

**BERNARDSVILLE BOROUGH
ORDINANCE 2017- 1755**

**ORDINANCE REQUIRING THAT A ZONING PERMIT BE ISSUED BEFORE THE
ISSUANCE OF A TREE REMOVAL PERMIT AND AMENDING SECTION 12-3A OF
THE BOROUGH LAND USE ORDINANCE ENTITLED “ZONING PERMIT” AND
SECTION 13-7 OF THE BOROUGH CODE ENTITLED “TREE REMOVAL . . .”**

WHEREAS, Section 12-3A of the Borough Land Use Ordinance provides that:

“No construction, reconstruction, alteration, conversion or installation of a structure, building, fence, patio, driveway, or other impervious surface, establishment of or change of use shall be undertaken unless and until a Zoning Permit is obtained from the Zoning Officer. Zoning permits shall hereafter be secured from the Zoning Officer prior to the issuance of a building permit for the construction, erection, moving or alteration of a structure, fence or sign or part of a structure or upon a change in the use as defined by the Uniform Construction Code . . . ”; and

WHEREAS, Subsection 13-7.1 of the Borough Code provides that:

“On any residential, commercial, industrial, business or other lot or vacant land where the owner intends to exceed the permitted exemption stated in section 13-6a, but has not filed a development application the owner shall submit an application for a tree removal permit to the tree conservation officer . . . ”; and

WHEREAS, the Borough Shade Tree Advisory Committee has recommended amending the Ordinance to require that an applicant for a tree removal permit first obtain a zoning permit;
and

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey, as follows:

Section 1. Section 13-7.1 of the Borough Code entitled “Applicability” in Section 13-7 entitled “Tree Removal, Permits for Protection on Residential, Commercial, Industrial and Business Zone Lots Not Involving a Development Application” is hereby amended to read as follows:

“13-7.1 Applicability.

“On any residential, commercial, industrial, business or other lot or vacant land where the owner intends to exceed the permitted exemption stated in section 13-6a, but has not filed a development application the owner shall submit an application for a tree removal permit to the tree conservation officer. No tree removal permit shall be issued unless the applicant has first obtained a zoning permit if one is required by section 12-3A of the Borough Land Use Ordinance.”

Section 2. Paragraph “a” of section 12-3A of the Borough Land Use Ordinance entitled

“Zoning Permit” is amended to read as follows:

“12:3A. Zoning Permit.

“a. No construction, reconstruction, alteration, conversion or installation of a structure, building, fence, patio, driveway, or other impervious surface, establishment of or change of use shall be undertaken unless and until a Zoning Permit is obtained from the Zoning Officer. Zoning permits shall hereafter be secured from the Zoning Officer prior to the issuance of a building permit for the construction, erection, moving or alteration of a structure, fence or sign or part of a structure or upon a change in the use as defined by the Uniform Construction Code. No tree removal permit shall be issued pursuant to subsection 13-7.1 of the Borough Code until after a zoning permit is issued, if one is required pursuant to this section.”

Section 3. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 4. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST:

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

Anthony Suriano, Acting Clerk

By: _____
Kevin Sooy, Mayor

Introduction: _____

1st Publication: _____

Public Hearing and Adoption: _____

2nd Publication: _____