

ORDINANCE 11-2021

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 39 OF THE BOROUGH CODE ENTITLED "HISTORICAL COMMITTEE" SECTION 8 ENTITLED "ZONING CODE COMPLIANCE" AND CHAPTER 89 ENTITLED "LAND USE" SECTION 14 ENTITLED "ALL OTHER APPLICATIONS FOR DEVELOPMENT" TO PROVIDE FOR REFERRAL OF LAND USE APPLICATIONS FOR DEVELOPMENT OF HISTORIC SITES TO THE HISTORIC COMMITTEE

WHEREAS, in its 2007 Master Plan Historic Preservation Plan Element, the Borough of Eatontown ("Borough"), identified a historic zoning district and several specific properties with historic significance; and

WHEREAS, the Planning adopted a 2018 Master Plan Reexamination Report and identified additional historical sites that were not included in the 2007 Historic Element of the Master Plan;

WHEREAS, the 2018 Master Plan Reexamination Report recommended that the Historic Element of the Master Plan and the Borough's land use ordinances be amended to achieve consistency with one another and that historic properties not in the historic district be referred to the Historic Committee for comment in accordance with the Borough's land use regulations; and

WHEREAS, the Historic Zoning District and the historic sites were identified for the purpose of making efforts to preserve the heritage of the Borough without affecting proper and gainful use of these properties; and

WHEREAS, the Borough code established the Historical Committee and empowered the Committee to "encourage the protection and preservation of historical landmarks and points of interest within the Borough of Eatontown;" and

WHEREAS, the Borough Council believes that it is in the best interests of the Borough and its residents for the Historical Committee to have advisory input on development of historical sites in the Historical District or those additional sites identified in the Historic Element of the Borough's Master Plan as amended.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that the Code of the Borough of Eatontown, entitled, is hereby amended as follows:

SECTION 1

Chapter 39 entitled "Historical Committee" Section 8 entitled "Zoning Code Compliance" of the Code of the Borough of Eatontown shall be amended as follows (additions are underlined deletions are ~~stricken~~):

§ 39-8 Zoning Code compliance.

The Historical Committee shall also serve as a review or advisory committee to the Eatontown Planning Board with respect to applications for development of historic sites within the Historic District Zone or of properties identified in the Borough's Historic Preservation Element of the Master Plan as amended. ~~to the extent that the Eatontown Municipal Land Use Ordinance requires such advice or review with regard to historical landmarks and applications within the historical district.~~

SECTION 2

Chapter 89 entitled "Land Use" Section 14 entitled "All Other Applications For Development" of the Code of the Borough of Eatontown is hereby amended by adding the following sub-section (4) to §89-14(D):

(4) Referral to the Historical Committee

- (a) The Planning Board and Zoning Board of Adjustment shall refer to the Historical Committee every application for development submitted to either Board for development involving historic sites identified in the Borough's Historic Preservation Element of the Master plan as amended. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner. Failure to refer an application as required shall not invalidate any hearing or proceeding. The Historical Committee may provide its advice on said application, through oral testimony at the hearing, and/or through written report(s) that the Committee may have provided to the Board concerning the proposed application.
- (b) On all matters referred to the Historical Committee which require approval by the Planning Board or Zoning Board of Adjustment, the recommendations of the Committee shall be advisory only.

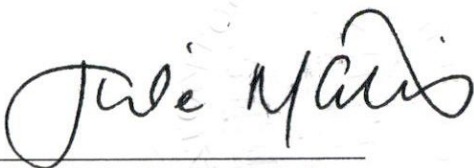
BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

DATE INTRODUCED: May 26, 2021
DATE ADOPTED: June 23, 2021

ATTEST :

APPROVED:



Julie Martin, Municipal Clerk

Date: 06/25/2021



Anthony Talerico, Jr., Mayor