

Mayor Nolan offered the following Ordinance pass final reading and adoption and authorized its publication according to law:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
ORDINANCE NO. O-13-30**

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY,
AMENDING CHAPTER 21 ZONING AND LAND USE REGULATIONS, OF THE
GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS CONCERNING THE
REPAIR AND/OR RESTORATION OF DAMAGED NONCONFORMING
STRUCTURES**

WHEREAS, the Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq. delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, the Borough wishes to amend Code Section 21-98 to provide that a totally damaged nonconforming use or structure may only be rebuilt as a conforming use in accordance with the applicable zoning standards; and

WHEREAS, the Borough wishes to amend Code Section 21-98 to permit the repair and rehabilitation of partially damaged nonconforming structures and uses so long as they are repaired or rehabilitated to the same size and on the same footprint as they were before they were damaged; and

WHEREAS, the Governing Body have determined that it is in the best interests of the residents of the Borough to amend Code Section 21-98 to provide for the within changes.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

Section 1. Chapter 21, Part 4, Article XX, Section 98, Subsection C “Nonconforming Uses, Structures and Lots” shall be amended to provide as follows:

C. Restoration. If a nonconforming use or structure is deemed to be one-hundred percent (100%) destroyed (damages equal to or greater than the full equalized value of the structure) by any cause whatsoever, it shall only be reestablished so as to conform to all zoning standards in the zone in which it is located. A nonconforming use or structure, which has been partially destroyed, such that it is deemed to be less than one-hundred percent (100%) destroyed (damages less than the full equalized value of the structure) by any cause whatsoever, may only be repaired or rehabilitated to the same size on the same foot print, provided however, that the structure may be modified to conform with the requirements of Part 7, Flood Regulations.

Section 2. 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 3. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Seconded by Mr. Redmond and adopted on the following roll call vote;

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

DATE: December 4, 2013

Carolyn Cummins, Borough Clerk

Introduction: October 24, 2013

Publication: October 27, 2013, Asbury Park Press

Change P.H.: November 6, 2013

P.H./Adoption:

Publication

I hereby certify this to be a true copy of Ordinance O-13-30 adopted by the Governing Body of the Borough of Highlands on December 4, 2013.

Borough Clerk/Deputy Clerk