

Mayor Nolan offered the following Ordinance and moved on its final reading and adoption.:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
ORDINANCE NO. O-14-18**

**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 AN ADDITION TO AN EXISTING
NONCONFORMING BUILDING**

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 remove the requirement that “any vertical addition [to an existing nonconforming building] may not exceed eighty (80%) percent of the original building footprint”; 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:

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, Part 4, Article XX, Section 98, Subsection A “Continuance” shall be amended to provide as follows:

A. Continuance. Except as otherwise provided herein, nonconforming uses or structures which lawfully existed at the time of passage of this chapter may be continued even though such uses or structures do not comply with the regulations of this chapter; provided, however, that:

1. A nonconforming use shall not be expanded or changed to another nonconforming use.
2. Any addition to an existing nonconforming building may be constructed to continue the existing building setback, but shall not be permitted to encroach further into the

required setback than the existing structure. ~~Furthermore, any vertical addition may not exceed eighty (80%) percent of the original building footprint.~~

3. Abandonment. A nonconforming use that has been abandoned shall not thereafter be reinstated. A nonconforming use shall be adjudged to have been abandoned:

- a. When it is changed to a conforming use.
- b. In cases where such nonconforming use is a building or structure designed for such use, when it has been voluntarily discontinued for a period of twenty-four (24) consecutive months.
- c. In cases where such nonconforming use is of a building or structure not designed for such use or is of a lot or land whereon there is no consequential building or structure devoted to such use, when it has been voluntarily discontinued for a period of twelve (12) consecutive months.

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 Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYE: Card, Kane, Redmond, Ryan, Nolan

NAY: None

ABSENT: Kane

ABSTAIN: None

DATE: September 17, 2014

Borough Clerk/Deputy Clerk