

ORDINANCE #2140

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 21 – THE COMPREHENSIVE LAND
DEVELOPMENT ORDINANCE OF THE
TOWNSHIP OF OCEAN**

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

1. Chapter 21, the Comprehensive Land Development Ordinance of the Township of Ocean is hereby amended and supplemented to read as follows:

Section 21-6 shall be amended in part to read:

“School, parochial” shall mean a facility or use primarily for the education and instruction of individuals in academic or religious subjects and operated on a not-for-profit basis, from pre-school through Grade 12, and administered, supervised, and directly affiliated with an exempted nonprofit organization.

Section 21-9 shall be amended to read:

21-9 Fees.

The Municipal Agency shall charge fees as set forth hereinafter which shall be non-refundable and which shall be for the purpose of offsetting in-house administrative, clerical, and technical costs, exclusive of expenses for professional consultants, such as legal, planning, engineering, and other professional fees, costs, and expenses. Such professional fees shall be designated as escrow fees and as referred to hereinafter.

The Township shall furnish a copy of the fee schedule upon request.

a. Site plans.

| <u>Acres</u> | <u>Preliminary</u> | <u>Per Acre</u> |
|--------------|--------------------|-----------------|
| 0-2 | \$ 850.00 | |
| 2-10 | \$1,700 plus | \$400.00 |
| 10-25 | 4,900 plus | 200.00 |
| 25-100 | 7,900 plus | 100.00 |
| 100 & up | \$15,400 plus | 50.00 |

| <u>Acres</u> | <u>Final</u> | <u>Per Acre</u> |
|--------------|--------------|-----------------|
| 0-2 | \$ 350.00 | |
| 2-10 | \$ 600 plus | \$125.00 |
| 10-25 | 1,600 plus | 75.00 |

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|----------|--------------|-------|
| 25-100 | 2,725 plus | 50.00 |
| 100 & up | \$6,475 plus | 25.00 |

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| Amended Site Plan | | \$850.00 |
| Minor Site Plan | | \$850.00 |
| Minor Site Plan Subcommittee Review If required by the Planning Administrator: (Amended Nov. 20, 1995 – Ordinance 1716) | | \$350.00 |
| Extension of Site Plan Approval Pursuant to N.J.S. 40:55D-52 | | \$350.00 |
| Trash and Recyclables Materials Storage Area (Amended March 19, 1997 – Ordinance 1770) | | \$125.00 |
| Flag Pole Plan (Amended October 24, 2001 – Ordinance 1901) | | \$125.00 |

WAIVER:

The site plan fee may be waived by the Township Council by resolution upon application by non-profit corporations devoted to recreational purposes under Title 15 of the Revised General Statutes of New Jersey and applications by the Fire Districts and Sewerage Authority within the Township of Ocean.

b. Subdivisions

| | | | |
|---------------------|--------------------------------|------------|-----------------|
| Classification | (Required on all Subdivisions) | | \$100.00 |
| Amended Subdivision | | | \$800.00 |
| Minor | (2 to 4 lots) | \$400 plus | \$100 per lot |
| Major | Preliminary | \$300 plus | \$100 per lot |
| | Final | \$100 plus | \$50.00 per lot |

c. Variances (Amended June 2, 1999 – Ordinance 1831)

| | | |
|------------|---------------------------|----------|
| 40:55D-68 | (Certification of Use) | \$275.00 |
| 40:55D-70a | (Appeals) | 275.00 |
| 40:55D-70b | (Interpretations) | 275.00 |
| 40:55D-20c | (Hardship) | |
| | Single Family Residential | 200.00 |
| | All others | 500.00 |

| | | |
|------------|--------------------------------------|----------|
| 40:55D-70d | (Use) | |
| | Single family residential, per unit | 275.00 |
| | Multi-family residential / Townhouse | 525.00 |
| | Commercial and Industrial | 1,500.00 |
| | All others | 1,500.00 |

- d. Conditional Uses 350.00
- e. Official Map Appeals 275.00
- f. Appeals to Governing Body 275.00
- g. Certified List of Property Owners \$10.00
- h. Whenever an application for development shall include more than one request or action, the total accumulated fees of each separate action shall be charged.

i. **Professional Review Fees:** The Municipal Agency may require the payment of fees into an escrow account for the purpose of reimbursing the Township for direct fees, costs, charges, and expenses of professional consultants retained by or on behalf of the Township, its Boards, or agencies and employees and staff of the Township, its boards or agencies in reviewing and testifying and/or assisting the Township in the processing of applications pursuant to the ordinances of the Township and/or assisting the Township in the evaluation, planning, and proper design of municipal services and facilities in order to meet the needs of the proposed project. Such escrow account will be based upon the following schedules:

Site Plans:

| Major (Preliminary and/or Final) | | Total Initial Escrow Fee |
|----------------------------------|---|--------------------------|
| ACRE | 0-2 | \$ 2,000.00 |
| | 2-10 | 3,500.00 |
| | 10-25 | 5,000.00 |
| | 25-100 | 10,000.00 |
| | 100 & up | \$15,000.00 |
| | Minor Site Plan | \$1,500.00 |
| | Minor Site Plan Subcommittee Review if required by the Planning Administrator (Amended Nov 20, 1995 – Ordinance 1716) | 500.00 |
| | Amended Site Plan | 1,500.00 |
| | Extension of Site Plan Approval (Pursuant to N.J.S. 40:55D-52) | 500.00 |
| | Billboard Relocation | 2,000.00 |

Subdivision:

| | | |
|---------------------|---------------------------------|------------|
| Amended Subdivision | | \$1,500.00 |
| Minor | (2 to 4 lots) | \$2,000.00 |
| Major | (5 to 12 lots) | 3,000.00 |
| | (13 to 24 lots) | 4,000.00 |
| | (25 to 50 lots) | 5,000.00 |
| | (51 and up) | 10,000.00 |
| 40:55D-68 | (Certification of Use) | 1,000.00 |
| 40:55D-70a | (Appeals): | 1,000.00 |
| 40:55D-70b | (Interpretations): | 1,000.00 |
| 40:55d-70c | (Bulk Variance) Non-residential | 500.00 |
| 40:55d-70d | (Use Variance): | 2,000.00 |

No professional reviews will be undertaken until the escrow has been established. If, in the judgment of the Planning Board or Board of Adjustment, additional funds are required after 75% of the original escrow account has been exhausted, these monies shall be paid to the appropriate account or accounts.

- i. The fee for inspection for improvements for site plans, subdivisions, and single lot residential development shall be calculated at the rate of 5% of the cost of improvements or \$500.00, whichever is greater.

For those developments for which the fees are \$10,000.00 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the fees. When the balance on deposit drops to 10% of the fee because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall make additional deposits of 25% of the fees. The municipal engineer shall not perform any inspections if sufficient funds to pay for those inspections are not on deposit. (Amended December 4, 1996 – Ordinance 1754)

- j. Special Meetings for the Planning Board or Board of Adjustment

If the Board of Adjustment or Planning Board is requested to, and decided to hear an application at one or more special meetings, the applicant(s) shall pay an additional two thousand five hundred (\$2,500.00) dollars for each special meeting at which the matter is heard. (Amended January 10, 2001 – Ordinance 1873)

- k. Conceptual Review

At the request of a developer, the Planning Board shall grant an informal review of a concept plan for development for which the developer intends to prepare and submit an application for development. The fees for such an informal review are:

Application Fee - \$150.00

Escrow for Professional Review - \$250.00

The amount of any fees for such an informal review shall be a credit toward fees for review of the application for development if applied for within 180 days of such an informal review.

I. Legal Reviews by Township Attorney.

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| Guarantee Review | (per review) |
| Review of performance guarantee by Township Attorney | \$150.00 |
| Review of maintenance guarantee by Township Attorney | \$150.00 |

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| Guarantee Review: | (per review) |
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| Preparation of developer's agreements by Township Attorney (Amended December 2, 1992 – Ordinance 1610) | \$500.00 |
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| Preparation of extension to developer's agreement | \$150.00 |
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| Miscellaneous reviews: Master Deed, Certificate of Incorporation, Bylaws, Unit Deeds, etc. | \$150.00 |
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m. Site Plan Charges Computation

In cases where only a portion of a parcel or site are to be involved in the proposed site plan, the site area charge shall be based upon an area extending 20 feet outside the limits of all construction, including grading and landscaping as well as all other areas of the site the Township Engineer believes are reasonably affected by the development application. The 20 feet around the disturbed area shall not extend beyond the property lines. The Township may still require reasonable improvements and upgrading to the portions of the site not within the disturbed or affected areas.

n. Grading plans

| | | |
|---------|----------|--|
| Pools - | \$250.00 | for the original submittal and site visit. |
| | \$ 75.00 | for each re-submittal or re-inspection. |
| | \$250.00 | for the final as-built submittal and site visit. |
| | \$ 75.00 | for each final as-built re-submittal or re-inspection. |

Single lot, residential -

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|--|----------|--|
| | \$300.00 | For the original submittal and site visit. |
| | \$ 75.00 | for each re-submittal or re-inspection. |
| | \$300.00 | for the final as-built submittal and site visit. |
| | \$ 75.00 | for each final as-built re-submittal or re-inspection. |

o. Zoning Permits: Zoning permits shall be required for the following items: (Added January 10, 2001 – Ordinance 1873)

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|------------------------------|----------|
| Fences: | \$ 35.00 |
| Sheds under 101 square feet: | \$ 50.00 |
| Driveways and patios: | \$ 35.00 |

p. Zoning Letters:

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|------------------------------|----------|
| Residentially zoned property | \$ 75.00 |
| All others | \$125.00 |

Section 21-22.1 shall be amended to add:

8. Rehabilitation and vocational training center for the physically and/or neurologically disabled.

Section 21-44.5 shall be amended to read:

21-44.5. Temporary Signs

- a. Any person or organization desiring to erect a temporary sign or signs as set forth hereinafter shall apply for a sign permit from the Township of Ocean for which there shall be a fee of fifteen (\$15.00) dollars.

Section 21-48.6. shall be amended to read:

21-48.6. Swimming Pool. There shall be a fence of a type approved by the construction official not less than four feet high completely enclosing any below-ground swimming pool, any above ground swimming pool four feet in height or greater, and any other swimming pool of 100 square feet of surface water area or more and which is less than four feet above the ground. Each gate in a pool fence shall be self-closing and capable of being locked when not in use.

Section 21-51.28 shall be revised to read:

21-51.28 Rehabilitation and vocational training centers for the physically and/or neurologically disabled. Such facilities may include rehabilitation, therapy, education, vocational training, supported employment, related administrative services, and child care and similar services related to the primary function of the facility. (Section 21-51.28 added 11/16/92 – Ordinance 1608)

- a. Minimum Lot Area - 5 acres
- b. Minimum Front Yard Setback - 100'
- c. Minimum Rear Yard Setback - 45'
- d. Minimum Side Yard Setback - 45'

5. All other ordinances or parts of ordinances inconsistent thereof are hereby repealed to the extent of such inconsistencies.

6. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.
7. This ordinance shall take effect following the final adoption and publication pursuant to the law subject to the filing of a copy of same with the Monmouth County Planning Board.

CERTIFICATION

*I hereby certify that this is a true copy of a Ordinance introduced by the Township of Ocean Governing Body at their meeting held on **October 19, 2009**.*

Vincent Buttiglieri, RMC/CMC
Township Clerk