

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH  
ORDINANCE NO. O-14-3**

**AN ORDINANCE AMENDING § 21-98 OF THE BOROUGH CODE REPEALING § 21-98(F)(1)(B) TO ELIMINATE THE REQUIREMENT FOR NON-CONFORMING LOTS THAT THE LOT AREA IS NOT LESS THAN SEVENTY PERCENT (70%) OF THE REQUIRED LOT SIZE AND RE-LETTERING THAT SUBSECTION AS APPROPRIATE**

**WHEREAS**, N.J.S.A. 40:48-1, et seq. authorizes local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

**WHEREAS**, the changes contained in this ordinance have been recommended by the Zoning Officer and Borough Engineer; 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; and

**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:

**NOTE:** All additions are shown in **bold italics with underlines**. The deletions are shown as ~~**strikeovers in bold italics**~~. Sections of Chapter 21 that will remain unchanged are shown in normal type.

**Section 1.** Chapter 21, Section 98, Subsection F(1) “Nonconforming Lots in a Residential Zone” shall be amended as follows:

- (a) The proposed use will be a new single family dwelling or the enlargement of an existing single-or two-family use. A single family dwelling shall not be converted to a two-family dwelling.
- ~~(b) **The lot area is not less than seventy (70%) percent of the required lot size.**~~
- (c) There is no available vacant land abutting the lot.
- (d) The lot either provides off-street parking or the proposed enlargement includes the provision of off-street parking.
- (e) The building and lot coverage will not be exceeded.

- (f) For lots which do not meet the lot width requirements, the side yards may be reduced in the same proportion as the reduced width bears to the required width, but in no case shall the proposed side yards be less than one-half of the required side yards.
- (g) For lots which do not meet the lot depth requirement, the front and rear yards may be reduced in the same proportion as the reduced lot depth to the required lot depth, but in no case shall the proposed front yard be less than the smallest front yard allowed under § 21-79B nor the proposed rear yard be less than eighty (80%) percent of the required rear yard for the zone.

**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. Francy 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:** March 19, 2014

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Carolyn Cummins, Borough Clerk

**Introduction:** January 15, 2014

**Publication:** January 29, 2014, Asbury Park Press

**P.H./Adoption:** Carried to March 19, 2014 Meeting

**Publication;** February 28, 2014, Two River Times

**P.H./Adoption:** March 19, 2014

**Publication:** March 28, 2014, Two River Times

I hereby certify this to be a true copy of Ordinance O-14-3 adopted by the Governing Body of the Borough of Highlands on March 19, 2014.

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Borough Clerk/Deputy Clerk