



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-076

RESOLUTION SETTING FORTH REASONS FOR ADOPTING ORDINANCE NUMBER O-19-01 NOTWITHSTANDING THE LAND USE BOARD'S CONSISTENCY REPORT

WHEREAS, the Borough of Highlands adopted on first reading Ordinance O-19-01 ("the Ordinance") which prohibits retail or wholesale establishments, businesses, persons or entities from selling or offering to sell marijuana or marijuana products, for medicinal or recreational use, or paraphernalia that facilitates the use of marijuana and to further prohibit the growing, cultivation or harvesting of any type of marijuana plant within the Borough; and

WHEREAS, Ordinance O-19-01 also updated an outdated reference to the B-1 and B-2 Zones and addressed inconsistent and unnecessary prohibitions on pool halls, arcades and the keeping of rabbits; and

WHEREAS, the Ordinance was referred to the Borough of Highlands Land Use Board pursuant to N.J.S.A. 40:55D-26(a) for a Consistency Report; and

WHEREAS, the Land Use Board issued a Consistency Report, dated February 7, 2019 and found that the proposed development regulation, revision or amendment is consistent with the Borough's Master Plan; and

WHEREAS, in accordance with the aforesaid Consistency Report that was issued by the Land Use Board, the Board made the following recommendations:

- Remove strikeout of the uses contained in the last three sentences of Section 21-74 PROHIBITED USES "In addition the following uses are prohibited in the B-1 and B-2 zones: pawn shops, tattoo parlors, checkcashing shops, automotive transmission, automobile body shops, heavy duty machine shops and new or used automobile sales are also prohibited."
- Allow strikeout of arcades and pool halls to become permitted uses.
- Allow rabbits to be permitted; and

WHEREAS, the governing body of the Borough of Highlands in considering the adoption of Ordinance O-19-01, reviewed the report of the Land Use Board, dated

February 7, 2019, and disapproves of the said report and rejects the recommendations contained therein.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough Highlands that it is of the opinion that Ordinance O-19-01 should be adopted, insofar as the Consistency Report fails to acknowledge that the strikeout of the uses that are contained in the last three sentences of Section 21-74 are due to the fact that the said section contains an outdated reference to the B-1 and B-2 zones, which have since been replaced by the CBD Zone as set forth in Borough Ordinances O-18-01 and O-18-06.

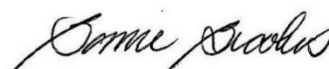
BE IT FURTHER RESOLVED, by the Council of the Borough of Highlands that it is of the opinion that Ordinance O-19-01 should be adopted, insofar as the Consistency Report while agreeing with the strikeout of arcades, pool halls and the keeping of rabbits from the list of prohibited uses, sets forth that the same should be permitted uses, however Chapter 21-74 of the Borough Code only pertains to prohibited uses, as permitted uses are set forth in the individual zones as contained in the Borough's Zoning and Land Use Regulations.

BE IT FURTHER RESOLVED, that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to the Monmouth County Planning Board when filing a copy of Ordinance No. O-19-01.

Motion to Approve Resolution 19-076:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
MAZZOLA			X			
RYAN	X		X			
O'NEIL		X	X			

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held February 20, 2019. WITNESS my hand this 26th day of February 2019.



Bonnie Brookes, RMC
Municipal Clerk