

Mayor O'Neil offered the following Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

O- 07-07

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 21 OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED "ZONING" TO MODIFY THE REQUIREMENTS OF THE MH MOBILE HOME RESIDENCE DISTRICT, AND TO FURTHER ALLOW MULTI-FAMILY DEVELOPMENTS IN THE MH ZONE AS CONDITIONAL USES, AND TO ESTABLISH REGULATIONS PERTAINING THERETO).

Additions noted by underline. Deletions noted by strikeover.

NOW, THEREFORE, BE IT ORDAINED THAT SECTION 21 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS BE AND HEREBY IS AMENDED IN FOLLOWING PART ONLY:

Section 21-89 MH Mobile Home Residence The following regulations shall apply to all MH districts:

1. Permitted Uses:

Mobile Homes, in a mobile home park only.

2. Permitted Accessory Uses"

Utility Buildings incidental to residential use

Clubhouses, swimming pools and other recreational facilities and structures for the exclusive use of the residents.

Tennis courts

Other accessory uses and structures incidental to the permitted principal and conditional uses, including but not limited to structured parking for multi-family residences only.

3. Conditional Uses.

Satellite Dish Antennas

Multi-family dwellings, and structured parking accessory or appurtenant thereto

4. Relocation Rights and Non-severability

Any approval for development in the MH Mobile Home Residence District Zone, which results in the retirement of the Mobile Home Park or the removal of any residents of the Mobile Home Park shall contain a condition that the applicant shall provide proof, to the satisfaction of the Board of Original Jurisdiction, that adequate private residential facilities and circumstances exist for the relocation of those mobile park residents consistent with the requirements of N.J.S.A. 46:8C-21. Although N.J.S.A. 46:8C-21 is invoked by an application for one or more variance(s), the requirements of N.J.S.A. 46:8C-21 shall apply to the aforementioned circumstances regardless of whether or not the application requires one or more variance(s). For purposes of this Ordinance, 'adequate private residential facilities and circumstances' shall share the definition of 'comparable housing or park site' as provided in N.J.S.A. 2A:18-61.7(a). An applicant must provide proof of compliance with Section 15 to the Board of Original Jurisdiction prior to obtaining Final Approval. This Section is not severable from the other provisions of the Ordinance and the zoning of the property to the MH Mobile Home Residence District Zone is conditioned upon the above relocation provision.

Section 21-97 Conditional Uses

Add new Subsection to existing text:

I. Multi-Family developments in the MH Zone

Multi-family developments in the MH Zone are subject to RSIS standards, and shall not be required to meet the requirements of Schedule I where said requirements are inconsistent with either RSIS or the following requirements

1. Density shall not exceed 20 dwelling units per acre.
2. Minimum lot size: 10 acres
3. Minimum front yard: 100 feet to a principal building
4. Minimum side yard: 60 feet to a principal building
5. Minimum rear yard: 60 feet to a principal building
6. Minimum Buffer area along any property line: 25 feet. Driveways and sidewalks shall be permitted to cross buffer areas to provide access to streets and adjacent properties. Pedestrian paths shall be permitted within buffer areas. Development identification signs and gatehouses shall be permitted in buffer areas within 75 feet of driveway entrances providing access to a public street.
7. maximum building coverage: 25 per cent.
8. Maximum lot coverage: 50 per cent.
9. Maximum FAR: 1.50
10. Maximum Height:

a. Residential buildings: 180 feet, not including the height of attached parking structures. The height of residential buildings shall be measured from the floor of the building lobby or the first level that contains dwellings, whichever is lower. Elevator shaft may exceed this limitation by no more than 15 feet.

b. Structured parking: 45 feet. Parking structures may be located underneath and /or adjacent to residential buildings.

c. Recreational facilities and other accessory structures: 25 feet.

11. Accessory Structures:

a. Recreational facilities. Recreational facilities shall be provided for the use of residents of the multi-family development. Such facilities shall be setback a minimum of 50 feet from any property line.

b. Signs. Development identification signs shall be permitted adjacent to the main entrance of a multi-family development. Such signs shall either consist of a monument sign or be mounted on a freestanding wall. The maximum number of signs shall be two faces on a monument sign or two wall-mounted signs. The maximum area per sign face shall not exceed 100 square feet. A development identification sign shall be setback a minimum of 5 feet from any property line.

c. A gatehouse or similar structure shall be permitted within 75 feet of driveway entrances providing access to a public street.

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

Seconded by Mr. Nolan and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Burton, Mayor O'Neil

NAYES: Mr. Caizza, Mr. Urbanski

ABSENT: None

ABSTAIN: None

Date: December 19, 2007

NINA LIGHT FLANNERY, Borough Clerk

Introduced: May 2, 2007

Publication: May 8, 2007, The Asbury Park Press

Amended: June 20, 2007

Publication: July 26, 2007

Invalid Action Taken at the Sept. 5, 2007 Mtg
Publication: December 7, 2007, Asbury Park Press
Public Hearing: December 19, 2007
Adoption: December 19, 2007
Publication: _____
Validity of Ord: R-08-34 Adopted 2/6/08

I hereby certify this to be a true copy of Ordinance O-07-07 adopted by the Governing Body of the Borough of Highlands on December 19, 2007 and Validity of Ordinance Approved via Resolution R-08-34 on February 8, 2008.

BOROUGH CLERK/DEPUTY CLERK