

ORDINANCE NO.2067

**AN ORDINANCE AMENDING ARTICLE XI OF THE
BOROUGH ZONING ORDINANCE.**

WHEREAS, Article XI of the Borough Land Use Ordinance, titled “Non-Conforming Uses”, Section 1103 provides that a variance is not required of a pre-existing, non-conforming structure if the extension of the physical structure involved does not cause a violation of the requirements of the Zoning Ordinance, or does not further extend the variance previously granted; and

WHEREAS, the courts have declared that the power to allow expansion of non-conforming uses resides exclusively with boards of adjustment, and any ordinance purportedly permitting such an expansion is improper;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Section 1103 of Article XI, Non-Conforming Uses, shall be and is hereby deleted.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.