



NOTICE OF ADOPTION

PLEASE TAKE NOTICE that the Governing Body of the Borough of Atlantic Highlands introduced the following Ordinance at their October 10, 2012 meeting. Following a Public Hearing held on October 24, 2012 this Ordinance was finally adopted. . This Ordinance is available for public inspection, and copies will be available at Borough Hall in the Municipal Clerk's office during regular business hours, 8:30 AM to 4:30 PM, Monday through Friday.

Dwayne M. Harris

**Municipal Clerk
ORDINANCE 13-2012**

**ORDINANCE AMENDING THE CODE OF THE
BOROUGH OF ATLANTIC HIGHLANDS
CHAPTER 150, "DEVELOPMENT REGULATIONS"**

WHEREAS, the Planning Board of the Borough of Atlantic Highlands has brought to the attention of the governing body that the Development Regulations, Chapter 150 of the Borough of Atlantic Highlands, Article 3, section 150 – 9.J, provides for the automatic expiration of variance approvals, unless construction or alteration shall have been actually commenced within twelve (12) months from the date of approval; and

WHEREAS, the Planning Board has also brought to the attention of the governing body that the Ordinance contains no provision giving the Planning Board the discretion to extend the approval beyond the 12 month period for good cause shown; and

WHEREAS the governing body is aware that the procedure for considering a request for extension of variance relief does not require the processing of an entirely new application and, in appropriate circumstances, will provide for a more expeditious and less costly process for the Planning Board and applicants; and

WHEREAS the governing body has determined that there are circumstances which will, from time to time, justify the extension of a variance approval and the governing body has further determined that there should be provision in the Ordinance to permit such an extension for good cause shown.

Now Therefore Be It Ordained by the governing body of the borough of Atlantic Highlands, in the County of Monmouth and the State of New Jersey, that the Development Regulations of the Borough of Atlantic Highlands are hereby amended and supplemented as follows:

Chapter 150, Article III, Section 150 – 9.J shall be revised to read as follows – “Time for Exercise of Variance.” Any variance from the terms of any ordinance hereafter granted permitting the direction or alteration of any building, structure or structures, or permitting a specified use of any premises shall expire by limitation, unless such construction or alteration shall have been actually commenced on each and every structure permitted by the variance, or unless such permitted use has actually been commenced, within twelve (12) months from the date of entry of the decision; provided, however, that the running of the period of limitation here in provided shall be suspended from the date of filing an

appeal from the decision to the borough council or to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding. Where the variance is part of a subdivision or site plan approval, the period of limitation shall coincide with the approval specified in article IV. **If the original applicant, submits a written request to the approving agency, not less than thirty (30) days prior to the expiration of the original approval, the time limit set forth above may be extended, by the approving agency for good cause shown, for a period not to exceed 2 consecutive years, commencing on the original date of expiration. If such construction or alteration has not been actually commenced on each and every structure permitted by the variance, or such permitted use has not actually been commenced, within twenty four (24) months from the date of the commencement of the extension, the processing of a completely new application for approval will be required. Official Notice of any extensions granted shall be published in two official newspapers of the municipality , within 15 days after the extension is approved.**

Be It Further Ordained, that all other ordinances or parts of ordinances inconsistent here with are hereby repealed.

Be It Further Ordained, that this ordinance shall take effect immediately upon passage and publication as provided by law.