

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-13-02

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING CHAPTER 21 ZONING AND
LAND USE REGULATIONS, OF THE GENERAL ORDINANCES OF
THE BOROUGH OF HIGHLANDS**

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 of Highlands wishes to waive the requirement that an applicant must obtain a variance for height and setback requirements from the Zoning Board of Adjustment and Planning Board for repairing, restoring or elevating of a building which was damaged between October 29, 2012 and October 31, 2012;

WHEREAS, the Borough of Highlands finds that it is in its best interest to amend and supplement Chapter 21 of the General Ordinances of the Borough of Highlands, entitled "Zoning and Land Use Regulations" to include the provision that no variance is required for setback or height requirements for repairing and elevating an existing building which was damaged between October 29, 2012 and October 31, 2012.

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:

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 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: **April 17, 2013**

CAROLYN CUMMINS, BOROUGH CLERK