

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 544-2024

ORDINANCE AMENDING CHAPTER 211 OF THE CODE OF THE CITY OF CAPE MAY REGARDING DEVELOPMENT FEES

WHEREAS, Section 211 of the City of Cape May Municipal Code provides for various types of fees for development applications; and

WHEREAS, the City Manager has recommended amending the code to update the fees; and

WHEREAS, after consideration of the City Manager’s recommendation, the City Council deems it in the City’s best interests of the City to amend the City Code as set forth herein.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Cape May in the County of Cape May and State of New Jersey as follows:

SECTION 1. Section 211 of the Code of the City of Cape May is hereby amended as follows with ~~strikethrough~~ portions indicating deleted language and **bold/underlined** portions indicating new language:

§ 211-1 **Application fees; escrow fees.**

Every developer shall, at the time of filing application, prior to any scheduled public hearing or filing for final approval, pay a nonrefundable application fee and an escrow fee to the City of Cape May by cash, certified check or bank draft in accordance with the following fee schedule. The fee to be paid shall be the sum of the fees for the component elements of the plat or plan. Proposals requiring a combination of approvals, such as subdivision, site plan, and/or variance, shall pay a fee equal to the sum of the fees for each element.

	<b>Application Fee</b>	<b>Escrow Fee</b>
Each informal review	<del>\$100</del> <b><u>\$550</u></b>	<del>-\$150</del> <b><u>\$1,000</u></b>
Major subdivision		
Preliminary plat	<del>\$325</del> <b><u>\$750</u></b>	\$500 per lot
Final plat	<del>\$100</del> <b><u>\$500</u></b>	\$500 plus 5% of estimated cost of site improvements
Minor subdivision (No more than three lots)	<del>\$125</del> <b><u>\$500</u></b>	<del>\$500 per lot</del> <b><u>\$1,000</u></b>
Site plans		

	<b>Application Fee</b>	<b>Escrow Fee</b>
Preliminary	<del>\$325</del> <b><u>\$600</u></b>	\$500 plus 2% of estimated cost of construction <b><u>\$1,500</u></b>
Final	<del>\$325</del> <b><u>\$500</u></b>	\$500 plus 2% of estimated cost of construction <b><u>\$1,500</u></b>
Historic District review		
HPC Committee Review	<del>\$75</del> <b><u>\$100</u></b>	\$100 to \$500 at discretion of construction office
Full HPC review of all applications other than demolition	<del>\$300</del> <b><u>\$500</u></b>	\$100 to \$2,500 at discretion of the full Historic Preservation Commission
HPC review of application for demolition of a noncontributing property	<del>\$300</del> <b><u>\$500</u></b>	\$100 to \$2,500 at discretion of the full Historic Preservation Commission
HPC review of application for demolition of a key or contributing property	<del>\$300</del> <b><u>\$750</u></b>	\$100 to \$3,500 at discretion of the full Historic Preservation Commission
Variances		
Appeals (N.J.S.A. 40:55D-70a)	<del>\$125</del> <b><u>\$500</u></b>	<del>\$500</del> <b><u>\$1,000</u></b>
Interpretation (N.J.S.A. 40:55D-70b)	<del>\$125</del> <b><u>\$500</u></b>	<del>\$500</del> <b><u>\$1,000</u></b>
Hardship [N.J.S.A. 40:55D-70c(1) and (2)]	<del>\$250 plus \$100 per each additional section number sought</del> <b><u>\$500</u></b>	<del>\$500</del> <b><u>\$1,000</u></b>
Use (N.J.S.A. 40:55D-70d)	<del>\$250</del> <b><u>\$500</u></b> plus \$100 per each additional section number sought	<del>\$500</del> <b><u>\$2,000</u></b>
Permit (N.J.S.A. 40:55D-34 and 40:55D-35)	<del>\$250</del> <b><u>\$500</u></b>	<del>\$500</del> <b><u>\$1,000</u></b>
Waiver of site plan	<del>\$250</del> <b><u>\$500</u></b>	<del>\$500</del> <b><u>\$1,000</u></b>
Temporary seasonal parking permit		
First review of survey and parking plan	<del>\$100</del> <b><u>\$250</u></b>	Waived
Renewal of unchanged prior approval	Waived	Waived



§ 211-2 ~~[Reserved] Administrative fee.~~

~~All applications and escrow fees pursuant to the schedule listed above shall be submitted at the time of filing application. This money is intended to cover all necessary and reasonable costs incurred by the City for the Planning Board, Zoning Board of Adjustment or Historic Preservation Commission to review and make recommendations on applications. These costs include, but are not limited to, professional fees and the cost of technical staff, and advertising, postage and copying expenses. An additional administrative fee of 7% will be assessed on the total actual cost of each application to cover the usage of City buildings, office space, and equipment, utilities, accounting and related support staff costs. The professional and technical staff includes, but is not limited to, the following: Board Attorneys, City Engineer, City Planner, applicable review staff or other professionals as may be required, on specific applications. The fee for the services of the technical and professional staff shall be determined by resolution of the Planning Board, Zoning Board of Adjustment, or City, as appropriate.~~

§ 211-3 **Escrow accounts.**

- A. Additional escrow fees. The amount specified for escrow deposits are estimates; additional escrow fees may be necessary in particular applications. If more than the amount specified for escrow is required to pay the reasonable costs incurred, the applicant, prior to being permitted to proceed with the approval procedure or prior to obtaining certificates of occupancy for any portion of the application project, shall pay all additional required sums.
- B. Excess funds. Escrow fees shall be controlled by the City Treasurer. In the event that the escrow deposit is more than required to pay necessary and reasonable costs of the technical and professional staff, the excess funds shall be returned to the applicant upon written request by the applicant.
- C. Deposit procedures.
  - (1) Whenever an escrow amount is required in excess of \$5,000, it shall be deposited by the applicant with the City for the purposes set forth above, and until repaid or applied for the purpose for which it was deposited (including applicant's portion of the interest earned thereon except as otherwise herein provided), shall continue to be the property of the applicant and shall be held in trust by the City. Money deposited shall be held in escrow. The City shall deposit such monies in a banking institution or savings and loan association in the State of New Jersey insured by an agency of the federal government, or in any other fund or depository approved for such deposits approved by the State of New Jersey, in an interest-bearing account at the minimum rate currently paid by the institution or depository on time or savings deposits. The City shall notify the applicant, in writing, of the name and address of the institution depository in which the deposit is made and the amount of the deposit. The City shall not be required to refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the amount of interest exceeds \$100 per year, that amount shall belong to the applicant and shall be refunded to him by the City annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except that the City may retain, for administrative expenses, a sum equal to 33 1/3% of the entire amount, which shall be in lieu of all other administrative and custodial expenses.
  - (2) Whenever an escrow amount is required in the amount of \$5,000 or less, the escrow sum shall



be deposited by the City in an interest-bearing account. Developer shall be entitled to the annual interest accruing on such account less an administrative handling fee payable to the City as follows:

- (a) If the amount of interest on the account does not exceed \$100, the City shall retain all such interest accruing.
- (b) If the amount of interest on the account exceeds \$100, the City shall retain \$100.
- (3) Alternatively, the developer may sign a written interest waiver, in which case the City shall retain, as its administrative handling fee, all interest accruing on the account.

**§ 211-4 Professional review fees.**

When any development proposal given preliminary approval by the Planning Board requires the review of a master deed, a certificate of incorporation and bylaws of any homeowners' association, the form of unit deed to be utilized and all relevant documents required by the Condominium Law or other applicable law and regulations and easements and dedications, the applicant shall pay a fee at the current rate per hour for the City Attorney for such review prior to any scheduled public hearing for the applicant filing for final approval.

**§ 211-5 Inspection fees.**

- A. Site improvements. When any development proposal approved by the Planning Board, Zoning Board or Historic Preservation Commission includes the construction of site improvements, the developer, owner or applicant shall pay to the City, prior to the issuance of any development permit or the start of construction, an inspection escrow fee equal to 5% of the estimated cost of the site improvement, to be deposited in a construction inspection escrow account. The estimate shall be approved by the Planning Board Engineer. City inspection costs will be paid from escrow funds. Certificates of occupancy or acceptance of improvements shall not be issued until the developer's engineer certifies, in writing, to the correctness and accuracy of all site improvements.
- B. Major subdivisions and site plans. Inspection fees required by Subsection A involving major subdivisions and site plans shall be paid prior to any scheduled public hearings, the issuance of a development permit or signing of a final plat. Such fees shall be paid for the lots in the section or sections for which final approval has been granted or in which the developer proposes to install improvement prior to final approval. The inspection fee shall be equal to 5% of the Engineer's proposed construction estimates for the improvements, and be deposited in a construction inspection escrow account.

**§ 211-6 Resubmission of incomplete or revised plans.**

When development plans are classified as incomplete by the Planning Board or Zoning Board Review Committee, the applicant shall pay an additional application fee of ~~\$200~~ **\$350** and escrow fee of ~~\$250~~ **\$575** when resubmitting revised plans. This fee shall be charged upon each resubmission.

- A. When development plans are resubmitted to satisfy comments of board professionals that have been deemed complete by the Planning Board or Zoning Board Review Committee, the applicant shall pay an application fee of \$100 and the review fees of board professionals.

B. No additional application fees shall be required where revisions in a plat are submitted to satisfy a condition of approval stipulated by the Board action as per resolution, no additional fees shall be required.

**§ 211-7 Fee for reapproval or extensions.**

The fee for any request for reapproval or extension of time shall be ~~\$225~~ **\$250** plus ~~\$500~~ **\$1,000** escrow. For HPC review of a request for reapproval or extension, the fee will be the same as the fee for a new application, and there will be no escrow.

**SECTION 2.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

**SECTION 3.** Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**SECTION 4.** This Ordinance shall become effective 20 days after final passage and publication, according to law.

ATTEST:

CITY OF CAPE MAY, a municipal corporation of the State of New Jersey



Erin C. Burke, City Clerk

BY: 

Zachary M. Mullock, Mayor

**NOTICE**

Ordinance 544-2024 was introduced at a Work Session meeting of the City Council of the City of Cape May, held on September 3, 2024 and was further considered for final passage during a Work Session meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on October 1, 2024 at 5:00 P.M. at which time a Public Hearing was held.



Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Yeager	X					
Meier	X					
McDade	X				X	
Baldwin	X					X
Mullock	X					

Introduced:	September 3, 2024
1 <sup>st</sup> Publication:	September 11, 2024
2 <sup>nd</sup> Reading & Adoption:	October 1, 2024
Final Publication:	October 9, 2024
Effective Date:	October 29, 2024