

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON**

ORDINANCE NO. 2021-09

**AN ORDINANCE AMENDING CHAPTER 230 - "HIGHLANDS," CHAPTER 330 –
"SUBDIVISION OF LAND," CHAPTER 400 – "ZONING," AND CHAPTER 45 – "LAND
USE PROCEDURES," OF MUNICIPAL CODE OF THE TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY**

WHEREAS, the Township of Lebanon is desirous to update and revise its Municipal Code pertaining to Chapter 230 – Highlands, Chapter 330 – Subdivision of Land, Chapter 400 – Zoning, and Chapter 45 – Land Use Procedures.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Lebanon, in the County of Hunterdon, that the Municipal Code of the Township of Lebanon pertaining to Chapter 230 – Highlands, is hereby amended to include the Checklist for Determining Completeness of Application Submitted Under Chapter 230 attached hereto as Exhibit A;

BE IT FURTHER ORDAINED, that the Municipal Code of the Township of Lebanon pertaining to Chapter 330 – Subdivision of Land, is hereby amended as follows:

§230-9.3.14 Application fee and escrow requirements.

The application fee and escrow requirements of this subsection shall apply in addition to all existing fee and escrow requirements, including procedural and legal requirements, as set forth in the underlying municipal land use ordinances. App application fees and escrows shall be managed and dispensed as prescribed under all applicable state and local requirements, including, but not limited to, those of the MLUL and the Uniform Construction Code.

A. Highlands Resource review. The fee and escrow requirements herein shall apply to applications for Highlands Resource permits, and to zoning permit and building/construction permit applications for which Highlands Resource review is required as a prior approval pursuant to **§230-9.1**

1) Highlands Resource review fees.

a) Applications involving determinations regarding permitted/prohibited uses, carbonate rock Phase I investigation, water use and conservation, wellhead protection, prime groundwater recharge, low-impact development, or any combination of these: \$25

b) Applications involving determinations regarding any one or combination of the following: density or intensity of development standards, forest resources, steep slopes, carbonate rock Phase II investigation, water deficit mitigation or

stormwater management (including stormwater low-impact development): \$25

- c) Applications involving determinations regarding any combination of items listed in both Subsection A.(1)(a) and (b), above, shall be subject to the application fee listed at Subsection A.(1)(b).

2) Escrow deposit requirements.

- a) Applications requiring compliance determinations pursuant to any Highlands Resource component listed in the following table shall be accompanied by the escrow deposits therein indicated. Where an application involves more than one of the listed application compliance components, escrow deposits shall be cumulative.

Application Compliance Component	Escrow Deposit
Density or Intensity Standards	\$250
Forest Resources	\$250
Steep Slopes	\$250
Carbonate Rock, Phase II Investigation	\$1,500
Water Deficit Mitigation	\$1,000

Application Compliance Component	Escrow Deposit
Stormwater Management and Stormwater LID	\$500
Conservation/Deed Restrictions	\$250
Operations and Contingency Plans	\$250

- b) Escrow deposits shall be used by the municipality to cover the costs of professional reviews associated with the respective Highlands Resource components. Where any escrow account is depleted to an amount equaling 25% or less of the original deposit amount, the status and progress of the application shall be reviewed by the applicable municipal official(s), and the professional responsible for Highlands Resource review shall determine whether account replenishment is necessary, and if so, by what amount. On notice from the municipality of any such replenishment requirement, the applicant shall provide the additional escrow accordingly and within such timeframes as therein stated.

B. Applications for development. All fee and escrow requirements pertaining to applications for development shall remain as set forth in the underlying municipal land use ordinances, with the adjustments provided herein as a supplemental requirement, applicable in the case of any application for which the reviewing Board requires professional assistance in making findings of compliance pursuant to **§230.9.1**.

- 1) The required escrow deposit for applications involving determinations regarding any one or more of the following resource components shall be calculated by

multiplying the existing escrow deposit requirement by 1.25: carbonate rock Phase I investigation, water use and conservation, wellhead protection, prime groundwater recharge, low-impact development.

- 2) The required escrow deposit for applications involving determinations as to any of the following resource components shall be calculated by multiplying the existing escrow deposit requirement by 0.25 for each applicable item, and adding each to the existing escrow deposit amount: density or intensity of development standards, forest resources, steep slopes, carbonate rock Phase II investigation, water deficit mitigation, or stormwater management (including stormwater low-impact development).
- 3) The required escrow deposit for any application involving determinations listed at both Subsection **B.(1)** and (2) above, shall be calculated by multiplying the existing escrow deposit requirement by 0.25 and adding the result to the amount determined under Subsection **B.(2)**.

BE IT FURTHER ORDAINED, that the Municipal Code of the Township of Lebanon pertaining to Chapters 45, 330 and 400 – Land Development, is hereby amended to include the Application Checklist attached hereto as Exhibit B

BE IT FURTHER ORDAINED that this amendment shall be effective upon the date of adoption.

TOWNSHIP OF LEBANON

Mike Schmidt, Mayor

ATTEST:

Karen J. Sandorse, RMC/CMC/CMR
Township Clerk

Date of Introduction and First Reading: July 7, 2021

Date of Second Reading and final adoption: August 18, 2021

I certify that the foregoing Ordinance is a true and accurate copy of an Ordinance adopted by the Lebanon Township Committee on August 18, 2021.

Karen J. Sandorse, RMC/CMC/CMR
Township Clerk

