

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**ORDINANCE O-16-4**

**AN ORDINANCE AMENDING SECTION 21-55 OF THE BOROUGH CODE TO ELIMINATE THE REQUIREMENT FOR SITE PLAN APPROVAL IF A BUILDING ADDITION DOES NOT REDUCE OFF-STREET PARKING, DOES NOT REQUIRE A VARIANCE NOR RESULT IN A VIOLATION OF THE BOROUGH'S CURRENT LAND USE ORDINANCES.**

**WHEREAS**, N.J.S.A. 40:48-1, et seq. authorizes local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

**WHEREAS**, the changes contained in this ordinance have been recommended by the Zoning Officer and Borough Engineer; and

**WHEREAS**, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Code Section 21-124.5 to provide for the within changes; and

**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, Section 55, "Filing Procedures" (Paragraph 1, Line 6) shall be amended as follows:

**21-55 FILING PROCEDURES.**

An application for development shall be submitted (1) prior to the subdivision or resubdivision of land or (2) prior to the issuance of a building permit or certificate of occupancy for any development for which site plan approval is required. Application for subdivision or site plan, as the case may be, shall be submitted to and approved by the Planning Board in accordance with the requirements of this chapter. Site plan approval shall be required for any new building, any addition to an existing building *that reduces or requires additional off-street parking, adversely impacts drainage on surrounding properties, requires a variance and/or is otherwise inconsistent with the*

**Borough's Land Use ordinances,** any change in use of an existing building, any off-street parking area or alteration of said parking area or any other site improvement. Application for seasonal uses may either be included in a site plan application for the year-round use or be subject to an annual review for a temporary use permit. Application for detached one- or two-family dwelling unit buildings shall be exempt from site plan review and approval. For any application **requiring site plan approval** involving less than a ten (10%) percent increase in floor area and/or five (5) new parking spaces, the Planning Board may permit the submission of a minor site plan containing such information as will make it possible to determine whether or not such site plan meets all of the requirements of this chapter. The Planning Board may also permit the submission of a combined preliminary and final site plan application when, due to conditions relating to the nature of the development, separate preliminary and final site plan applications would not be necessary to meet the purposes of this chapter. In such instances, all procedures and requirements applicable to preliminary site plans, unless otherwise waived by the Planning Board, shall be followed.

**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 Mrs. Wells and adopted on the following roll call vote:

**ROLL CALL:**

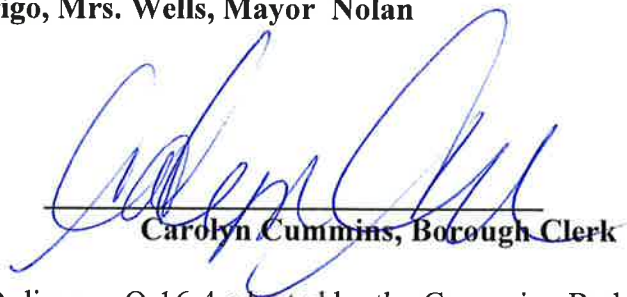
**AYE:** Ms. Broullon, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan

**NAY:** None

**ABSENT:** Mr. Card

**ABSTAIN:** None

**DATE:** April 6, 2016

  
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Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Ordinance O-16-4 adopted by the Governing Body of the Borough of Highlands on April 6, 2016.

*Allyson J. Lewis*

Borough Clerk/Deputy Clerk