

**BOROUGH OF HIGHLANDS
MONMOUTH COUNTY**

**ORDINANCE 19-21
NOTICE OF HEARING**

This Ordinance was introduced on first reading at the Borough Council meeting on October 16, 2019, wherein a public hearing on the Ordinance will be held on December 4, 2019 at 8:00 p.m. at the Community Center of the Borough of Highlands, 22 Snug Harbor Avenue, Highlands, NJ or at any meeting to which that meeting may be adjourned, at which time all persons who may be interested therein will be given an opportunity to be heard. Copies of the Ordinance are on file in the office of the Borough Clerk and copies are available, without charge, at the Borough of Highlands Borough Clerk's office, 42 Shore Drive, Borough of Highlands, NJ 07732, between the hours of 8:30 a.m. and 4:30 p.m. It is also available on our website at www.highlandsborough.org.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
ORDINANCE 0-19-21**

**An Ordinance Amending Section 21-65.9 Regarding Grading Plans
and Adding Fees for Grading Plan Review**

WHEREAS, Section 21-65.9 of the Land Use provisions of the Borough Code currently provides that grading plans are discretionary for residential lots; and

WHEREAS, the governing body of the Borough of Highlands wishes to amend its grading plan ordinance to require grading plans for residential lots unless otherwise waived; and

WHEREAS, the governing body of the Borough of Highlands also wishes to establish fees for review of grading plans.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I.

Borough Code Section 21-65.9 "Grading and Topsoil Removal" shall be amended as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ***~~strikeovers in bold italics~~***.)

21-65.9 Grading and Topsoil Removal.

A. Soil Removal.

1. All development plans shall include a grading plan which provides for a minimum amount of soil to be removed from or brought to the site. Any soil removed from the site must

have a permit from the Borough Engineer and no soil so moved shall be removed from the Borough.

2. No topsoil shall be removed from any lot or lots unless certified as excess, meaning more than four (4) inches spread evenly over the finished site, in writing by the Borough Engineer. All topsoil so removed shall be placed elsewhere within the Borough.

B. Grading.

1. All graded or stripped areas shall be stabilized by a minimum of four (4) inches of topsoil and seeding or other landscaping. Exposed rock may be left in its natural state if it can be demonstrated that the rock face will remain stable.

2. All areas shown on the plan shall be graded to ensure that surface water flow is away from buildings and pedestrian walkways in accordance with the approved drainage plan. Swales shall maintain a minimum one and one-half (1.5%) percent slope throughout.

3. Surfaces shall be designed to reduce maintenance requirements and allow the cutting of grass and cleaning of drainage swales and ditches without special equipment.

4. Wherever a change in final grade results in slopes in excess of 3:1 (other than a stable rock face) or wherever it is determined that slopes will not be stable or that erosion will occur, retaining walls shall be used which shall be of a permanent, maintenance-free design.

C. Residential Lots. ~~*Prior to the issuance of a Construction Permit, detailed grading plans may be required for review by the Borough Engineer. A grading plan shall be submitted for applications to construct a new single-family dwelling, a new two-family dwelling, a new accessory building or structure that exceeds 500 square feet, and/or an addition to a single-family, two-family dwelling or accessory building or structure that exceeds 500 square feet. The plan shall include the existing and proposed building and lot coverage, as well as grading contours at one-foot intervals, except where there will be a disturbance of slopes exceeding 5%, a two-foot interval is permissible, and if they exceed 10%, a five-foot interval is permissible. Grading plans shall also include existing and proposed building and lot coverage calculations and data. If so, no*~~ *No* Certificate of Occupancy shall be issued until the Borough Engineer is satisfied that final grading has been completed in accordance with the detailed grading plans.

SECTION II.

Borough Code Section 21-107 “Schedule Established” shall be amended as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ~~*strikeovers in bold italics.*~~)

21-107 SCHEDULE ESTABLISHED.

The following Schedule of Fees is established for the various applications for development and other matters, which are the subject of this chapter. These fees shall be nonrefundable and are for the purpose of offsetting Borough administrative, clerical and meeting costs. Applications

requiring a combination of approvals, such as subdivision, site plan and/or variances shall require a fee equal to the sum of the individual fees for each element of the application. Escrow deposits for professional consultants, such as legal, planning, engineering, or other professional fees, costs and expenses, shall also be required in accordance with Section 21-108.

All fees and escrow deposits required in Section 21-107 and 21-108 shall be paid prior to the certification of a complete application.

Schedule of Fees

A. Variances.

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| 1. For proceedings governed by N.J.S.A. 40:55D70a | \$125.00 |
| 2. For proceedings governed by N.J.S.A. 40:55D70b | \$125.00 |
| 3. For proceedings governed by N.J.S.A. 40:55D70c. | |
| For residential..... | \$125.00 |
| For nonresidential..... | \$250.00 |
| 4. For proceedings governed by N.J.S.A. 40:55D70d. | |
| For residential..... | \$150.00 |
| For nonresidential..... | \$500.00 |
| 5. For proceedings governed by N.J.S.A. 40:55D34..... | \$ 75.00 |
| 6. For proceedings governed by N.J.S.A. 40:55D36 | |
| For residential..... | \$ 75.00 |
| For nonresidential..... | \$200.00 |

In order to qualify for the lower fees established for residential applications, an application must be exclusively residential in character, and can only be for a single use on the lot or tract. Any application not complying with each of these conditions shall fall under the higher fee schedule.

B. Subdivisions.

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| 1. Simple lot line change or merger | \$100.00 |
| 2. Minor subdivision | \$400.00 |
| 3. Major subdivision | |
| a. Conceptual review | 10% of the preliminary fee (to be applied to preliminary fee at time of preliminary submission) |
| b. Preliminary plat | \$500.00 plus \$50.00 per lot |
| c. Final | 50% of preliminary fee |

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| C. Site Plans. | |
| 1. Minor | \$250.00 |
| 2. Major | |
| a. Conceptual review | 10% of the preliminary fee (to be applied to preliminary fee at time of preliminary submission) |
| b. Preliminary approval | \$1,000.00 plus \$50.00 per acre or part thereof and \$20.00 per 1,000 square foot of building floor area or part thereof; or \$20.00 per dwelling unit |
| c. Final approval | 50% of preliminary fee |
| 3. Application for revised approval of site plan | \$100.00 |
| D. Flood plain review – Residential | \$ 50.00 |
| Nonresidential | \$100.00 |
| E. Conditional use applications. | \$250.00 |
| F. Individual plot plan review. | \$300.00 |
| G. Zone Changes. Applications or requests to consider a change in the zoning ordinance made either to the Planning Board or the Borough Council shall be subject to the payment of a fee of \$250.00 plus an escrow deposit in the amount of \$2,000.00 in accordance with the provisions of Section 21-108 below. | |
| H. Zoning Permits. | |
| 1. Single or two-family residential (new) | \$ 50.00 |
| 2. Other residential | \$100.00/unit |
| 3. Residential renovations | \$ 10.00 |
| 4. Nonresidential (new) | \$100.00 |
| 5. Nonresidential renovations | \$ 25.00 |
| I. Certificate of Continuing Occupancy. | \$ 50.00 |
| J. Smoke detector permit, per N.J.A.C. 5:18. | \$ 35.00 |
| K. Fence Permit. | \$ 15.00 |
| L. Miscellaneous. | |
| 1. Copies of minutes | At per page fee established by |

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| | ordinance |
| 2. Copy of verbatim transcript | At expense of requesting party |
| 3. Copy of decision | No charge to applicant |
| 4. List of property owners within 200 feet | \$10.00 or \$0.25 per name, whichever is greater |
| 5. Court reporter | At expense of requesting party |
| 6. Certificate of Subdivision, Per N.J.S.A. 40:55D-56 | \$ 10.00 |

M. Grading Plans.

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| <u>1. Grading plan review</u> | <u>\$425.00</u> |
| <u>2. Resubmission of grading plan.</u> | <u>\$175.00</u> |

SECTION III. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION IV. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION V. EFFECTIVE DATE. This ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.

Matthew Conlon, RMC
Highlands Borough Clerk