

Highlands Borough Mayor & Council Meeting Agenda
Community Center
22 Snug Harbor Avenue, Highlands
Wednesday, March 7 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: Redevelopment Process
 Short Term Rentals

Contract Negotiations: Architectural Services – New Borough Hall
 Sea Bright Lifeguard Services
 Open Space Proposal

Litigation: Block 56, Lot 13

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Approval of Minutes

February 7th 2018

Public Comment on Resolutions

Consent Agenda

R-18-065 Authorize Payment of the Bills
R-18-066 Authorize Application for the 2018 Summer Food Program
R-18-067 Authorize Disposal for Scrap Metal Value of one 2004 Polaris ATV

Resolutions

R-18-068 Authorize Award of Non-Fair & Open Contract for Professional Services to T&M Associates
R-18-069 Accept Recommendation of LUB Designating B105.107 L1.1 in Need of Redevelopment
R-18-070 Accept Recommendation of LUB Designating B84 L2.01 in Need of Redevelopment
R-18-071 Oppose Offshore Oil & Gas Activities

Ordinances: Introduction & First Reading

O-18-06 Amend Chapter 21 to Revise the CBD Zone & Deletion the B-1 Neighborhood Business District

Ordinances: Public Hearing & Possible Adoption

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

Other Business:

Cell Towers

Veterans' Park Bathroom

Parking Meters

County Tax Program

Army Corp of Engineers' Coastal Storm Risk Management Feasibility Study

Administrator's Report

Police Chief's Report

Public Comments:

Adjourn



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-065

AUTHORIZING BILLS LIST

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated March 2, 2018, which totals as follows:

Current Fund	\$766,169.76
Sewer Account	\$ 22,646.89
Capital Fund	\$ 9,314.92
Trust-Other	\$117,791.93
Federal/State Grants	\$ 2,011.26
Total	\$917,934.76

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$917,934.76** 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 and on file in the Municipal Clerk's office for reference.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-066

RESOLUTION AUTHORIZING THE APPLICATION FOR THE 2018 SUMMER FOOD PROGRAM

WHEREAS, the Mayor and Council of the Borough of Highlands have reviewed the material received from the State of New Jersey regarding the 2018 Summer Food Service Program; and

WHEREAS, the Mayor and Council of the Borough of Highlands agree that the Borough's participation in the Summer Food Program will be of benefit to the Borough and its residents;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Mayor, Borough Administrator, and Recreation Assistant are hereby authorized to make application to the State of New Jersey for the 2018 Summer Food Program in the anticipated amount of **\$15,090.40**



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-067

AUTHORIZING THE DISPOSAL FOR SCRAP METAL VALUE OF ONE 2004 POLARIS ATV (VIN: 4XARD50A34D445310) NO LONGER NEEDED FOR PUBLIC USE

WHEREAS, the Borough of Highlands owns a 2004 Polaris ATV, VIN: 4XARD50A34D445310; and

WHEREAS, this vehicle was utilized for the Office of Emergency Management prior to Superstorm Sandy where it was irreparably damaged and due to the poor condition of said vehicle it is no longer needed for public use; and

WHEREAS, the 2004 Polaris ATV failed to sell at auction, it is recommended by the Borough's Office of Emergency Management to dispose this vehicle for its scrap metal value.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands, County of Monmouth, State of New Jersey, authorizes the disposal of one (1) 2004 Polaris ATV, VIN: 4XARD50A34D445310, for scrap metal value.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-068

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 Sanitary Sewer Pipe Rehabilitation Project along various roads within the Borough pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, an internal sanitary sewer inspection noted various deficiencies along the following roads: Bay Avenue, Shore Drive, Huddy Avenue, Washington Avenue, Sea Drift Avenue, Barberie Avenue and Atlantic Street; and

WHEREAS, the Borough is desirous of preparing bid documents to rehabilitate these deficiencies; and

WHEREAS, in order to achieve the Borough's objectives, T&M Associates will determine the proper method of rehabilitation, as well as engage in the preparation of maps and specifications for public bidding; and

WHEREAS, T&M Associates will also engage in Bidding Services, Contract Award Recommendation as well as Construction Administration and Inspection; 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 associated with the Sanitary Sewer Pipe Rehabilitation Project for a fee not to exceed \$27,500; 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 \$27,500 for Professional Engineering Services as stated on the T&M Associates proposal dated February 21, 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 account number 7-05-55-502-000-144 Sewer Engineering Services, 2017 CDBG, is hereby provided by the Chief Financial Officer of the Borough of Highlands:

I hereby certify that funds are available as follows:

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 February 21, 2018 for an amount not to exceed \$27,500.00.
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 award as required by law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-069

RESOLUTION ACCEPTING RECOMMENDATION OF BOROUGH OF HIGHLANDS MUNICIPAL LAND USE BOARD AND DESIGNATING BLOCK 105.107, LOT 1.1, COMMONLY REFERRED TO AS THE SHADOW LAWN MOBILE HOME PARK SITE, AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET. SEQ.

WHEREAS, by way of Resolution 16-228, lawfully adopted on December 7, 2016, the governing body directed and authorized the Borough of Highlands Land Use Board (the "Board") to conduct a preliminary investigation to determine whether Block 105.107, Lot 1.1 (the "Study Area"), commonly referred to as the Shadow Lawn Mobile Home Park Site, qualifies as an "area in need of redevelopment" pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1, et. seq.; and

WHEREAS, by way of Resolution 16-228, the governing body resolved that this redevelopment area determination shall authorize the municipality to use all of those powers provided by the New Jersey Legislature for use in a redevelopment area, other than the use of eminent domain ("Non-Condemnation Redevelopment Area"); and

WHEREAS, as part of its preliminary investigation, the Board caused Heyer, Gruel & Associates, Licensed Professional Planners to prepare an Area in Need of Redevelopment Investigation Report (the "Investigation Report") for the Board for its consideration in determining whether the Study Area should be designated a Non-Condemnation Redevelopment Area; and

WHEREAS, the Investigation Report prepared by Heyer, Gruel & Associates, dated November 2017, determined that the Study Area met the statutory criteria in accordance with the Local Redevelopment and Housing Law, to be designated as "an area in need of redevelopment", which is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the area recommended for determination as "an area in need of redevelopment" is specifically described in the Investigation Report and the boundaries of same are shown on the maps and exhibits included within the said Investigation Report, which is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the Borough of Highlands Land Use Board, pursuant to all notices required by law, conducted a public hearing on January 31, 2018 to determine whether the Study Area meets the statutory criteria of an area in need of redevelopment and considered any public comments and objections thereto; and

WHEREAS, as a result of the hearing, the Board made recommendations to the Mayor and Council of the Borough of Highlands that the Study Area as described in the Investigation Report, which is annexed hereto as Exhibit A, be designated as a Non-Condemnation Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-5,

which recommendations were memorialized in a Resolution of the Borough of Highlands Land Use Board duly adopted on February 14, 2018; and

WHEREAS, the Mayor and Borough Council reviewed the aforesaid Resolution of the Borough of Highlands Land Use Board, as well as the Investigation Report dated November 2017, which is annexed hereto as Exhibit A; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Highlands accepts the Board's recommendations set forth in the Borough of Highlands Municipal Land Use Board Resolution dated February 14, 2018, and that it hereby adopts the recitals and findings of the Borough of Highlands Land Use Board and the Investigation Report attached hereto as Exhibit A, as if fully set forth herein, and therefore determines and declares that the area of investigation, as contained in the Investigation Report of Block 105.107, Lot 1.1, be and is hereby determined to be a Non-Condensation Area in Need of Redevelopment, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq.

BE IT FURTHER RESOLVED, that the designation of Block 105.107, Lot 1.1 as a Non-Condensation Area in Need of Redevelopment shall not authorize the Borough to exercise the power of eminent domain to acquire any property in the study area.

BE IT FURTHER RESOLVED, that the Borough hereby reserves all other authority and powers granted to it in the Local Redevelopment Law.

BE IT FURTHER RESOLVED, that the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. provides for procedures to establish a Redevelopment Plan for the municipality, and the Mayor and Council of the Borough of Highlands have determined that it will embark upon the preparation of such a Redevelopment Plan.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 40A:12-6(b)(5)(c), the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Commissioner of the Department of Community Affairs for review.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon all record owners of the properties located within the delineated area of the Investigation Report as those names are listed within the official Tax Assessor's records within ten (10) days of the adoption hereof.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon each person, if any, who filed a written objection and stated in such submission an address to which notice of this determination may be sent.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution and underlying documents shall be available for public inspection during regular business hours at the office of the Borough Clerk.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-070

RESOLUTION ACCEPTING RECOMMENDATION OF BOROUGH OF HIGHLANDS MUNICIPAL LAND USE BOARD AND DESIGNATING BLOCK 84, LOT 2.01, COMMONLY REFERRED TO AS CAPTAINS COVE MARINA, AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET. SEQ.

WHEREAS, by way of Resolution 16-228, lawfully adopted on December 7, 2016, the governing body directed and authorized the Borough of Highlands Land Use Board (the "Board") to conduct a preliminary investigation to determine whether Block 84, Lot 2.01 (the "Study Area"), commonly referred to as Captains Cove Marina, qualifies as an "area in need of redevelopment" pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1, et. seq.; and

WHEREAS, by way of Resolution 16-228, the governing body resolved that this redevelopment area determination shall authorize the municipality to use all of those powers provided by the New Jersey Legislature for use in a redevelopment area, other than the use of eminent domain ("Non-Condensation Redevelopment Area"); and

WHEREAS, as part of its preliminary investigation, the Board caused Heyer, Gruel & Associates, Licensed Professional Planners to prepare an Area in Need of Redevelopment Investigation Report (the "Investigation Report") for the Board for its consideration in determining whether the Study Area should be designated a Non-Condensation Redevelopment Area; and

WHEREAS, the Investigation Report prepared by Heyer, Gruel & Associates, dated November 2017, determined that the Study Area met the statutory criteria in accordance with the Local Redevelopment and Housing Law, to be designated as "an area in need of redevelopment", which is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the area recommended for determination as "an area in need of redevelopment" is specifically described in the Investigation Report and the boundaries of same are shown on the maps and exhibits included within the said Investigation Report, which is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the Borough of Highlands Land Use Board, pursuant to all notices required by law, conducted a public hearing on January 31, 2018 to determine whether the Study Area meets the statutory criteria of an area in need of redevelopment and considered any public comments and objections thereto; and

WHEREAS, as a result of the hearing, the Board made recommendations to the Mayor and Council of the Borough of Highlands that the Study Area as described in the Investigation Report, which is annexed hereto as Exhibit A, be designated as a Non-Condensation Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-5,

which recommendations were memorialized in a Resolution of the Borough of Highlands Land Use Board duly adopted on February 14, 2018; and

WHEREAS, the Mayor and Borough Council reviewed the aforesaid Resolution of the Borough of Highlands Land Use Board, as well as the Investigation Report dated November 2017, which is annexed hereto as Exhibit A; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Highlands accepts the Board's recommendations set forth in the Borough of Highlands Municipal Land Use Board Resolution dated February 14, 2018, and that it hereby adopts the recitals and findings of the Borough of Highlands Land Use Board and the Investigation Report attached hereto as Exhibit A, as if fully set forth herein, and therefore determines and declares that the area of investigation, as contained in the Investigation Report of Block 84, Lot 2.01, be and is hereby determined to be a Non-Condemnation Area in Need of Redevelopment, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq.

BE IT FURTHER RESOLVED, that the designation of Block 84, Lot 2.01 as a Non-Condemnation Area in Need of Redevelopment shall not authorize the Borough to exercise the power of eminent domain to acquire any property in the study area.

BE IT FURTHER RESOLVED, that the Borough hereby reserves all other authority and powers granted to it in the Local Redevelopment Law.

BE IT FURTHER RESOLVED, that the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. provides for procedures to establish a Redevelopment Plan for the municipality, and the Mayor and Council of the Borough of Highlands have determined that it will embark upon the preparation of such a Redevelopment Plan.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 40A:12-6(b)(5)(c), the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Commissioner of the Department of Community Affairs for review.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon all record owners of the properties located within the delineated area of the Investigation Report as those names are listed within the official Tax Assessor's records within ten (10) days of the adoption hereof.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon each person, if any, who filed a written objection and stated in such submission an address to which notice of this determination may be sent.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution and underlying documents shall be available for public inspection during regular business hours at the office of the Borough Clerk.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-071

RESOLUTION OPPOSING OFFSHORE OIL AND GAS ACTIVITIES

WHEREAS, on January 8, 2018, the federal Bureau of Ocean Energy Management (BOEM) announced in the Federal Register notice the release of their Draft Proposed Program (DPP) for the 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program. BOEM is requesting public comment on the DPP as well as formal scoping for a Programmatic Environmental Impact Statement for the 2019-2024 Program. and

WHEREAS, this new plan includes the entire Atlantic Ocean from Maine to Florida, **including the waters off New Jersey within 3 miles of beaches**, as well as including other ocean areas totaling some 90% of US ocean waters, and

WHEREAS, New Jersey boasts over 127 miles of beautiful ocean coastline and hundreds of miles of back-bays, estuaries, and other waterways connected to the Atlantic Ocean; and

WHEREAS, the Jersey Shore is essential to the health of the our communities, environment and the thriving economy of New Jersey; and

WHEREAS, the physical, hydrodynamic, and biological characteristics of the ocean off the Jersey Shore are unique in the world, as more than 300 species of fish, nearly 350 species of birds, 5 species of sea turtles, and many marine mammals such as 20 species of whales and dolphins, 1 species of porpoise, and 4 species of seals, frequent this region. Nine endangered species, four of which are whales, can be found in these ocean waters, including the Atlantic Right Whale, one of the world's most endangered marine mammals. The region also serves as an essential migratory pathway for many of these species; and

WHEREAS, the Jersey Shore sustains the economy of the region with its bounty of natural resources and intrinsic values for millions of people through tourism. Tourism brings more than \$44.1 billion to NJ's economy each year and provides jobs to more than 500,000 people; and

WHEREAS, recreational and commercial fisheries in NJ provide enormous economic benefits, including revenue, food production, and recreational activities. In 2014, recreational fishing supported nearly 20,000 jobs and resulted in \$2 billion of retail sales. Commercial fishing supports nearly 7,300 jobs and provides \$152 million in landings, not including restaurant and retail sales; and

WHEREAS, current estimates of the amount of technically recoverable oil off the entire Atlantic coast from Maine to Florida would only last the nation approximately 229 days, and the amount of technically recoverable gas would only last approximately 562 days; and

WHEREAS, offshore oil and gas development, causes substantial environmental impacts, including: (a) onshore damage due to infrastructure, (b) water pollution from drilling muds and the water brought-up from a well with oil and gas (called "produced waters"), (c) noise from seismic surveys, (d) air pollution, and (e) oil spills; and

WHEREAS, the harmful environmental consequences of offshore oil and gas exploration and development are serious and threatens the environmental and economic assets of New Jersey; and

WHEREAS, The BP Horizon disaster in the Gulf of Mexico (2010) is clear evidence of the dangers associated with offshore drilling, including costing the lives of 11 people, devastating coastal economies and countless livelihoods, and killing countless marine animals, as well as continuing to cause harm to marine life as documented by a steady flow of studies; and

WHEREAS, Federal Administration officials are also weakening protections of ocean resources by undermining rules and regulations, cutting funding sources for spill response; and

WHEREAS, oil spills travel vast distances, and the Gulf Stream and Labrador Ocean Current all flow toward New Jersey making the region vulnerable to impacts from spills anywhere in the Atlantic Ocean; and

WHEREAS, within 5 days of the release of the DPP Governor Scott from Florida was able to convince Department of Interior Secretary Zinke to **remove Florida from further consideration for drilling due to the importance of coastal tourism to that state and NJ shares this same economic dependence on tourism and clean ocean economies;**

WHEREAS, bi-partisan opposition against drilling off the New Jersey coast has included every Governor since 1985, and a majority of the congressional delegation and most coastal towns; and

WHEREAS, in the January 8, 2018, BOEM Federal Register to requests comments on the Draft Proposed Program (DPP) and scoping comments for the Programmatic Environmental Impact Study

WHEREAS, energy conservation and efficiency measures can significantly reduce the nation's need to explore and drill for nonrenewable resources, such as oil and natural gas; and

WHEREAS, coastal municipalities have a profound interest in maintaining strong federal protections for our nation's coastal environment, as well as the economic and social benefits it supports;

NOW, THEREFORE, BE IT RESOLVED, that on this date, March 7, 2018, the Borough of Highlands, hereby opposes offshore oil and gas exploration and drilling activities that would affect the coast of New Jersey, and calls upon **Secretary of the Interior Ryan K. Zinke** who oversees the Bureau of Ocean Energy Management to withdraw New Jersey and the entire Atlantic Ocean from consideration for the offshore oil and gas exploration, development, or drilling.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-18-06

An Ordinance amending Chapter 21 of the Borough Code concerning revisions to the CBD Zone and deletion of the B-1 Neighborhood Business District.

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, in conjunction with Ordinance O-18-01 adopted on February 21, 2018, 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 Articles XIV and XVII 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 eighteen (18) 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
CBD	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

21-83 BUSINESS USES AND DISTRICTS.

A. The following regulations shall apply to all business uses and districts.

1. Parking shall be provided in accordance with the parking standards in subsection 21-65.15 and may be provided either on or off site. Where parking is provided off site, the applicant may either provide dedicated private parking or participate in the development of public parking and associated access improvements.

2. Pedestrian access shall be provided from off-tract and municipal parking areas to commercial uses and between commercial uses and other attractions to encourage the use of off-site parking areas and pedestrian mobility.

3. A lot in an R-2 district which adjoins a ~~B-1 or B-2~~ **CBD** district may be used to provide access to any adjoining lot in the ~~B-1 or B-2~~ **CBD** district or for accessory parking to such adjoining lot.

4. Seasonal outdoor activities related to the principal use may be permitted with minor site plan approval. Such uses include, but are not limited to, outdoor eating areas for a restaurant, bicycle rentals for tourist related or sports uses, marine sales for waterfront marine uses.

5. All floodproofing shall be performed in accordance with FEMA regulations and the New Jersey Department of Environmental Protection regulations located at N.J.A.C. 7:13-1, et seq., whichever is the more restrictive.

SECTION II.

The following Sections of Chapter 21, Article XVII, Business and Waterfront Zone 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 Articles XIV and XVII that will remain unchanged are omitted below.)

21-90 ~~*B-1 NEIGHBORHOOD BUSINESS DISTRICT. Reserved.*~~

~~**A. The following regulations shall apply in all B-1 districts:**~~

~~**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;**~~

~~**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; and**~~

~~**m. Art, handicraft studios/workshops and galleries.**~~

~~**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.**~~

~~**4. Area and bulk requirements, as shown in Schedule I and below.**~~

~~*Editor's Note: Schedule I can be found at the end of Article XIX.*~~

~~**a. Side yards. No side yard is required adjacent to other properties in the business zone; however, if any is to be provided, it shall be at least five (5) feet. Any side yard that serves as a boundary between that lot and any residence zone shall at least be five (5) feet and shall**~~

~~contain buffering in accordance with the requirements of subsection 21-65.3.~~

~~b. For any building containing residential uses, outdoor living space shall be provided at the rate of two hundred (200) square feet per unit, plus fifty (50) square feet for each bedroom over one (1). This space may be provided either at ground level or directly adjacent to the unit in the form of decks and/or rooftop terraces. The area provided shall be private, for the exclusive use of the residential tenant and shall be sufficiently screened or otherwise designed to insure that privacy and exclusive use.~~

SECTION III. 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 IV. REPEALER.

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

SECTION V. 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 0-18-05

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.