

ORDINANCE 2018 - 33

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 55-351 OF THE TOWNSHIP LAND USE CODE, MANDATORY DEVELOPMENT FEES – NON-RESIDENTIAL

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, (hereinafter referred to as the “Township”) wishes to amend and supplement Section 55-351 of the Township Code; and

WHEREAS, the amendment to this Section will ensure the Township’s compliance with prevailing statutory requirements for development fees for affordable housing.

BE IT ORDAINED BY the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that Section 55-351B(2) of the Township Code is hereby amended and supplemented to read as follows:

SECTION 1.

Section 55-351B(2). Non-residential development fee – Amount:

All non-residential developers requiring one of the following approvals, except for developers of the types of development specifically exempted within this Section, Major Site Plan approval, shall pay a mandatory development fee equal to two point five percent (2.5%) of the total equalized assessed valuation of the non-residential development, ~~provided however, no development fee shall be required where the total equalized assessed value of the development is less than fifteen thousand (\$15,000.00) dollars as established by the Tax Assessor. This mandatory fee shall be calculated as follows: 2.5% x total equalized assessed valuation.~~

Insert new:

- (a) All new non-residential construction on an unimproved lot or lots. This mandatory fee shall be calculated as follows: 2.5% x total equalized assessed value of the land and improvements.
- (b) Any addition(s) to existing structures to be used for non-residential purposes. This mandatory fee shall be calculated as follows: 2.5% x the increase in total equalized assessed value resulting from the addition(s).
- (c) Demolition and replacement of any structure with a structure to be used for non-residential purposes. This mandatory fee shall be calculated as follows: 2.5% x the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved land and improvements. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

SECTION 2. Repealer.

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. Inconsistent Ordinances.

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4. Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. Effective Date.

This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of Barnegat Township, County of Ocean, State of New Jersey on **October 2, 2018 at 6:30 p.m.**, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **November 13, 2018 at 10:00 a.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

**Michele Rivers, RMC
Municipal Clerk**

CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance was finally adopted after Public Hearing at a regular meeting to the Township Committee held on the 13th day of November, 2018, in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ.

Michele Rivers, RMC
Municipal Clerk