

Mayor Nolan offered the following Resolution and moved on its adoption:

R-12-152

Resolution of the Mayor and Council of the Borough of Highlands pursuant to N.J.S.A. 40:55D-25 rejecting the determination of the Planning Board concerning Ordinance O-12-09

Whereas, on March 7, 2012, the Mayor and Council (hereinafter referred to as the "Borough") approved for introduction Ordinance O-12-09 concerning changes to the land use and zoning code of the Borough related to the (MH) Mobile Home Residence District and referred O-12-09 to the Highlands Planning Board as required by law; and

Whereas, by Resolution dated March 8, 2012, the Highlands Planning Board ("Board") determined that O-12-09 was inconsistent with the Land Use and other elements of the Highlands Borough Master Plan (hereinafter referred to as "Master Plan") and recommended several changes to O-12-09; and

Whereas, on March 21, 2012, the Borough introduced revised Ordinance O-12-09 which incorporated in total the recommendations of the Board which were memorialized in its March 8, 2012 resolution and referred

Whereas, on April 4, 2012, the Borough introduced a second revised O-12-09 which incorporated a change requested by a member of the public during public comment concerning relocation rights; and

Whereas, by Resolution dated April 12, 2012, the Board found the second revised ordinance to be partially consistent with the Master Plan and recommended changes to the Ordinance;

Whereas, on May 2, 2012, the Borough introduced a third revised O-12-09 which incorporated in total the recommendations of the Board memorialized in its April 12, 2012 resolution; and

Whereas by Resolution dated May 10, 2012, the Board determined that the third revision of O-12-09 was partially inconsistent with the Master Plan and recommended that the word "mid-size" set forth on Page 3, in section (5)(k) be replaced with the word "mid-rise;" and

Whereas, the Board did not identify any other inconsistency between the Master Plan and O-12-09; and

Whereas, the Borough Engineer has reviewed this matter and has advised the Borough that the term mid-rise is substantially similar to the word mid-size and that, in preparing the ordinance, the word "mid-size" was inadvertently used instead of "mid-rise;"

Whereas, the Borough finds that this recommendation is not substantial because use of the word "mid-size" is substantially similar to the word "mid-rise;" and

Whereas, the Borough shall amend the third revision of O-12-09 to replace the word “mid-size” with the term “mid-rise;” and

Whereas, notwithstanding the findings of the Board, the governing body determines that the proposed amendments constitute acceptable additional uses in the subject zone and implementation of the amendments will further the best interests and long-term economic interests of the Borough; and

Whereas, the proposed amendments shall provide property owners with flexibility in the use of their property and permit the area to evolve into uses consistent with the uses in the surrounding areas.

Now, therefore, be it Resolved by the governing body of the Borough of Highlands as follows:

(1) Section 1 of Ordinance O-12-09, amending Borough Code Section 21-89(A)(5)(k), shall be amended to change the word “mid-size” to “mid-rise;” and

(2) To the extent O-12-09 is inconsistent with the Master Plan, the Borough determines that it is in its best interest to permit mid-rise, multi-family residences, townhomes and single family detached dwellings in the affected zone. The Borough finds that the expansion of the number of residential uses will result in increased residential/neighborhood stability and enable a long-term economic benefit to the Borough by providing landowners with additional available acceptable uses for their property which shall permit the zone to evolve into uses that are more consistent with surrounding land use patterns.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O’Neil

ABSTAIN: None

DATE: June 20, 2012

CAROLYN CUMMINS, BOROUGH CLERK

I hereby certify this to be a true copy of Resolution R-12-153 adopted by the Governing Body of the Borough of Highlands on June 20, 2012.

BOROUGH CLERK/DEPUTY CLERK