



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-18-01

An Ordinance Amending Chapter 21 of the Borough Code Concerning Revisions to the CBD Zone and Deletion of the B-1 and B-2 Overlay Districts.

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Highlands, County of Monmouth and State of New Jersey as follows:

WHEREAS, N.J.S.A. 40:55-D-1, et seq., authorizes local governmental units to adopt ordinances to regulate land use to promote the public health, safety, morals and general welfare; and

WHEREAS, the Borough regulates land use and zoning by and through Chapter 21 of the Borough Code; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Chapter 21 of the Borough Code to provide for the within changes; and

WHEREAS, these amendments are designed to implement the recommendations in the 2016 adopted Master Plan Reexamination Report as related to the CBD Zone and Overlay District.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

SECTION I.

The following Sections of Chapter 21, Article XIV, Establishment of Districts, are hereby amended to provide as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~***strikeovers in bold italics***~~. Sections of Article XIV that will remain unchanged are omitted below.)

21-69 ZONING DISTRICTS.

For the purposes of this chapter, the Borough of Highlands is hereby divided into the nineteen (19) zone districts known as:

R-1.01	Single-Family Residential
R-1.02	Single-Family Residential
R-1.03	Single-Family Residential

R-2.01	Single-Family Residential
R-2.02	Single-Family Residential
R-2.03	Single-Family Residential
MF	Multifamily Residential
PB	Professional Business
MH	Mobile Home
B-1	Neighborhood Business District
<u>B-2 CBD</u>	Central Business District
B	Business District
WT-R	Waterfront Transition-Residential
WT-C	Waterfront Transition-Commercial
WT-C/T	Waterfront Transition-Commercial/Townhouse
WC-1	Waterfront Commercial
WC-2	Waterfront Commercial
MXD	Mixed Use District
HO	Highway Oriented District
B-1-O	B-1 Neighborhood Business Overlay
B-2-O	B-2 Central Business Overlay

21-70 ZONING MAP AND SCHEDULE.

A. The boundaries of the zone districts are hereby established as shown on the map entitled ~~Zoning Map, Borough of Highlands, adopted by the Borough Council on May 19, 2010, by Ord. No. O-10-10, and titled "Zoning Map, Borough of Highlands, Monmouth County, New Jersey, June 2010,"~~ **"Zoning Map, Highlands Borough, New Jersey" dated November, 2017,** which map accompanies and is hereby declared to be a part of this chapter.

B. Interpretation of Zoning Boundaries. Where uncertainty exists as to any of said boundaries as shown on said map, the following rules shall apply:

1. Zone boundary lines are intended to follow the centerline of the streets, railroads, rights-of-way, streams and lot or property lines as they exist on plats of record at the time of the passage of this chapter, where practicable, unless such zone boundary lines are fixed by dimensions as shown on the Zoning Map.

2. Where such boundaries are not fixed by dimensions and where they approximately follow lot lines, and where they do not scale more than ten (10) feet distance therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

3. In unsubdivided land and where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.

SECTION II.

The following Section of Chapter 21, Article XVII, Business and Waterfront Zone Districts, is hereby amended to provide as follows: (All additions are shown in **bold italics**)

with underlines. The deletions are shown as ~~strikeovers in bold italics~~. Sections of Article XVII that will remain unchanged are omitted below.)

21-91 ~~B-2~~ CENTRAL BUSINESS DISTRICT.

A. The following regulations shall apply in ~~all B-2 districts~~ the Central Business District.

1. Permitted Principal Uses

- a. Retail sales and services, business and personal service establishments;
- b. Finance such as banks, savings institutions, credit unions, consumer lending, and securities brokerage;
- c. Insurance offices such as life, health, medical carriers, claims adjusting and all other insurance related activities
- d. Medical and health care offices;
- e. Restaurants, bars and taverns and other eating establishments, except drive through restaurants;
- f. Professional, administrative and business office and services;
- g. Recreational retail sales and service businesses related to water sports and outdoor recreation, such as, but not limited to, bicycling, fishing and surfing;
- h. Houses of Worship;
- i. ~~Bed and breakfasts;~~ Reserved;
- j. Taxi/livery/bus companies, except on parcels with frontage on Bay Avenue;
- k. Essential services as defined in this chapter;
- l. Offices and facilities for municipal, County, State and Federal government;
- m. Art, handicraft studios/ workshops and galleries and craft stores;
- n. Microbreweries and distilleries;
- o. Pool Halls
- p. Home furnishing stores;

q. Music, ballet and dance studios;

r. Hardware, plumbing and electric supply sales;

s. Health and fitness studios including spa services;

t. Existing single-family homes; and

u. Residential above the first floor.

2. Permitted Accessory Uses: Off street parking areas; Uses and structures customarily subordinate and incidental to permitted principal uses and permitted conditional uses.

3. Conditional Uses: ~~Reserved.~~

a. Bed and Breakfasts;

b. Hotels; and

c. Parking as a principal use.

4. Area and Bulk requirements as shown in Schedule I and below.

a. Side yards. No side yard is required adjacent to the properties in the **business CBD** zone, however, if any is to be provided, it shall be at least five (5) feet. Any side yard which serves as a boundary between that lot and any residence zone shall be at least five (5) feet and shall contain buffering in accordance with the requirements of this section.

b. For any building containing residential uses, outdoor living space shall be provided, at the rate of one hundred (100) square feet per unit, plus fifty (50) square feet per bedroom. This space may be provided either at ground level or directly adjacent to the unit in the form of decks and/or roof top terraces. The area provided shall be private, for the exclusive use of the residential terrace and shall be sufficiently screened or otherwise designed to insure that privacy and exclusive use.

SECTION III.

Article XVII, Overlay Zone Districts (Sections 21-96.02 and 21-96.03) is hereby repealed in its entirety.

SECTION IV.

The following Section of Chapter 21, Article XIX, Conditional Uses, is hereby amended to provide as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~***strikeovers in bold italics***~~. Sections of Article XIX that will remain unchanged are omitted below.)

21-97 CONDITIONAL USES.

A. – J. [No change.]

K. Hotels ~~in the B-1 and B-2 Overlay District~~. Where specifically permitted pursuant to this chapter, the following minimum standards shall be met:

1. The minimum floor area per unit shall be two hundred fifty (250) square feet.

2. A hotel as defined herein may have a maximum building height of thirty-six (36) feet or three (3) stories. If more than fifty (50%) percent of the ground level of the hotel consists of an on-site parking area, the building height may be forty-seven (47) feet or three (3) stories above the off-street parking area.

3. All solid waste containers for storage and pickup shall be centrally located and easily accessible and within a screened enclosure on the street level.

4. All hotel uses shall be provided with adequate fire safety and evacuation provisions and sprinkler systems. Regardless of the number of rooms, such facilities shall be approved by the Municipal Fire Subcode Official and shall incorporate all applicable requirements of the National Fire Protection Association Code and the NJ Uniform Construction Code.

5. Each unit of accommodation shall contain a minimum of two (2) rooms, a bedroom, and a separate bathroom which affords privacy to a person within the room and is equipped with a toilet, a wash basin and bathtub/shower. Kitchen facilities are prohibited.

6. The first floor area of a hotel, or the first level over on-site parking, may be used for offices, permitted nonresidential uses, coffee shop or restaurant. The first floor area of the hotel structure does not have to be associated or related to the hotel use.

7. The hotel shall contain a main lobby, a central reservation/guest registration desk and a specified area for the pick up and drop off of guests and luggage.

8. Each hotel shall provide parking at a ratio of one (1) space per unit of accommodation. The parking may be provided on site or within one thousand (1,000) feet of the hotel property. A minimum of fifty (50%) percent of the required parking shall be provided on the same lot, parcel, and tract of the hotel use.

9. The hotel use may provide some of the required parking on another parcel, which may or may not be contiguous to the hotel parcel, provided that the property line of the off-site parking lot is within one thousand (1,000) feet from the front or rear customer entrance of the hotel structure. In addition the applicant shall provide written assurances acceptable to the appropriate Board that the parking will remain available in the future. Such assurances shall be in the form of lease agreements or deed restrictions which will be reviewed by the attorney of the board of jurisdiction. The parking assurances may be linked to a municipal mercantile license.

10. The buffer zone between the rear setback of a hotel and adjacent residential uses or district shall comply with the requirements of this chapter but shall not be less than ten (10) feet in width.

11. The structure shall not be a "rooming house" or "boarding house" as defined by current New Jersey statute.

12. Once established, a hotel use shall not be converted to a multifamily residential use such as apartments, townhouses, or condominium living arrangements.

~~**L. Mixed Use Buildings in the B-1 and B-2 Overlay Districts. Residential dwelling units shall be permitted above nonresidential uses, as a conditional use in the B-1 and B-2 Overlay zones, subject to the following conditions:**~~

~~1. In the B-1 and B-2 Overlay zones, no more than one (1) story, floor or level shall be used for residential purposes. The density of the residential dwellings in mixed use buildings in the B-1 Overlay shall not exceed eight (8) units to the acre. In the B-2 Overlay zone, the density of the residential dwelling units may not exceed a density of ten (10) units per acre.~~

~~2. The floor area of the residential dwelling unit(s) may not exceed thirty-three (33%) percent of the floor area of the structure. If the structure is limited to two (2) stories, the permitted limit of floor area may be up to fifty (50%) percent. For purposes of this section, the floor area used to compute the allowable limits shall not include parking area underneath a building, storage areas, basements/cellars or garage areas.~~

~~3. Maximum Building Height: forty-two (42) feet or three (3) stories, whichever is less. In the B-2 zone only, if fifty (50%) percent or more of the ground level of the mixed use building consists of an on-site parking area, the building height may be forty-seven (47) feet or four (4) stories (one (1) parking level and three (3) building levels).~~

~~4. The first floor must contain a permitted nonresidential use or area for on-site parking. If the first or ground level consists of on-site parking, the residence must be above a nonresidential use. Residences shall not be located on a story below a nonresidential use.~~

~~5. All residential units shall have an entry separate from the nonresidential use and the residences shall have a common entry, accessible from the street.~~

~~6. Notwithstanding other provisions of this chapter, the parking requirements for the residential dwellings of mixed use buildings shall be addressed on the same lot, site, and parcel as the mixed use building.~~

~~7. Minimum Dwelling Unit Requirements. Each dwelling unit shall contain complete kitchen facilities, toilet, bathing and sleeping facilities as well as living space, and shall have a minimum gross floor area of one thousand~~

~~(1,000) square feet provided that dwelling units in excess of two (2) bedrooms per unit shall not be permitted.~~

~~8. Storage Space. In addition to any storage space contained inside the individual dwelling units, there shall be provided for each dwelling unit three hundred fifty (350) cubic feet of storage space in a convenient, centrally located area, possible the ground floor for use of the residents. The area should be secured and locked without creating a safety hazard.~~

~~9. Site Appearance. Adequate provisions and facilities shall be provided for maintenance of the property for trash and garbage.~~

~~10. Heating, ventilation and air conditioning equipment shall be located in an enclosed area above the base flood elevation or on the roof, in the attic or other adequately screened area.~~

~~11. Residences in mixed use buildings in the B-1 and B-2 Overlay zone districts are exempt from the outdoor living space requirement of Section 21-90A.4.b (B-1 zone) and 21-91a.4.b (B-2 zone).~~

L. Parking as a principal use. Parking as a principal use may be permitted in specified zones only upon receipt of a conditional use permit, provided that applicable Article XI Design Standards are met together with any other requirements deemed necessary by the Land Use Board, any other applicable requirements of this chapter, and subject to following conditions:

1. Parking shall be used for permitted or approved conditional uses (except for other parking uses) in the CBD Zone.

2. Commuter parking shall not be allowed in any portion of the property.

Notwithstanding anything contained herein to the contrary, all ordinances inconsistent herewith are expressly repealed to the extent of such inconsistency.

SECTION V. SEVERABILITY.

If any section, subsection, sentence clause or phrase of the ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of the ordinance, which shall otherwise remain in full force and effect.

SECTION VI. REPEALER.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION VII. EFFECTIVE DATE.

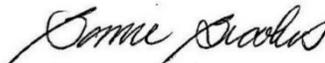
This Ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.

Motion to Introduce Ordinance 18-01

01/01/2018

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL		X	X			
BROULLON			X			
D'ARRIGO			X			
RYAN			X			
O'NEIL	X		X			

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held January 1, 2018. WITNESS my hand this 2nd day of January 2018.


 Bonnie Brookes, RMC
 Municipal Clerk

Motion to Amend the title for 21-9 and strike "B-2"

02/21/2018

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
D'ARRIGO			X			
RYAN			X			
O'NEIL		X	X			

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held February 21, 2018. WITNESS my hand this 22nd day of February 2018.


 Bonnie Brookes, RMC
 Municipal Clerk

Motion to Adopt Ordinance 18-01

02/21/2018

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
D'ARRIGO			X			
RYAN			X			
O'NEIL	X		X			

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held February 21, 2018. WITNESS my hand this 22nd day of February 2018.


 Bonnie Brookes, RMC
 Municipal Clerk