

TOWNSHIP OF UPPER DEERFIELD

ORDINANCE 673

**ORDINANCE AMENDING CHAPTER 405 ZONING AND DEVELOPMENT
OF THE CODE OF THE TOWNSHIP OF UPPER DEERFIELD
WITH RESPECT TO ARTICLE XIII FEES**

WHEREAS, the Township of Upper Deerfield fee ordinance for development applications was last revised in August 1996; and

WHEREAS, the Planning Board of the Township of Upper Deerfield has recommended revisions to **Article XIII Fees** of the Zoning and Development Code of the Township of Upper Deerfield; and

WHEREAS, the Township Committee of the Township of Upper Deerfield is desirous of making changes to **Article XIII Fees** of the Zoning and Development Code of the Township of Upper Deerfield;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Upper Deerfield that **Article XIII Fees** of the Zoning and Development Code of the Township of Upper Deerfield is hereby amended as to the subsections thereof as hereinafter designated:

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Section 1.

Section 405-100 Zoning appeals is hereby deleted in its entirety and replace with the following new section:

Section 405-100 Development and Application Fees

- a. Every application for Development shall be accompanied by the appropriate Application Fee and Escrow Fee as set forth in the following schedule.

Development Application Fee Schedule

<u>Type of Application</u>	<u>Application Fee</u>	<u>Escrow Fee</u>
Minor Subdivision	\$250.00	\$350.00 per lot
Major Subdivision - Preliminary	\$350.00	\$500.00 plus \$75.00 per lot
Major Subdivision – Final	\$250.00	\$500.00 plus \$50.00 per lot
Minor Site Plan	\$250.00	\$1,000.00
Major Site Plan (Residential) – Preliminary	\$350.00	\$500.00 plus \$75.00 per dwelling unit
Major Site Plan (Residential) – Final	\$250.00	\$500.00 plus \$50.00 per dwelling unit
Major Site Plan (Commercial) – Preliminary	\$350.00	\$500.00 plus \$750.00 per acre
Major Site Plan (Commercial) – Final	\$250.00	\$500.00 plus \$500.00 per acre
Waiver of Site Plan Approval	\$200.00	\$750.00
Conditional Use	\$200.00	\$1,250.00
Appeal per <u>NJS</u> 40:55D-70.a	\$200.00*	\$500.00
Interpretation per <u>NJS</u> 40:55D-70.b	\$200.00	\$500.00
Variance per <u>NJS</u> 40:55D-70.c	\$200.00	\$500.00 ¹
Variance per <u>NJS</u> 40:55D-70.d	\$250.00	\$1,250.00
Variance per <u>NJS</u> 40:55D-34	\$200.00	\$500.00
Variance per <u>NJS</u> 40:55D-36	\$200.00	\$500.00
Conceptual (informal) Plan –		
Minor Subdivision or Site Plan	\$150.00	\$750.00
Major Subdivision or Site Plan	\$150.00	\$1,000.00
Extension of Approval	\$150.00	\$750.00
Certificate of Nonconformity –		
Issued by Administrative Officer	\$200.00	-----
Issued by Planning Board	\$200.00	\$750.00
Resubmission of Incomplete Application	\$250.00	-----
Tax Map Revisions from subdivision	\$250.00 per lot	-----
Redevelopment Plan Revision	\$250.00	\$1,500.00
Request for Rezoning	\$250.00	\$1,000.00

¹ This fee is not required for “C” variances related to structures that are accessory to single-family residences.

b. All application fees and escrowed review fees pursuant to the Schedule listed above shall be submitted at the time of application. These monies are intended to cover all necessary and reasonable costs incurred by the technical and/or professional staff retained by the Planning Board to review and make recommendations on such applications. The technical and professional staff is intended to include but not be limited to the following: Board Attorney, Municipal Planner, Municipal Engineer, other professionals as may be required on particular applications. The fee for the services of the technical and professional staff shall be determined by resolution of the Planning Board.

c. The amount specified for escrow deposits are estimates, and it is recognized additional escrow fees may be necessary in particular applications. In the event that more than the amount specified for escrow is required in order to pay the reasonable costs incurred, the applicant shall, prior to being permitted to move forward in the approval procedure, or prior to obtaining construction permits or Certificates of Occupancy for any portion of the application project, pay all additional required sums.

d. Escrow fees shall be controlled by the Township Treasurer. In the event that the escrow deposit is more than required to pay necessary and reasonable costs of the technical and professional staff, the excess funds shall be returned to the applicant within one hundred eighty (180) days of publication of the resolution approving the application.

e. Additionally, if the Planning Board creates as a condition of any approval, a requirement that ongoing inspections or approvals are necessary by the professional staff or Township Officials to insure compliance as a condition of approval by an applicant, then it shall be the obligation of the applicant to bear the cost of the additional fees by placing a sum designated by the Planning Board or the Township, as appropriate, in an escrow fund. When all approvals or inspections have been completed to the satisfaction of the Planning Board or Township, any excess escrow fund shall be returned to the applicant within sixty (60) days of the last approval or inspection.

f. When applications for preliminary and final approval are made simultaneously the Planning Board shall have the right to waive the payment of additional deposits.

g. Exemption from Application Fee and/or Escrow Amount.

1. All charitable, philanthropic, fraternal and religious nonprofit organizations shall be exempt from the payment of application fees and escrow amounts as required by this section, provided that:

(a) The nonprofit organization holds a tax exempt status under the Federal Internal Revenue Code of 1954 (26 U.S.C. Sections 501(c) or (d)); and

(b) The nonprofit organization is submitting a development application for a minor or major subdivision which shall preserve open space or farmland, and shall not create any new buildable lots.*

2. The board of education shall be exempt from the payment of application fees as required by this section.

3. Disabled persons, or a parent or sibling of a disabled person, shall be exempt from the payment of application fees as required by this section, provided that the application relates to development which promotes accessibility to the disabled person's own living unit.

h. Where the Planning Board reverses the decision of the administrative officer, the \$200.00 appeal fee will be refunded to the applicant.

Section 2.

Section 405-104 Subdivision and site plan review is repealed in its entirety and replaced with the following:

Section 405-104 Reserved

Section 3.

Section 405-105 Planned development is repealed in its entirety and replaced with the following:

Section 405-105 Reserved

Section 4.

Section 405-106 Conditional uses is repealed in its entirety and replaced with the following:

Section 405-106 Reserved

BE IT FURTHER ORDAINED by the Township Committee of the Township of Upper Deerfield that the foregoing changes municipal fees pertaining to applications for development be incorporated into **Article XIII Fees** of the Code of the Township of Upper Deerfield; and

BE IT FURTHER ORDAINED by the Township Committee of the Township of Upper Deerfield that except as modified herein, the remaining provisions of **Article XIII Fees** of the Code of the Township of Upper Deerfield shall remain as heretofore and unaltered by the provisions hereof.

James Crilley, Chairman

Finally July 7, 2011

Attested:

Roy J. Spoltore, Township Clerk