

ORDINANCE #968

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 390 ZONING, ARTICLE X. DEVELOPMENT FEES

BE IT ORDAINED by the Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey, that the following be amended:

NOTE: Additions are underlined and deletions are marked by strike through.

SECTION 1: Chapter 390. Zoning, Article X. Development Fees shall be amended as follows:

§ 390-475.B.(3) Eligible exactions, ineligible exactions and exemptions for residential development. Any repair, reconstruction or improvement of a structure, the cost of which is less than 50% of the market value of the structure before the improvement or repair is started. For purpose of this section, "market value" shall mean the equalized assessed value of the existing improvement as established by the Borough Tax Assessor. ~~The cost of the repair, reconstruction or improvements shall be determined by an itemized construction cost estimate prepared, signed and sealed by an architect or professional engineer licensed by the State of New Jersey and submitted to the Construction Official.~~ The cost of the repair, reconstruction or improvements shall be determined by an itemized construction cost estimate prepared and submitted to the Construction Official. The estimate shall be signed and sealed by an architect or professional engineer licensed by the State of New Jersey, or where no such professionals are retained, signed by the contractor or the homeowner. Where prepared by the homeowner or contractor, the Borough Engineer may review such estimates for accuracy. "Substantial Improvement" is considered to commence when the first alteration of any wall, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:

- (a) Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (b) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

§ 390-47. Collection procedure.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Borough's construction official responsible for the issuance of a building permit.
- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF State of New Jersey Nonresidential Development Certification/Exemption to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. ~~The construction official or their designee responsible shall notify the local tax assessor of the need to have an estimate of the equalized assessed value of the development.~~ shall estimate the increase in equalized assessed value for which the development fee is based as follows:

- (1) The increase in equalized assessed value for new construction shall be estimated at \$125 per square foot of new floor area.
- (2) The increase in equalized assessed value for rehabilitation or alteration shall be estimated at \$35 per square foot of rehabilitated or altered floor area.

~~D. Within 20 days of the receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development to the construction official.~~

~~E. D.~~ The Construction official or their designee shall assess and collect 50% of the estimated fee PRIOR to issuing the building permit for the development.

~~F. E.~~ The construction official or their designee responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

~~G. F.~~ Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall ~~confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee~~ provide a final value of the equalized assessed value of the improvements of the development to the construction official or their designee. The construction official or their designee shall calculate the development fee. The development fee shall be collected PRIOR to issuing a certificate of occupancy for the development and it shall be the difference between that collected prior to the building permit and the development fee calculated based on the municipal assessor's estimate.

BE IT FURTHER ORDAINED that all other Ordinance or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCED: August 18, 2016

APPROVED: August 18, 2016

ADOPTED: September 15, 2016