

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
ORDINANCE NO. O-13-18**

**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
SETBACK REQUIREMENTS FOR HOUSE LIFTING AS A RESULT OF HURRICAN
SANDY**

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, by Ordinance O-13-02, the Borough amended the definition of “Variance” to assist residents in rebuilding homes damaged by Hurricane Sandy, which provided for three-foot setbacks from any property line; and

WHEREAS, the Zoning Officer has recommended that the Borough limit the setback requirements to side and rear property lines.

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 1, Article II, Section 8, “Definitions” shall be amended to add the Following (bold/underscore is new section):

VARIANCE — A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this Chapter. Applications for relief from the requirements of this Chapter shall not be required for repair or reconstruction of a building, including nonconforming buildings, provided that building was damaged between October 29, 2012 and October 31, 2012, and the reconstruction and/or repair arises out of the damage occurring between October 29, 2012 and October 31, 2012. A nonconforming building may only be repaired or rehabilitated to the same size on the same footprint, provided however, that the structure may be modified to conform with the requirements of Part 7, Flood Regulations. Notwithstanding the foregoing, ingress and egress stairs, ramps and landings shall provide a three (3) foot setback from any **side or rear** property line.

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:

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

NAYES: None

ABSENT: None

ABSTAIN: None

DATE: September 18, 2013

CAROLYN CUMMINS, BOROUGH CLERK

I hereby certify this to be a true copy of Ordinance O-13-18 adopted by the Governing Body of the Borough of Highlands on September 18, 2013.

Borough Clerk/Deputy Clerk