

ORDINANCE NO. 2017-5

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,
SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 25 ENTITLED "LAND
DEVELOPMENT REGULATION" OF THE CODE OF THE BOROUGH OF ELMER**

WHEREAS, the Mayor and Council of the Borough of Elmer have determined that certain amendments to Chapter 25 entitled "Land Development Regulation" are necessary; and

WHEREAS, in all other respects Chapter 25 entitled "Land Development Regulation" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

Chapter 25-21 entitled "Administration and Enforcement", subsection 25-7.8 entitled "Fee Schedule" shall be amended to read as follows:

25-7.8 Fee Schedule.

a. *Minor Subdivision.*

1. Application fee-~~\$250.00~~ \$300.00.
2. Review fee deposit-~~\$500.00~~ per lot with a minimum deposit of ~~\$2,000.00~~ \$3,000.00 for legal and engineering review, including map revisions required by the subdivisions.

b. *Major Subdivision.*

1. Application fee-\$500.00.
2. Escrow-\$2,000.00.

c. *Major Subdivision Preliminary Review.*

1. Application fee-\$500.00.
2. Review fee deposit-~~\$500.00~~ per lot, with a minimum deposit of ~~\$2,000.00~~ \$4,000.00 for legal and engineering review.

d. *Major Subdivision Final Review.*

1. Application fee-~~\$350.00~~ \$500.00.
2. Review fee deposit-~~\$500.00~~ per lot, with a minimum deposit of ~~\$2,000.00~~ \$4,000.00 for legal and engineering review.

e. *Conditional Use.*

1. Application fee-~~\$250.00~~ \$300.00.
2. Review fee deposit-\$2.00 per gross square foot of building floor area included in the proposed development, plus \$200.00 per area pro-rated for fractions of land included in the lots involved, but not less than \$1,000.00.

f. *Site Plan, Preliminary Review.*

1. Application fee-~~\$350.00~~ \$500.00.
2. Review fee deposit-~~\$2,000.00~~ \$3,000.00 per lot or fraction thereof submitted for review, with a minimum of ~~\$2,000.00~~ \$3,000.00 for legal and engineering review.

g. *Site Plan, Final Review.*

1. Application fee-~~\$350.00~~ \$500.00.
2. Review fee deposit-\$250.00 per lot or fraction thereof submitted for review, with a minimum of ~~\$1,000.00~~ \$2,000.00 for legal and engineering review.

Reduced fee for certain residential applicants.

When the subject matter of an application consists of an addition, whether attached or detached, to an existing single-family residential house, or alterations thereof, site plan approval, subdivision approval or variance fees shall be as follows:

- (a) Application fee-\$175.00.
- (b) Review Fee Deposit-\$1,000.00.

The determination of the appropriate application fee shall be at the discretion of the Land Use Board and said determination shall be binding on the applicant.

h. *Use Variance.*

1. Application fee-~~\$150.00~~ \$200.00.
2. Review fee deposit-\$2.00 per gross square foot of building floor area included in the proposed development, plus \$500.00 per area pro-rated for fractions of land included in the lots involved, but not less than \$1,000.00. All other types of variances-\$25.00 (for example sign variances).

i. *Site Plan Waiver.*

1. Application fee - \$200.00 plus escrow fees of \$1,000.00.

j. *Amendment of Minor Subdivision Approval.*

1. Application fee - \$200.00 plus escrow fees of \$1,000.00.

k. *Informal Review.*

1. \$100 to be credited toward fee for review of the application for development for which the concept plan was presented. Escrow \$500.00.

l. *Amendment of Preliminary Major Subdivision Approval.*

1. Application fee - \$300.00 plus escrow fees of \$1,000.00.

m. *Bulk Variance.*

1. Application fee - ~~\$150.00~~ \$200.00 plus escrow fees of \$1,000.00.

Section 2.

Chapter 25-21 entitled "Administration and Enforcement", subsection 25-21.1(d)(3)(a) entitled "Fee Schedule" shall be amended to read as follows:

25-21.1 Enforcement; Permits; Fees.

d. Zoning Permit for Conforming or Nonconforming Use. It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises or both, or part thereof, hereinafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, or to continue the use of a building, structure or premises as a legal nonconforming use, until a Zoning Permit shall have been issued therefor by the Zoning Officer, stating that the proposed use of the building or land conforms to the requirements of this and other Borough ordinances.

3. Fee Schedule.

(a) Zoning Permits - ~~\$10.00~~ \$25.00

Section 3.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 4.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 5.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BOROUGH OF ELMER

**BY: _____
Joseph Stemberger, Mayor**

ATTEST:

**_____
Sarah D. Walker, Acting Borough Clerk**

ROLL CALL VOTE as follows:

| | <u>MOTION</u> | <u>SECOND</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|-----------|---------------|---------------|-------------|-------------|------------------|---------------|
| Schneider | _____ | _____ | _____ | _____ | _____ | _____ |
| Davis | _____ | _____ | _____ | _____ | _____ | _____ |
| Nolan | _____ | _____ | _____ | _____ | _____ | _____ |
| Richards | _____ | _____ | _____ | _____ | _____ | _____ |
| Schalick | _____ | _____ | _____ | _____ | _____ | _____ |
| Zee | _____ | _____ | _____ | _____ | _____ | _____ |

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, held on January 4, 2017. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 120 South Main Street, Elmer, New Jersey 08318, on February 8, 2017 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 120 South Main Street, in the Borough, to the members of the general public who shall request the same.

**_____
Sarah D. Walker, Acting Borough Clerk**