

**EXPLANATION:** This Ordinance amends Article 4 of the Borough of Rocky Hill Development Regulations Ordinance titled “General Provisions” by clarifying application fees and escrows and by amending application fees and escrows for Historic Preservation applications. Further, this Ordinance amends Article 5 of the Borough of Rocky Hill Development Regulations Ordinance titled “Development Review Procedures and Plat Details” by adding subsections providing a time limit for the resubmission of an application deemed deficient or incomplete.

**BOROUGH OF ROCKY HILL**

**ORDINANCE No. 3, 2010**

**AN ORDINANCE AMENDING BOTH ARTICLE 4 OF THE BOROUGH OF ROCKY HILL DEVELOPMENT REGULATIONS ORDINANCE TITLED “GENERAL PROVISIONS,” AND ARTICLE 5 TITLED “DEVELOPMENT REVIEW PROCEDURES AND PLAT DETAILS”**

**BE IT ORDAINED**, by the Council of the Borough of Rocky Hill, in the County of Somerset and State of New Jersey, as follows:

**Section 1.** Section 404(F) “Application Charges and Escrow Deposits” of Article 4 of the Borough of Rocky Hill Development Regulations Ordinance titled “General Provisions,” is hereby amended to read as follows:

**F. Schedule of Application Fees and Escrow Deposits**

	Application Charge	Escrow Deposit
1. Subdivision Plats		
a. Informal Concept Review		
Minor Plats	\$200.00	\$187.50 per lot but not to exceed \$1,000.00
Major Plats	\$300.00	\$250 per lot for first ten lots, but no more than \$187.50 per lot for the remaining lots but not to exceed \$1,000.

		Application Charge	Escrow Deposit
b.	Minor Plat	\$100 per lot	\$750 per lot
c.	Preliminary Major Plat	\$100 per lot	\$1,000 per lot for the first 10 lots, but no more than \$750 per lot for the remaining lots
d.	Final Major Plat	\$50 per lot	\$500 per lot for the first 10 lots, but no more than \$375 per lot for the remaining lots

The application charge for revisions to minor plat and preliminary and final major plats prior to approval shall be one-half the charge for the original submission of such plat.

2. Site Plans

		Application Charge	Escrow Deposit
a.	Informal Concept Review		
	Minor Plans	\$150.00	For residential minor or major plans, \$100 per 1,000 sq. ft. of building gross floor area, but no more than \$1,000; for non-residential minor or major plans, \$187.50 per 1,000 sq. ft. of building gross floor area or \$93.75 per acre whichever is greater, but no more than \$1,000.
	Major Plans	\$300.00	
b.	Minor Plans	\$200.00	Same as preliminary major plan
c.	Preliminary Major Plans		
(a)	Residential	\$250 plus \$15 per unit	\$400 per 1,000 sq. ft. of building gross floor area

	Application Charge	Escrow Deposit
(b) Non-Residential	\$300 plus \$15 per 1,000 sq. ft. of building gross floor area	\$750 per 1,000 sq. ft. of building gross floor area or \$375 per acre, whichever is greater
(c) Non-Residential involving signage only	\$100	\$750
(d) Residential and non-residential other than signage not involving floor area	\$300	\$10 per square foot of site being disturbed

d. Final Plans

One-half of the application charge and escrow deposit computed for the preliminary plan.

3. Preservation Plans

	Application Charge	Escrow Deposit
a. Concept Review	None	None
b. Minor plans and major plans except as set forth in subsection c below	\$25	None
c. Major plans in which a new principal structure or an addition to a principal structure exceeding 50% of the floor area of such principal structure is proposed or for which a determination is made in the manner set forth in section 507A1 that the proposed improvement works a major visual change in the appearance of a structure	\$75	\$400

		Application Charge	Escrow Deposit
4.	Other Submissions		
a.	Appeals under <u>N.J.S.A. 40:55D-70a</u>	\$75	\$750
b.	Interpretation or special questions under <u>N.J.S.A. 40:55D-70</u>	\$75	\$750
c.	Hardship variances under <u>N.J.S.A. 40:55D-70c</u>	\$75	\$1,000
d.	Special reason variances under <u>N.J.S.A. 40:55D-70d</u>	\$250	\$1,500
e.	Permits under <u>N.J.S.A. 40:55D-34 and 35</u>	\$125	\$350
f.	Conditional uses other than home occupations under <u>N.J.S.A. 44:55D-67</u>	\$200	\$1,000
g.	Conditional uses for home occupations under <u>N.J.S.A. 44:55D-67</u>	same as for final approval, except that the amount shall be \$100 if the Planning Board determines that the proposed modification is minor	same as final approval except that the amount shall be \$500 if the Planning Board determines that the proposed modification is minor
i.	Informal concept review for variances	\$50	None
5.	Appeal to Borough Council	\$75	None

		Application Charge	Escrow Deposit
6.	Property owner's list	\$10 or \$0.25 per listing, whichever is greater	None
7.	Certification of lawful nonconformity	\$50	\$200
8.	Extension of vesting Period	\$100	\$600
9.	Master plan or zoning change	\$300	\$3,000
10.	General development plans	\$500	\$20,000
11.	Maintenance guarantee application	10% of the maintenance guarantee or \$500, whichever is greater	None
12.	Meeting minutes and agendas. Single meeting minutes Minutes subscription Agendas	Applicable fees set by State statutes Applicable fees set by State statutes Applicable fees set by State statutes	
13.	Performance guarantee, inspection fees and maintenance guarantees are as outlined in the Section entitled "Guarantees and Inspections" in Article 4.		

**Section 2.** Section 502.1 “Submission of Sketch Plat for Minor Subdivision or Minor Site Plans; Action Thereon” of Article 5 is hereby amended to add a subsection C as follows:

**C. Action by the Applicant**

If an application is deemed incomplete by the approving authority as provided in subsection B(1) above, the applicant has forty-five days after the date of such incompleteness notification to correct the specified deficiencies to make the application complete. If the approving authority has not received the materials required to cure the deficiencies needed to make the application complete within 45 days of the date of incompleteness notification, said application shall be deemed withdrawn without prejudice. The approving authority will memorialize its determination that the application is deemed withdrawn without prejudice by resolution and forward a copy of such resolution to the applicant by certified mail.

**Section 3.** Section 503 “Submission of Preliminary Plats for Major Subdivision and Site plans; Action Thereon” of Article 5 is hereby amended to add a subsection C as follows:

**C. Action by the Applicant**

If an application is deemed incomplete by the approving authority as provided in subsection B(1) above, the applicant has forty-five days after the date of such incompleteness notification to correct the specified deficiencies to make the application complete. If the approving authority has not received the materials required to cure the deficiencies needed to make the application complete within 45 days of the date of incompleteness notification, said application shall be deemed withdrawn without prejudice. The approving authority will memorialize its determination that the application is deemed withdrawn without prejudice by resolution and forward a copy of such resolution to the applicant by certified mail.

**Section 4. Severability.**

Should any provision of this Ordinance be determined invalid by a court or administrative tribunal of competent jurisdiction, such determination shall not affect the remaining provisions.

**Section 5. Effective Date**

This Ordinance shall take effect in accordance with law.

ATTEST:

BOROUGH OF ROCKY HILL

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By: \_\_\_\_\_

Rebecca P. Newman,  
Acting Borough Clerk

Edward P. Zimmerman, Mayor

Introduced: June 21, 2010

Public Hearing: July 19, 2010

Final Adoption: July 19, 2010

Revision: June 14, 2010