



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.

MOTION to introduce O-18-06:

March 21st 2018

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

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



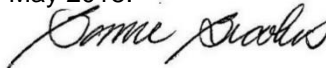
Bonnie Brookes, RMC
Municipal Clerk

MOTION to Adopt O-18-06:

May 2nd 2018

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

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held May 2nd 2018. WITNESS my hand this 3rd day of May 2018.



Bonnie Brookes, RMC
Municipal Clerk