

ORDINANCE NUMBER 18-2019

AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT AMENDING AND SUPPLEMENTING CHAPTER 130, "LAND USE," ARTICLE XVII, "AFFORDABLE HOUSING REGULATIONS," SECTIONS 130-121B AND 130-123 PERTAINING TO THE CALCULATION AND COLLECTION OF DEVELOPMENT FEES

BE IT ORDAINED by the Mayor and Council of the Borough of Sea Bright, in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE:

The Code of the Borough of Sea Bright, Chapter 130, "Land Use," Article XVII, "Affordable Housing Regulations," Section 130-121, "Residential Development Fees," Subsection 130-121B, "Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments," be and the same is hereby amended and supplemented to read, in full, as follows:

(~~strikethroughs~~ are deletions; **bolded** are additions)

"B. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments.

(1) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

(2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

(3) Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

(4) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, ~~is demolished and replaced~~ or **is where the square footage is expanded by 51% (fifty-one percent) or more**, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

(5) Where there is an improvement, ~~to, expansion of, reconstruction or~~ replacement of an existing residential structure, ~~requiring a Construction Permit,~~ no development fee shall be required to be paid. The construction or improvement of a permitted accessory structure on a lot containing an existing residential structure shall not require the payment of a development fee.

(6) Developers of houses of worship and other uses that are entitled to exemption from New Jersey real property tax shall be exempt from the payment of a development fee, provided that such development does not result in the construction of any additional housing or residential units, including assisted living and continuing care retirement communities."

SECTION TWO:

The Code of the Borough of Sea Bright, Chapter 130, "Land Use," Article XVII, "Affordable Housing Regulations," Section 130-123, "Collection Procedures," be and the same is hereby amended and supplemented to read, in full, as follows:

"§130-123. Collection Procedures.

(1) Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Construction Permit.

(2) For non-residential developments only, the developer shall also be provided with a copy of form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential 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.

(3) The Construction Official responsible for the issuance of a Construction Permit shall notify the Borough Tax Assessor of the issuance of the first Construction Permit for a development which is subject to a development fee.

(4) Within 90 days of the receipt of such notification, the Borough Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed, **which shall be provided to the developer.**

(5) The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.

(6) Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

(7) Should the Borough of Sea Bright fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay the estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c.46 (C.40:55D-8.6).

(8) ~~Except as provided in Section 130-122 A.(3) hereinabove, fifty percent (50%) of the initially calculated development fee shall be collected at the time of the issuance of the Construction Permit. The remaining portion shall~~ **The entire development fee shall be collected at the time of issuance of the Certificate of Occupancy. No Certificate of Occupancy shall be issued until the development fee is paid in full.**

SECTION THREE: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION FOUR: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

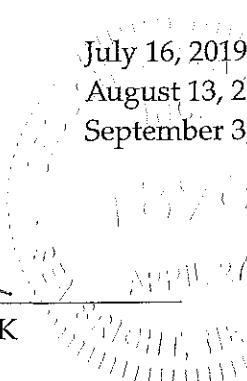
SECTION FIVE: This Ordinance shall take effect immediately upon its passage and publication as required by law and upon filing with the Monmouth County Planning Board.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on July 16, 2019 and will be further considered after a Public Hearing held on August 13, 2019 at the Municipal Building at 7:00 pm.

INTRODUCED: July 16, 2019
PUBLIC HEARING: August 13, 2019
ADOPTED: September 3, 2019

Witness


CHRISTINE PFEIFFER, CLERK


BOROUGH OF SEA BRIGHT,


DINA LONG, MAYOR