

Mayor Nolan offered the following Ordinance as amended pass third and final reading and moved on its adoption and authorized its publication according to law:

ORDINANCE O- 12-09
THIRD REVISION

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 21 OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY ENTITLED "ZONING" TO MODIFY THE REQUIREMENTS OF THE MH MOBILE HOME RESIDENCE DISTRICT, TO ALLOW SINGLE FAMILY, TOWNHOME AND MID-RISE MULTI-FAMILY DEVELOPMENTS IN THE MH ZONE AND TO ESTABLISH REGULATIONS PERTAINING THERETO).

WHEREAS, on May 6, 2011 the Mayor and Council of the Borough of Highlands authorized the Borough Planning Board to undertake a review of potential zoning ordinance amendments to replace Borough Ordinance #07-07; and,

WHEREAS, the Borough of Highlands Planning Board submitted a report to the Council on July 1, 2011 with a series of recommendations; and,

WHEREAS, the Mayor and Council of the Borough of Highlands, Monmouth County, New Jersey has reviewed said report and desires to adopt changes in the current zoning requirements for the Mobile Home zone district to allow mid-rise Multi-family development under certain conditions;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Highlands that Chapter 21 (Zoning and Land Use Regulations) of "The Revised General Ordinances of the Borough of Highlands, 1975" is amended and supplemented as follows:

SECTION 1

§ 21-89 (MH Mobile Home Residence) is hereby amended and supplemented as follows:
(Additions noted by underline. Deletions noted by strikeover.)

§ 21-89 MH Mobile Home Residence

A. The following regulations shall apply to all MH districts:

1. Permitted Principal Uses:

- a. Mobile Homes, in a mobile home park only.
- b. Mid-rise Multi-family dwellings, and structured parking accessory or appurtenant, thereto subject to the requirements in Section 5 of this section.
- c. Townhomes, subject to the requirements of the Multi-Family zone district except that residential buildings will be limited to no more than four (4) attached dwelling units per structure,
- d. Single family detached dwellings subject to the R-2.03 zone district requirements.

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 uses.

3. Conditional Uses.

Satellite dish antennas.

4. Bulk, Area and Other Regulations. Mobile home developments shall meet the tract requirements of Schedule I. In addition, they shall meet the following requirements:

- a. Density shall not exceed twelve (12) dwelling units per acre.
- b. Mobile homes shall have a minimum of twelve (12) feet between units. Porches, decks, patios and accessory buildings shall also not be closer than five (5) feet to an adjacent mobile home or accessory.
- c. Accessory structures shall meet the requirements of subsection 21-65.1 and Section 21-79.

5. Mid-rise Multi-Family Developments in the MH Zone

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

- a. Density shall not exceed fourteen (14) dwelling units per acre. Up to sixteen (16) units per acre may be permitted if a public scenic overlook area is included pursuant to paragraph 6 of this section.
- b. Minimum lot size: 10 acres.
- c. Minimum front yard: 100 feet to a principal building.
- d. Minimum side yard: 60 feet to a principal building.
- e. Minimum rear yard: 60 feet to a principal building.
- f. 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.
- g. Maximum building coverage: 25 per cent.
- h. Maximum lot coverage: 50 per cent.
- i. Maximum FAR: 1.50.
- j. Maximum Height: 6 stories above finished grade, with the residential units

above the parking garage; parking levels that are provided underground (that is, below finished grade) will not be considered a story.

- k. All mid-size developments shall be required to consist of multiple buildings or structures and not one (1) residential structure.
- l. The minimum distance or separation between all residential buildings shall be equal to the height of the taller of the two structures.
- m. A mid-rise multifamily development may include the following Permitted Accessory Uses:

Utility buildings incidental to residential use.

Community or club room, 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.

6. Density Bonus for Public Access area. (Multi-Family)

To encourage the provision of a public access easement leading to a scenic overlook area within a multi-family residential development, the Planning Board, at its sole discretion, may allow an increase of the maximum density of up to 2 units per acre to a maximum density (for a maximum overall density of 16 units per acre) if an acceptable scenic overlook area is included in the development plan. The Board may allow a lesser bonus than 2 units per acre if the overlook or access provisions offer only minimal public benefits. The scenic overlook area must include a public access easement for the circulation of vehicles across the site to the overlook area. The overlook area shall, at a minimum, be accessible from a public roadway and provide several off-street parking spaces.

7. Ridgeline Protection

In addition to compliance with the Borough Steep Slope requirements, the placement of buildings in a residential development should exhibit a high level of sensitivity to the terrain and an effort to minimize the visual impact. The project design should attempt to blend in with the existing contour elevations

through appropriate grading design as well as building heights and design. Structure locations should, as feasible, blend with the natural landform. Therefore, multiple level pads for new buildings as opposed to one level building pad area are encouraged. Roof forms and roof lines should be disaggregated into a series of smaller components to reflect the irregular slopes and grades. The slope angle of the roof pitch of all proposed buildings is encouraged to reflect the natural slope of the hillside.

8. Relocation Rights

Any approval for development in the MH Mobile Home Residence Zone District, 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 (1) 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 (1) or more variance(s). For purposes of this chapter, "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 this paragraph to the board of original jurisdiction prior to obtaining final approval. This section is not severable from the other provisions of the chapter and the zoning modifications herein are conditioned upon the above relocation provision

Section 2 REPEALER

All ordinance or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3 SEVERABILITY

If any section, subsection, clause or phrase of this ordinance shall, for any reason, be held to be unconstitutional or invalid, such decision shall not affect the remaining portion of

this ordinance.

SECTION 4 EFFECTIVE DATE.

This ordinance shall take effect as provided by law.

SECTION 5 CERTIFIED COPY

A certified copy of the within Ordinance shall be forwarded by the Borough Clerk to the clerks of all adjoining municipalities, the Monmouth County Planning Board and the following:

1. Borough Administrator
2. Borough Engineer
3. Planning Board
4. Zoning Board
5. Borough Attorney
6. Tax Assessor
7. Zoning Official

BE IT FURTHER ORDAINED that this ordinance shall take effect upon final passage and publication in accordance with law.

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

ROLL CALL:

AYES: Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

DATE: June 20, 2012

Carolyn Cummins, Borough Clerk

Introduction: March 7, 2012

Publication: March 16, 2012, Two River Times

Amendment #1: March 21, 2012

Publication: March 30, 2012, Two River Times

Amendment #2: April 4, 2012

Publication: April 13, 2012, Two River Times

Amendment #3: May 2, 2012

Publication: May 11, 2012 & June 13, 2012

P.H./Adoption: June 20, 2012

Publication: June 29, 2012

I HEREBY CERTIFY THE ABOVE TO BE A TRUE AND REAL COPY OF AN ORDINANCE WHICH PASSED INTRODUCTION ON THE 2nd DAY OF May 2012 BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, and STATE OF NEW JERSEY.

CAROLYN CUMMINS, BOROUGH CLERK

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