borough of Spring Lake Heights</i>	
<i>Table 2: Professional Services Escrow Deposit</i>	
<i>Application Type</i>	<i>Escrow Fee</i>
<i>C Variance</i>	
<i>Residential</i>	<i>\$4,000</i>
<i>Commercial</i>	<i>\$4,900</i>
<i>D Variance</i>	
<i>Residential</i>	<i>\$4,200</i>
<i>Commercial</i>	<i>\$4,900</i>
<i>Subdivision</i>	
<i>Minor</i>	<i>\$4,500</i>
<i>Major</i>	<i>\$4,900</i>
<i>Site Plan</i>	
<i>Minor or No Subdivision</i>	<i>\$4,500</i>
<i>Major</i>	<i>\$4,900</i>
<i>Informal Conference</i>	<i>\$1,000</i>
<i>Amendment of Approval</i>	
<i>Amendment of previously approved preliminary or final plat</i>	<i>\$2,000</i>
<i>Extension of Time</i>	<i>\$2,000</i>
<i>Other</i>	
<i>Appeal Action of Borough Official</i>	<i>\$500</i>
<i>Interpretation of Zoning</i>	<i>\$800</i>
<i>Appeal to Borough Council</i>	<i>\$500</i>
<i>ADDITIONAL DEPOSIT MAY BE REQUIRED</i>	

- c. Where the fee deposit is not adequate to cover the anticipated or actual costs of professional services provided for the project, the applicant shall deposit additional funds as required, prior to further action being taken by the approving authority.
- d. ~~By majority vote, a Board may determine to waive any or all of the posted professional services deposit on de minimis applications for development. If waived, the Board Secretary shall refund the deposit to the applicant within 30 days of the Board's vote.~~

§ 22-81004. CALCULATION OF FEES. [Ord. #6-1989, § 810]

- a. Submissions involving a combination of approvals filed concurrently, including but not limited to subdivision, site plan, conditional use and/or variance, shall pay the highest fee in full, plus 1/2 of each other fee applicable for each additional approval required.
- b. Submissions involving a combination of approvals, not filed concurrently, shall pay the full fee as imposed in this article.
- c. Where a submission involves part of a unit of measure on which a fee is based, the unit of measure shall be rounded upward to the next whole unit.

§ 22-~~811~~05. REFUND-SUBMISSION WITHDRAWAL PROCESS

- a. Submissions withdrawn at the request of the applicant prior to the commencement of the completeness review, shall be entitled, upon application, to a refund of 90% of the fees paid in accordance with this article, plus 100% of all escrow amounts posted with interest, less administrative fees pursuant to Section 22-813, Escrow Deposits.
- b. Submissions withdrawn at the request of the applicant prior to the commencement of the hearing on the application shall be entitled, upon application, to a refund of 50% of the fees paid in accordance with this article.
- c. Submissions withdrawn at any other time at the request of the applicant shall not be entitled to any refund.
- d. All such refunds shall be paid within 30 days of the request.

§ 22-~~812~~06. IMPLEMENTATION. [Ord. #6-1989, §§ 812.1, 812.2]

- a. Submissions filed after the effective date of this chapter shall submit fees specified in this article at the time of filing.
- b. Submissions presently filed, but without a final determination by the approving agency, shall submit fees specified in this article based upon accrual expenditures within 30 days of notification.

§ 22-~~813~~07. ESCROW DEPOSITS. [Ord. #6-1989, § 813]

All moneys posted by an applicant for review fees, engineering inspection fees, cash performance guaranties, cash maintenance guaranties, etc., required under this chapter which are to be held in trust (escrow) for a dedicated purpose, shall be deposited by the Borough Treasurer in accordance with provisions of N.J.S.A. 40:55D-53.1, Deposits with municipality; escrow; interest. The municipality may return an amount not in excess of the amount permitted by statute for administrative and custodial expenses. All interest not retained by the Borough shall be applied to the account for the purpose originally specified unless otherwise prohibited by law.