

**Highlands Borough Mayor & Council Meeting Agenda**  
**Community Center**  
**22 Snug Harbor Avenue, Highlands**  
**Wednesday, February 21st, 2018, 7:00 p.m.**

**As per requirement of Public Law 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Mayor and Council and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board. Formal Action will be taken.**

Call to Order  
Meeting Statement  
Roll Call  
Executive Session Resolution

**EXECUTIVE SESSION: 7:00PM**

**Attorney-Client Privilege:** Flood Damage Prevention Ordinance  
Street Naming – Lighthouse Pointe Road & Lighthouse Road  
Short Term Rentals

**Contract Negotiations:** Architectural Services – New Borough Hall  
Sea Bright – Lifeguards

**Litigation:** Block 100, Lot 26.20

**REGULAR MEETING: 8:00PM**

Call to Order  
Pledge of Allegiance  
Roll Call

**Approval of Minutes**

December 20, 2017  
January 17, 2018

**Public Comment on Resolutions**

**Consent Agenda**

R-18-055 Authorize Payment of the Bills  
R-18-056 Appoint Zoning Officer for Unexpired Term  
R-18-057 Appoint Flood Plain Administrator  
R-18-058 Authorize Refund of Tax Overpayment  
R-18-059 Amend 2018 Temporary Budget  
R-18-060 Authorize Shared Service Agreement with Monmouth County for GIS  
R-18-062 Appoint Special Police Officer

**Resolutions**

R-18-052 Highlands Business Improvement District Budget for 2018  
R-18-061 Authorize Award of Non-Fair & Open Contract for Engineering Services to T&M Assoc.

**Ordinances: Introduction & First Reading**

O-18-05 Amend Section 2-8.5 to Establish Noneligibility of Dwellings for Tax Abatements

**Ordinances: Public Hearing & Possible Adoption**

O-18-01 – Amend Chapter 21, Revisions to CBD Zone & Deletion of B-1 & B-2 Overlay Districts  
O-18-04 – Amend Section 7-4 to Designate Entirety of Valley Avenue as a Two-Way Street

**Other Business:**

**RFP for Lawn Maintenance**

**HBP Survey**

**Administrator's Report**

**Police Chief's Report**

**Public Comments:**

**Adjourn**



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-052

### RESOLUTION INTRODUCING HIGHLANDS BUSINESS IMPROVEMENT DISTRICT BUDGET FOR THE YEAR 2018 AND SETTING OF A PUBLIC HEARING DATE WHEREIN THE AFORESAID BUDGET WILL BE CONSIDERED FOR FINAL ADOPTION

WHEREAS, in accordance with Chapter 17-6 of the Borough Code, the nonprofit corporation, Highlands Business Partnership, Inc., is designated as the District Management Corporation for the Business Improvement District; and

WHEREAS, Chapter 17-8 of the Borough Code set forth that the District Management Corporation shall submit no later than December 1 of each year a detailed annual budget for the following year for the approval by the Mayor and Council; and

WHEREAS, Chapter 17-8 of the Borough Code also sets forth that the aforesaid budget shall be proposed and adopted by the Borough on or before April 1<sup>st</sup> of each year in accordance with the procedures set forth in N.J.S.A. 40:56-84; and

WHEREAS, the Highlands Business Partnership has submitted its annual budget for the year 2018 for approval by the Mayor and Council, a copy of which is annexed hereto; and

WHEREAS, in accordance with the procedures set forth in N.J.S.A. 40:56-84, the governing body hereby introduces the aforesaid budget of the Highlands Business Partnership for the year 2018 and sets a public hearing date of March 21, 2018 at 8:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the governing body hereby introduces the annual budget for the Highlands Business Partnership which is annexed here, and set a public hearing date of March 21, 2018 at 8:00 p.m. wherein the aforesaid budget will be considered for final adoption.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to advertise and publish the aforesaid annual budget for the Highlands Business Partnership for the year 2018 in accordance with the requirements set forth in N.J.S.A. 40:56-84.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-055

### AUTHORIZING BILLS LIST

**WHEREAS**, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated February 16, 2018, which totals as follows:

Current Fund	\$662,727.02
Sewer Account	\$ 67,409.24
Capital Fund	\$195,427.11
Trust-Other	\$ 28,050.08
Federal/State Grants	\$ 4,909.43
Total	<b>\$958,522.88</b>
Addendum 02/21/2018	\$ 3,130.53
Total w/ Addendum	<b>\$961,653.41</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$961,653.41** be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at [www.highlandsborough.org](http://www.highlandsborough.org) and on file in the Municipal Clerk's office for reference.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-056

### RESOLUTION APPOINTING ZONING OFFICER FOR THE UNEXPIRED TERM

WHEREAS, the Code of the Borough of Highlands, Section 2-12A establishes the position of Zoning Officer within the Department of Buildings and Housing; and

WHEREAS, the Code provides for appointment by the Governing Body for a term of one (1) year; and

WHEREAS, by way of Resolution 18-026, Dale Leubner from T & M Associates was appointed as the Zoning Officer for the period of January 1, 2018 through December 31, 2018 as part of the engineering contract; and

WHEREAS, due to reassignment and changes in staffing at T & M Associates, Dale Leubner will **no longer be able to serve as the Borough's Zoning Officer; and**

WHEREAS, the Borough wishes to appoint Edward Herrman, PE, CME from T & M Associates as the part-time Zoning Officer for the unexpired term beginning February 7, 2018 through December 31, 2018 as part of the aforesaid engineering contract; and

WHEREAS, the Borough wishes to have Dana Webb from T & M Associates assist Edward W. Herman, in his appointment as Zoning Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that the Borough hereby appoints Edward W. Herrman, PE, CME of T & M Associates to serve as the Zoning Officer for the aforesaid unexpired term for the period of February 7, 2018 through December 31, 2018 and that Dana Webb from T & M Associates is permitted to assist Edward Herrman during the said term.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-057

### RESOLUTION APPOINTING FLOOD PLAIN ADMINISTRATOR

WHEREAS, the need exists for the appointment of a Flood Plain Administrator;  
and

WHEREAS, pursuant to Resolution R-13-159, the Mayor and Council of the Borough of Highlands appointed Dale Leubner to serve as the Flood Plain Administrator as a collateral duty of his position as Zoning Officer; and

WHEREAS, due to reassignment and changes in staffing at T&M associates, Dale **Leubner will no longer be able to serve as the Borough's Zoning Officer or Flood Plain Administrator;** and

WHEREAS, pursuant to R-18-56, Edward Herrman, PE, CME of T&M Associates was appointed to serve as the Zoning Officer for the unexpired term beginning February 7, 2018 through December 31, 2018; and

WHEREAS, the Mayor and Council are desirous of appointing Edward Herrman, PE, CME from T & M Associates to serve as the Flood Plain Administrator as a collateral duty of his position as Zoning Officer; and

WHEREAS, the Borough wishes to have Dana Webb from T & M Associates to assist Edward Herman, PE, CME in his appointment as Flood Plain Administrator.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, County of Monmouth, State of New Jersey that Edward Herrman, PE, CME **be and is hereby appointed to serve as the Borough's Flood Plain Administrator, effective February 7, 2018 through December 31, 2018,** with no additional compensation and that Dana Webb from T & M Associates is permitted to assist Edward Herrman, PE, CME, during said term.

BE IT FURTHER RRESOLVED that the previous designation of Dale Leubner as Flood Plain Administrator is hereby revoked, effective February 7, 2018.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-058

### AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
98	6.03	2013	\$51,407.15	EBURY FUND 1NJ,LLC



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-059

### AUTHORITY TO AMENDMENT TO THE 2018 TEMPORARY BUDGET

WHEREAS, The Revised Statutes of New Jersey 40A:4-20 provides for the adoption of emergency temporary appropriations in addition to temporary appropriations necessary for the period between the beginning of the current fiscal year and the date of the adoption of the Local Budget for the Year 2018;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, that the following amendments to the temporary appropriations be made in the amounts and for the purposes herein set forth for the period between January 1st, 2018 and the adoption of the Local Budget for the Borough of Highlands, County of Monmouth and State of New Jersey for the fiscal Year 2018:

<u>A/C #</u>	<u>CURRENT FUND</u>	<u>Salaries</u>	<u>Other Expenses</u>
25-241	School Guards	\$10,000.00	\$ 3,000.00
27-340	Dog Control		18,000.00
44-901	Capital Improvement		60,000.00
			0.00
	TOTALS	<u>\$10,000.00</u>	<u>\$81,000.00</u>





BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-060

### AUTHORIZING SHARED SERVICE DATA LICENSE AGREEMENT WITH THE COUNTY OF MONMOUTH FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) DATA FOR AERIAL IMAGERY

WHEREAS, the Uniformed Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. authorizes local units as defined in said Act to enter into joint agreements for the provision of government services; and

WHEREAS, the Borough of Highlands wishes to enter into a shared services agreement with the County of Monmouth for the provision of aerial imagery technology services for a period of five years which will assist the Borough of Highlands; and

WHEREAS, the shared services agreement between the Borough of Highlands and the County of Monmouth will obligate the municipality to pay a one-time fee of \$1,800.00 to Monmouth County as part of a GIS data license agreement.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands, that the Mayor is authorized to enter into a contract as described above with Monmouth County; and

BE IT FURTHER RESOLVED, by the Council of the Borough of Highlands, that it hereby consents to entering into the Monmouth County GIS Data Licensing Agreement and that the Mayor, Administrator, and/or Clerk is authorized to execute the agreement.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-061

### RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO T&M ASSOCIATES

WHEREAS, the Borough of Highlands has a need for professional Engineering Services associated with the replacement of one (1) pump at the Shore Drive Pumping Station pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, T&M Associates has recommended that one (1) pump be replaced as **part of a "pilot program" in order to evaluate the performance of the pump; and**

WHEREAS, Preliminary tasks for this project will include development of a system curve for the force main piping into which the pipe discharges, selection of a pump which provides a flow rate equivalent to the existing pumps and a report presenting recommendations; and

WHEREAS, **upon the Borough's acceptance of the aforesaid report, T&M Associates** will provide a design incorporating the pump into one of the three pump positions in the existing pump station, as well as developing plans and specifications for public bidding; and

WHEREAS, the scope of services includes the Pre-Design Phase, Design Phase, Bidding Phase as well as Construction Administration and Inspection; and

WHEREAS, T&M Associates will perform the aforesaid scope of work for the design of the pump replacement at the Shore Drive Pumping Station for a fee not to exceed \$18,250; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$18,250 for Professional Engineering Services as stated on the T&M Associates proposal dated January 31, 2018; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract; and

WHEREAS, T&M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds, by and through the Operating Budget line for Sewer Engineer Services, is hereby provided by the Chief Financial Officer of the Borough of Highlands:

I hereby certify that funds are available as follows:

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Patrick DeBlasio, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised:

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands as follows:

1. T&M Associates are hereby retained to provide professional engineering services as described above and in their proposal dated January 31, 2018 for an amount not to exceed \$18,250.00.
2. **The contract is awarded without competitive bidding as a "Professional Service"** in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this aware as required by law.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-062

### RESOLUTION APPOINTING SPECIAL POLICE OFFICERS

WHEREAS, the Borough of Highlands from time-to-time has the need to employ Special Police Officers; and

WHEREAS, the Chief of Police has made recommendations to the Governing Body regarding appointment of said officers;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following persons be and hereby are appointed Special Officers of the Borough of Highlands for a one-year term to expire December 31, 2018:

Special Officer Class II

Andrew Mueller



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## ORDINANCE 0-18-05

### AN ORDINANCE AMENDING SECTION 2-8.5 OF THE BOROUGH CODE TO ESTABLISH NONELIGIBILITY OF DWELLINGS FOR TAX ABATEMENTS

WHEREAS, pursuant to N.J.S.A. 40A:21-4, the Borough has the authority to adopt an Ordinance setting forth the eligibility or noneligibility of dwellings, multiple dwellings, and commercial and industrial structures for tax exemptions or abatements in areas in need of rehabilitation; and

WHEREAS, Ordinance 12-24 previously renewed a five-year tax exemption and abatement program pertaining to the entirety of the Borough; and

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents of the Borough to amend Section 2-8 to establish the noneligibility of dwellings for tax abatements;

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

#### SECTION I.

Borough Code Section 2-8 "Exemption and Abatement from Taxation Pursuant to N.J.S.A. 40A:21-1" **shall be amended as follows:** (All additions are shown in *bold italics with underlines*. The deletions are shown as ~~*strikeovers in bold italics*~~. Portions of Section 2-8 that will remain unchanged are omitted below.)

2-8.5 Exemption and Abatement from Taxation Pursuant to N.J.S.A.  
40A:21-1.

a. *Purpose.* The Borough of Highlands seeks to encourage property owners to improve their property by offering certain tax incentives for limited periods of time upon completion of improvements or conversion or construction of structures as defined by law. Any exemption provided by this section shall not exceed five (5) years. In accordance with N.J.S.A. 40A:21-1 et seq., the eligibility for exemptions provided by this subsection shall expire in ten (10) years.

b. *Definition of Terms.* Unless otherwise specifically provided in this subsection the definition of all words and terms used in this section shall be those provided in N.J.S.A. 40A:21-1 entitled "The Five-Year Exemption and Abatement Law" (hereinafter referred to as **"the Exemption Law"**).

c. *Area in Need of Rehabilitation.* In accordance with N.J.S.A. 40A:12A-14 and N.J.S.A. 40A:21-3 and -4, the entire Borough of Highlands is hereby designated an area in need of rehabilitation.

d. *Eligibility.* ~~*All residential and nonresidential structures, including Multiple dwelling,*~~ commercial, and industrial structures, which qualify pursuant to the Exemption Law, shall be eligible for exemptions from taxation as provided in this section for

improvements, conversions, construction or all of these. Additionally, any such property seeking an exemption as provided herein (1) must not be delinquent in property taxes owed; and (2) must comply with current Zoning Code requirements. Any property receiving an exemption pursuant to the provisions herein shall immediately forfeit the exemption should property taxes on the property become delinquent.

e. *Exemptions for Improvements to or Construction of ~~Dwellings or~~ Multiple Dwellings, Conversions of Other Buildings to Multiple Dwelling Use.* The Borough shall provide the following exemptions to the extent permitted by law and by the provisions of these sections.

1. Exemptions for Improvements to or Construction of and Conversion to ~~Dwellings and~~ Multiple Dwellings.

~~(a) There shall be an exemption from taxation of improvements to dwellings. In determining the value of real property, the Borough shall regard up to twenty-five thousand (\$25,000.00) dollars of the assessor's full and true value of improvements for each dwelling unit primarily and directly affected by the improvement in any dwelling more than twenty (20) years old, as not increasing the value of the property for a period of five (5) years. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless there is damage to the dwelling through action of the elements sufficient to warrant a reduction.~~

~~(b)~~ (a) There shall be an exemption from taxation of improvements to multiple dwellings or of conversions of other buildings and structures, including unutilized public buildings, to dwelling use or both.

(1) Tax exemptions for improvements to multiple dwellings shall only be available if the number of units within the multiple dwelling complies with current zoning restrictions either at the time of the improvements or as a result of the improvements.

(2) Conversions of structures to multiple dwelling use shall not be eligible for the exemptions provided herein.

(3) In determining the value of real property, the Borough shall regard the assessor's full and true value of improvements for each dwelling unit primarily and directly affected by the improvement in any dwelling more than twenty (20) years old, as not increasing the value of the property for a period of five (5) years. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless there is damage to the multiple dwelling through action of the elements sufficient to warrant a reduction.

~~(c) There shall be an exemption from taxation of the following portion of the assessed valuation of construction of new dwellings or of conversions of other buildings and structures, including unutilized public buildings, to dwelling use or both, provided that, as a result of the construction or conversion, the structure is in compliance with the current Zoning Code. In determining the value of the real property, the Borough shall regard the following percentages of the assessor's full and true value of the property as exempt from taxation for a total of five (5) years notwithstanding that the value of the property upon which the construction or conversion occurs is increased thereby.~~

~~(1) Year One: 30%~~

(2)	Year Two:	24%
(3)	Year Three	18%
(4)	Year Four	12%
(5)	Year Five	6%

2. Improvements to Commercial and Industrial Structures. There shall be an exemption from taxation of improvements to all commercial and industrial structures within the Borough. In determining the value of real property, the Borough shall **regard up to the assessor's full and true value of the improvements** as not increasing the value of the property for a period of five (5) years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless there is damage to the structure through action of the elements sufficient to warrant a reduction.

f. *Tax Agreements for Exemption for Construction of Commercial or Industrial Structures or Multiple Dwellings.* Applicants for exemption from taxation for construction of commercial structures, industrial structures or multiple dwellings shall comply with the following procedures:

1. Complete an application that provides the Governing Body with all information required by N.J.S.A. 40A:21-9 and its amendments or supplements.

2. After the Governing Body adopts an ordinance authorizing a tax agreement for the particular project for which the application has been made, enter into an agreement with the Governing Body for tax exemption which shall provide the applicant to pay the Borough of Highlands in lieu of full property tax payments an amount annually to be computed by the tax phase-in basis set forth in N.J.S.A. 40A:21-10(c) and below:

(a) In the first full year after completion, no payment in lieu of taxes otherwise due;

(b) In the second full year after completion, an amount not less than twenty (20%) percent of taxes otherwise due;

(c) In the third full year after completion, an amount not less than forty (40%) percent of taxes otherwise due;

(d) In the fourth full year after completion, an amount not less than sixty (60%) percent of taxes otherwise due;

(e) In the fifth full year after completion, an amount not less than eighty (80%) percent of taxes otherwise due.

The Governing Body shall not be required to enter into any agreement if the applicant does not agree to the same formula that the Borough determines is in the best interest of the Borough.

## 2-8.8 Written Application Required.

No exemption shall be granted or allowed except upon written application therefor on approved forms and filed with the assessor within thirty (30) calendar days following the completion of the improvements. It shall be conclusively presumed that improvements shall be deemed complete upon the occurrence of the earlier of the following events: the issuance of a temporary certificate of occupancy, the occupancy or usage of the premises, or the issuance of a certificate of occupancy. The Building Inspector shall may determine the a completion date in accordance with the above, which decision shall be final, and not be subject to any appeal, prior to the issuance of a certificate

of occupancy if the Building Inspector, in his or her sole discretion, finds that the building or structure is substantially ready for the intended use for which the building or structure was constructed, improved or converted.

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

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

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.





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
<del>B-2</del> <b><u>CBD</u></b>	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
<del>B-1-O</del>	<del>B-1 Neighborhood Business Overlay</del>
<del>B-2-O</del>	<del>B-2 Central Business Overlay</del>

## 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.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## ORDINANCE 0-18-04

### AN ORDINANCE AMENDING SECTION 7-4 OF BOROUGH CODE TO DESIGNATE ENTIRETY OF VALLEY AVENUE AS A TWO-WAY STREET

WHEREAS, pursuant to N.J.S.A. 39:4-197, the Borough has the authority to pass an Ordinance, without the approval of the Commissioner, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, relating to the designation of one-way streets; and

WHEREAS, Ordinance 14-28 previously designated a portion of Valley Avenue as a one-way street due to safety concerns; and

WHEREAS, the Chief of Police has advised that prior safety concerns, which led to the passage of Ordinance 14-28, have since been addressed due to the installation of concrete bollards at the intersection of Route 36 and Valley Avenue; and

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents of the Borough to amend Section 7-4 to remove the one-way street designation pertaining to a portion of Valley Avenue, thereby allowing two-way traffic on the entirety of Valley Avenue;

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

#### SECTION I.

Borough Code Section 7-4 **“One-Way Streets”** shall be amended as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~strikeovers in bold italics~~. Portions of Section 7-4 that will remain unchanged are omitted below.)

#### *SCHEDULE II ONE-WAY STREETS*

In accordance with the provisions of section 7-4, the following described streets or parts of streets are hereby designated as one-way streets in the direction indicated:

<i>Name of Street</i>	<i>Direction</i>	<i>Limits</i>
Atlantic Street	North	From Shore to Bay Avenue.
Beach Boulevard	West	From Central Avenue to Ocean Avenue.
Cedar Street	South	From Fifth Street to Bay Avenue.
Central Avenue	North	From Bay Avenue to Beach Boulevard.



East North Street	North	From Bay Avenue to Shrewsbury Avenue.
Fifth Street	West	From Valley Avenue to Cedar Street.
Fourth Street	West	From Valley Avenue to Cedar Street.
Hillside Avenue	East	Portland Road to South Bay Avenue.
King Street	North	Entire length of street.
Matthew Street	North	Entire length of street.
Mountain Street	Northwest	From the intersection with Prospect Street in a northwesterly direction to the intersection of Mountain Street with Osborne Street.
Osborne Street	North	From the intersection of Osborne Street with Mountain Street in a northerly direction towards the intersection of Osborne Street with Prospect Street and ending along the southerly side of Prospect Street at the intersection with Osborne Street.
Ocean Avenue	South	From Beach Boulevard to Bay Avenue.
Prospect Street	South	From the eastern side of Woodland Street (a.k.a. Miller Street) at the intersection of Prospect Street with Woodland Street, in a southerly direction towards Mountain Street and continuing along Mountain Street.
Twinlights Terrace (Ord. No. O-2014-36)	West	Entire length: Light House Road west toward South Peak Street.
South Bay Avenue	North	Hillside Avenue to Bay Avenue.
<del>Valley Avenue (Ord. No. O 2014-28)</del>	<del>Northeast</del>	<del>From Highlands Avenue to Route 36.</del>

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

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

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.