

AMENDED
BOROUGH OF WESTWOOD
NOTICE

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 9th day of November, 2010, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 23rd day of November, 2010 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE NO. 10- 26

**AN ORDINANCE TO AMEND SECTION 65C-119,
NONCONFORMING USES, STRUCTURES OR LOTS**

BE IT ORDAINED by the Mayor and Council of the Borough of Westwood that Section 65C-119 of the Borough Code be and hereby is amended as follows:

1. Section 5, entitled "Restoration and Repairs" shall be amended to read as follows:

a. Accessory Buildings. An accessory building, consisting of a garage or shed having been damaged or destroyed by fire, explosion, flood, windstorm or other act of God and located upon property in the R-1 Zone containing only a lawful permitted use may be rebuilt as a matter of right at the same location as said structure previously existed provided said reconstruction is commenced within one (1) year of the event which caused the destruction of the structure.

b. Any nonconforming principle building, structure or use existing on the effective date of this ordinance which has been damaged by fire, explosion, flood, windstorm or act of God shall be examined by the following three (3) people: Borough Engineer, the owner of an architect or engineer selected by the owner and a third person agreed to by the Borough Engineer and owner. If the value of repairing the condition is greater than fifty (50%) percent of the value of replacing the entire structure, it shall be considered completely destroyed and may be rebuilt to the original specifications only upon approval of a use variance.

c. Where the value of repairing the condition is determined to be less than fifty (50%) percent of the value of replacing the entire structure, the nonconforming structure or use may be rebuilt and used for the same purpose as before, provided that it does not exceed the height, area and bulk of the original structure. The reconstruction shall commence within twelve (12) consecutive months of the date the building was damaged or condemned with the reconstruction carried out without interruption; otherwise the damaged structure shall not be rebuilt as a nonconforming use or building.

Except as set forth herein, all other provisions of Chapter 65C-119 shall remain in full force and effect.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

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

Approved:

Attest:

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk