

ORDINANCE NO. 2026-11

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER 14 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "LAND USE PROCEDURES" AS IT PERTAINS TO VARIANCE EXPIRATION

BE IT ORDAINED BY THE BOARD OF THE COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS, as follows:

Section 1. Section 13-4.6 entitled "Expiration of Variance" is hereby amended as follows:

Any variance from the terms of this chapter granted by the zoning board of adjustment or planning board 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 24 months from the date of entry of the determination of the board of adjustment or planning board except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the board of adjustment to the board of commissioners or to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.

Section 3. This Ordinance repeals any inconsistent ordinance or ordinances or part of parts thereof.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Borough Mayor and Commissioners hereby declare that they would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

MOTION TO ADOPT:

SECOND:

ROLL CALL:

ADOPTED ON:

EFFECTIVE DATE:

John M. Imperiale, Mayor

Joseph F. Gieger, Commissioner

Paul G. Rice, Commissioner