

NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 09-1263

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, held on Tuesday, January 20, 2009. This Ordinance will be further considered for adoption, after the public hearing is held thereon, at a meeting of the Borough Council to be held on Tuesday, March 3, 2009, in the Municipal Center, 556 Tinton Avenue, Tinton Falls, NJ beginning at 7:30 o'clock P.M. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office to the members of the public who shall request the same.

KAREN MOUNT-TAYLOR, RMC, CMC

PLEASE PUBLISH IN FULL ON: JANUARY 22, 2009

AN ORDINANCE REPEALING BOROUGH ORDINANCE NO. 99-982 (FORMER LAND USE ORDINANCE) AND ESTABLISHING AND CREATING A LAND USE ORDINANCE TO ESTABLISH STANDARDS FOR DEVELOPMENT AND USE OF LAND AND BUILDINGS WITHIN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY PURSUANT TO THE PROVISIONS OF THE MASTER PLAN AND THE MASTER PLAN RE-EXAMINATION REPORT OF THE TINTON FALLS PLANNING BOARD

WHEREAS, NJSA:40:55D-89 provides for the periodic reexamination of Municipal Master Plans and Regulations by Municipal Entities within the State of New Jersey; and

WHEREAS, the Borough Council of the Borough of Tinton Falls has requested the Planning Board of the Borough of Tinton Falls to reexamine its master plan and development of regulations in accordance with said statutes; and

WHEREAS, the Borough of Tinton Falls Planning Board has completed its reexamination and has recommended and adopted a certain Master Plan Revision and submitted its report to the Governing Body, dated September 2008; and

WHEREAS, pursuant to NJSA40:55D-62, the Borough Council has the power to adopt or amend any ordinance related to the nature and extent of uses of land, buildings and structures thereon; and

WHEREAS, the Borough Council of Borough of Tinton Falls has reviewed the Planning Board of the Borough of Tinton Fall's Reexamination of the Master Plan, its recommendation to repeal the prior master plan and land use ordinance and to replace it with the attached report after public hearings and in accordance with NJSA40:55D-28, et seq.; and

WHEREAS, the Borough Council of the Borough of Tinton Falls, after public hearing and receiving public input and the recommendation of its professionals, deems it in the best interests of the residents of the Borough of Tinton Falls to adopt the attached report on recommendation of the Planning Board as and for the Master Plan and Land Use Development Ordinance of the Borough of Tinton Falls, repealing any prior ordinances related thereto and for the use and purposes stated therein,

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey, as follows:

1. That the provisions of Chapter 40 of the Land Use Ordinance of the Borough of Tinton Falls is hereby repealed in its entirety.

2. That the document entitled "Borough of Tinton Falls Land Use Ordinance" prepared by Borough Planner, Paul Gleetz, PP, AICP, dated September 2008, in coordination with the Planning Board, Zoning Board of Adjustment and Borough Council of the Borough of Tinton Falls be and is hereby adopted as and for the Land Use Ordinance and Regulations under Chapter 40 of the Borough of Tinton Falls General Ordinances.

3. That this Ordinance having been reviewed by the Planning Board of the Borough of Tinton Falls, Zoning Board of Adjustment of the Borough of Tinton Falls and the Borough Council of the Borough of Tinton Falls, has incorporated in its current form all the amendments agreed to be incorporated by the Borough Council of Tinton Falls after due consideration of comments received by the aforesaid bodies and by the public.

4. That this Ordinance shall be known as the Land Use Ordinance of the Borough of Tinton Falls and shall serve as the document that shall provide all rules, regulations and standards concerning the use to which land is put as to size, shape and placement of buildings within the Borough of Tinton Falls in order to ensure the public health, safety, morals, and welfare of the municipality.

5. That this ordinance shall be administered in accordance with the Borough's comprehensive plan toward the end of providing adequate light, air, preventing the overcrowding of land or buildings within the Borough and to promote the public health, safety, morals, and general welfare, secure safety from fire, flood, panic and other natural and man-made disasters and ensure that development within the Borough of Tinton Falls does not conflict with the development and general welfare of neighboring municipalities, the County and the State as a whole, all in furtherance of the purpose as contained in Section 40-1, et seq. herein. This ordinance shall further be administered with the view of conserving the value of property and encouraging the most appropriate use of land throughout the municipality, to promote the conservation of renewable energy sources and to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities, and regions, the preservation of the environment, to provide sufficient space and appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to respective environmental requirements in order to meet the needs of all New Jersey Citizens.

6. A copy of this Land Ordinance shall be available for review by the public in the Office of the Borough Clerk of the Borough of Tinton Falls, for public inspection upon reasonable request, during normal working hours and available on the Tinton Falls Website, www.tintonfalls.com. Any person wishing to obtain a copy of the Land Use Ordinance shall request same from the Borough Clerk's Office; cost of same shall not exceed \$50.00.

7. Any prior Ordinance or provision of any existing Ordinance which is inconsistent with this Ordinance is hereby repealed.

8. Severability: If any section or provision hereof shall be adjudged invalid, such determination shall not effect the other provisions hereof, which shall remain in full force and effect.

This Ordinance shall become effective twenty (20) days after it has been adopted and published in accordance with applicable law.