



CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN

BOROUGH OF HIGHLANDS, NEW JERSEY

Prepared for The Borough of Highlands by

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November 2021

Central Business District REDEVELOPMENT PLAN

Borough of Highlands, New Jersey

November 24, 2021

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A handwritten signature in black ink, appearing to read "Paul Grygiel", is positioned above a horizontal line.

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I. INTRODUCTION

This Redevelopment Plan (the “Redevelopment Plan”) has been prepared for an area comprised of 155 parcels on portions of 31 tax blocks known as Blocks 40.01, 41, 42, 45, 46, 47, 52, 53, 54, 58, 59, 63, 64, 69, 70, 71, 72, 73, 74, 75, 80, 81, 82, 83, 88, 89, 94, 95, 96, 96.01, and 114 (heretofore referred to as the “Redevelopment Area”) in the Borough of Highlands, Monmouth County, New Jersey. This Redevelopment Plan provides an overall vision for the Redevelopment Area, as well as general recommendations and specific development regulations. It supports and enhances the Borough’s ongoing efforts to improve the Bay Avenue corridor and adjoining areas and to attract additional public and private investment.

This Redevelopment Plan provides development regulations for the Bay Avenue corridor between South Street and Gravelly Point Road and certain adjoining areas, including use and bulk standards for the area, as well as site, building design and other regulations typically found in a Redevelopment Plan. But it also provides a vision, goals and general recommendations for the Redevelopment Area, all of which build upon prior efforts for the Central Business District and nearby areas.

The plan was prepared through a process that included the input from the community through meetings and a survey, as well as the input of Borough staff and officials. Notably, the Bay Avenue Redevelopment Survey obtained input from a cross-section of Highlands residents, property owners and business owners which informs the recommendations and regulations in this Redevelopment Plan. Planning and development documents reviewed in the process of preparing the plan included the Borough’s Master Plan and updates, the Zoning Ordinance, the Highlands Central Business District Design Manual, and various reports on prior planning efforts for the Redevelopment Area and nearby areas. The consultants also visited the Redevelopment Area and vicinity on a number of occasions to document existing conditions. Data about demographics, housing and development was reviewed and analyzed, and maps were created based on information obtained from the Borough and other sources.

A redevelopment plan is a powerful planning document that combines the vision of a master plan with the authority of a zoning ordinance. The redevelopment plan’s special legal status provides a municipality with a more effective way to control the nature and type of development in a redevelopment area than is possible through standard zoning. Benefits of utilizing redevelopment plans include the ability to create very specific redevelopment plan regulations for uses and design and providing the municipality with greater control of the redevelopment process, such as through the selection of developers.

The preparation and adoption of a redevelopment plan moves the redevelopment process from problem identification to problem solving. With the adoption of a redevelopment plan, the focus shifts from an analysis of existing conditions in a designated area to a discussion of its future use and redevelopment. Adopting a redevelopment plan sends a message to the development community about the Borough’s long-term commitment to the redevelopment of an area.

Redevelopment plans may be designed to address a wide range of public purposes and land use issues. The potential scope of a redevelopment plan may include: permitted uses, bulk regulations (e.g., height, setbacks, coverage, etc.), building massing/design, streetscape/open space, sustainability measures, and parking and loading.

II. EXISTING CONDITIONS AND CONTEXT

The Borough of Highlands is a unique municipality. Located along Sandy Hook Bay and the Shrewsbury River, its assets include a substantial waterfront, business districts, State Highway frontage, a State Historic Site, a range of residential development types, ferry service to New York City and easy access to the Atlantic Ocean, large parks and trails. Figure 1 shows the Borough's context within the region. However, Highlands faces a number of challenges, including flooding, traffic and fiscal limitations. There have been a number of plans and studies prepared in recent years for the Borough's commercial and residential districts. Actions have been taken to implement some of the recommendations of these documents, including adoption of zoning amendments in 2018. But there remain issues both specific to Highlands as well as those affecting downtowns and small business districts, even prior to the COVID-19 pandemic. This Redevelopment Plan is intended to help Highlands' Central Business District achieve its potential as both a community amenity and a destination.

The Redevelopment Area encompasses parts of 31 tax blocks located in the eastern section of the Borough of Highlands. The Redevelopment Area includes a portion of the parcels on Blocks 40.01, 41, 42, 45, 46, 47, 52, 53, 54, 58, 59, 63, 64, 69, 70, 71, 72, 73, 74, 75, 80, 81, 82, 83, 88, 89, 94, 95, 96, 96.01, and 114, as identified on the official tax maps of the Borough of Highlands. The Redevelopment Area is approximately 20.64 acres in area. It is defined by the boundaries of the CBD Zone as adopted on the Zoning Map by Ordinance 18-22 in December of 2018, which generally follows the north and south sides of Bay Avenue, and certain properties on both South Second Street and Shore Drive.

Existing land uses in the Redevelopment Area include commercial, residential (one to four family), residential apartment, public property, municipal parks, a religious institution, a social institution, surface parking lots, and vacant, unimproved land. Land uses within the vicinity are varied and include a mix of residential and nonresidential uses. There are also various attractions and landmarks within the surrounding area. These include municipal and county parks, the Twin Lights State Historic Site and the Sandy Hook section of Gateway National Recreation Area. The Redevelopment Area's locational context is shown on Figure 2.

The Redevelopment Area has been determined to be an "area in need of redevelopment" pursuant to the New Jersey Local Housing and Redevelopment Law (LRHL) at N.J.S.A. 40A:12A-1 et seq. The Mayor and Council of the Borough of Highlands adopted a resolution in February 2021 authorizing the Land Use Board to investigate all properties within the Central Business District zone to determine if they constituted an "area in need of redevelopment" pursuant to the LRHL. The *Central Business District Area in Need of Redevelopment Study* was prepared in July 2021. All of the properties in the redevelopment study area were designated as "an area in need of redevelopment" by resolution of the Mayor and Council on October 20, 2021 following a recommendation by the Borough of Highlands Land Use Board. The designated redevelopment area includes 155 parcels, which are listed below in Table 1 and are shown on Figures 3A and 3B.

Highlands' waterfront location and topography have subjected portions of the Borough to significant flooding. As shown on Figure 4, the Redevelopment Area in particular is located almost entirely within the AE flood zone, according to the Federal Emergency Management Agency's (FEMA's) most recent Flood Insurance Rate Maps. The current Base Flood Elevation (BFE) in this zone is 11 feet, meaning that the BFE is about 5 to 7 feet above grade in most areas of the Redevelopment Area.

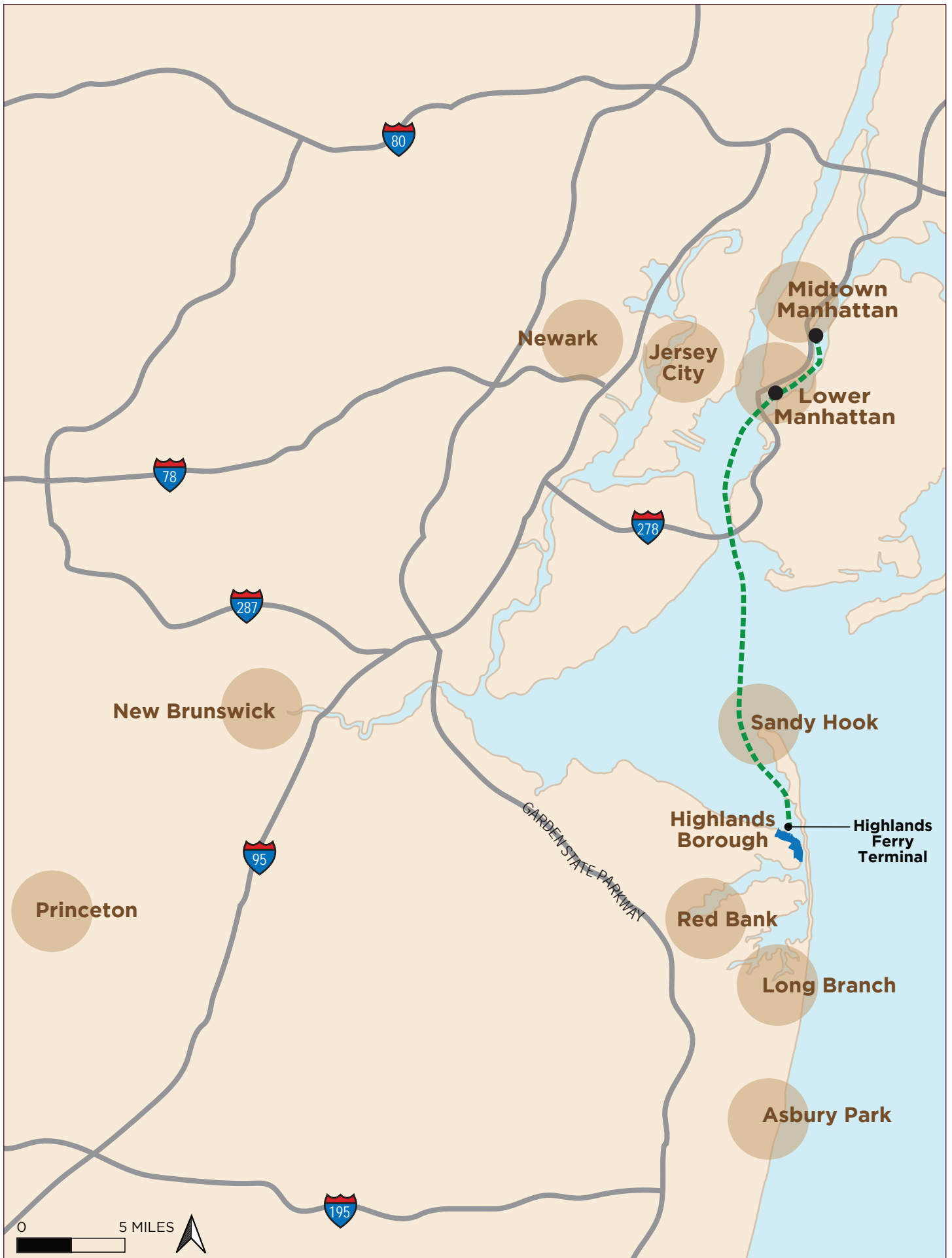


FIGURE 1: REGIONAL CONTEXT | BOROUGH OF HIGHLANDS, NJ

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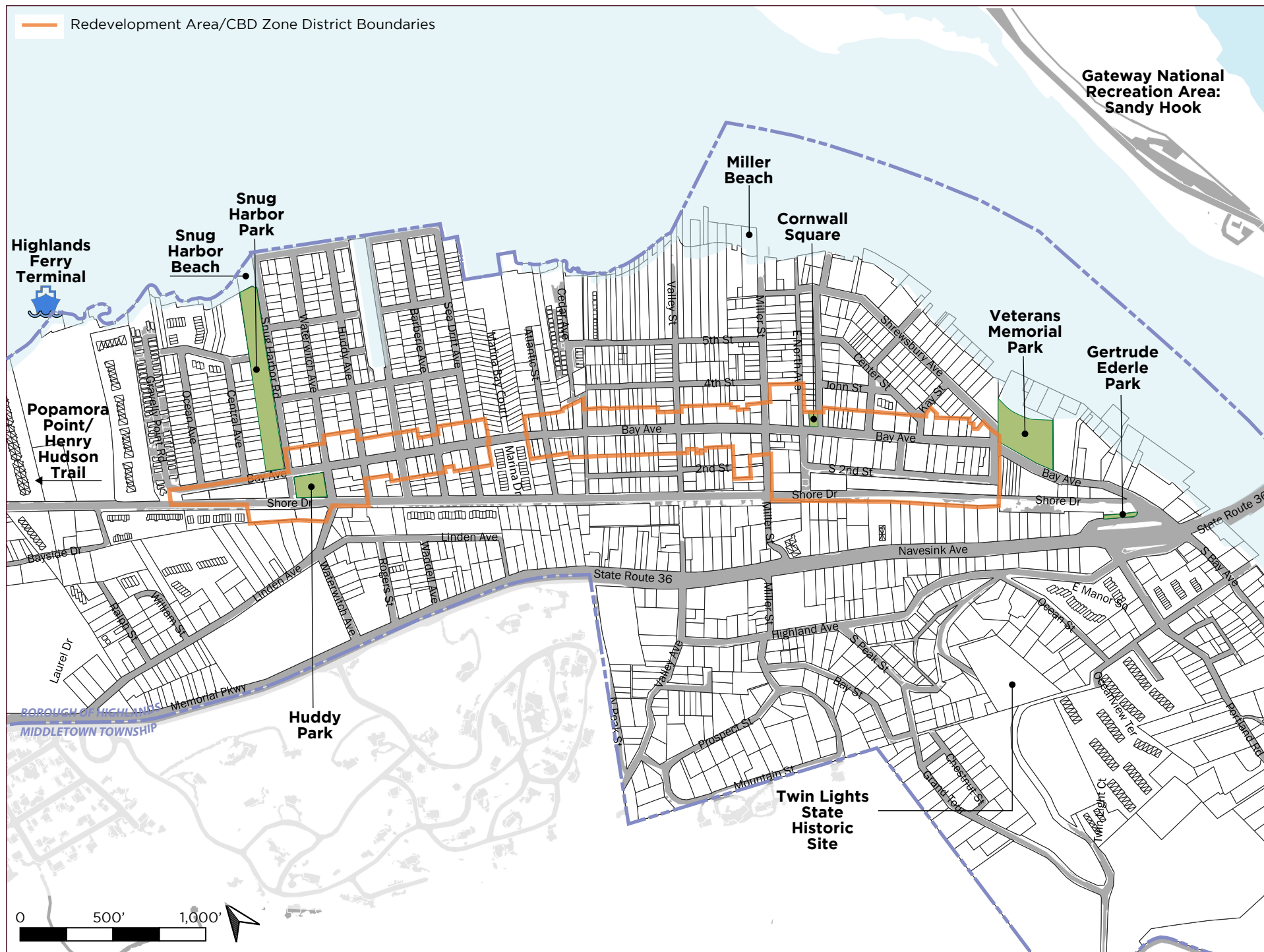


FIGURE 2: REDEVELOPMENT AREA CONTEXT | BOROUGH OF HIGHLANDS, NJ

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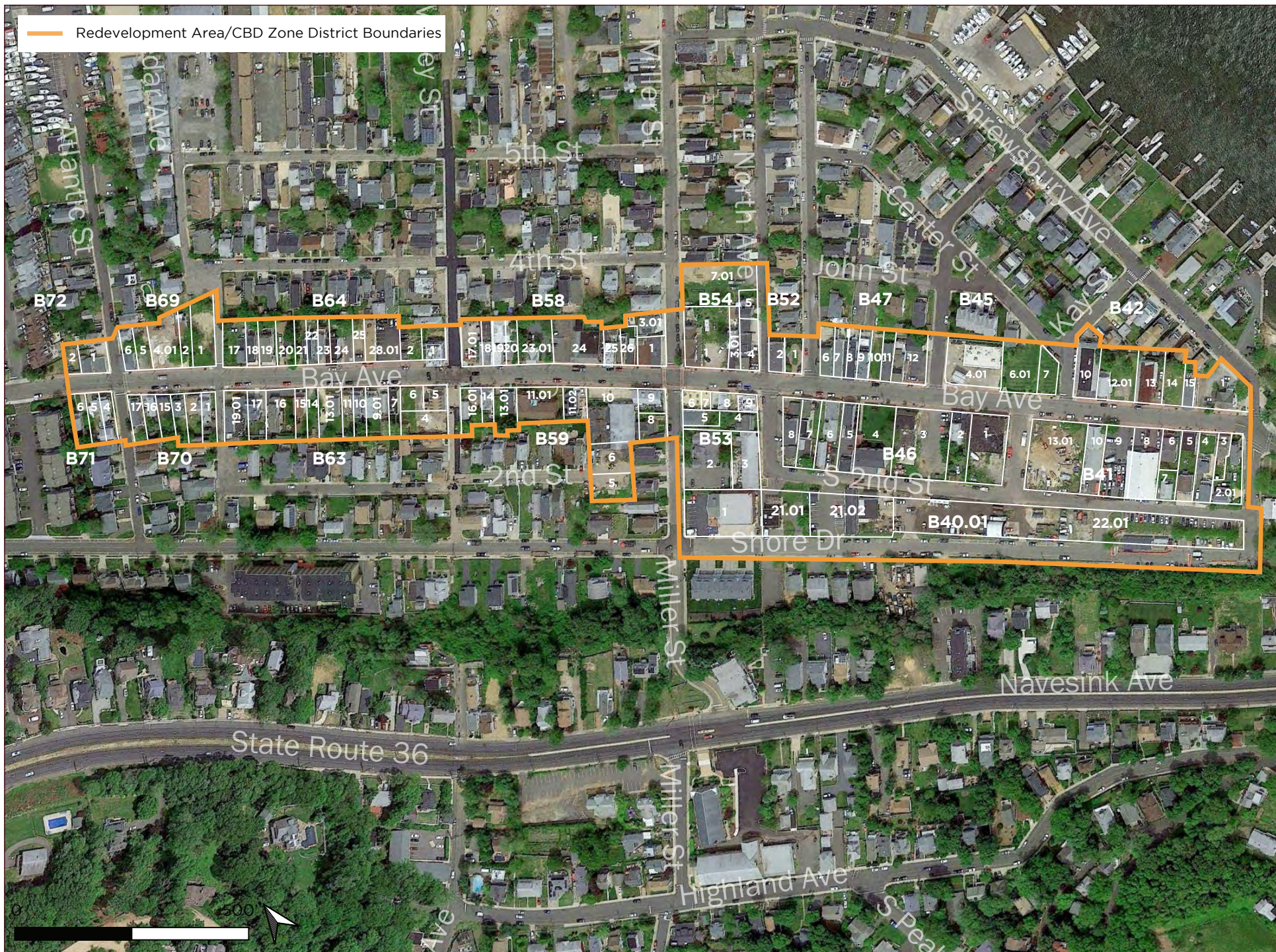


FIGURE 3A: REDEVELOPMENT AREA TAX LOTS: EASTERN SECTION | BOROUGH OF HIGHLANDS, NJ
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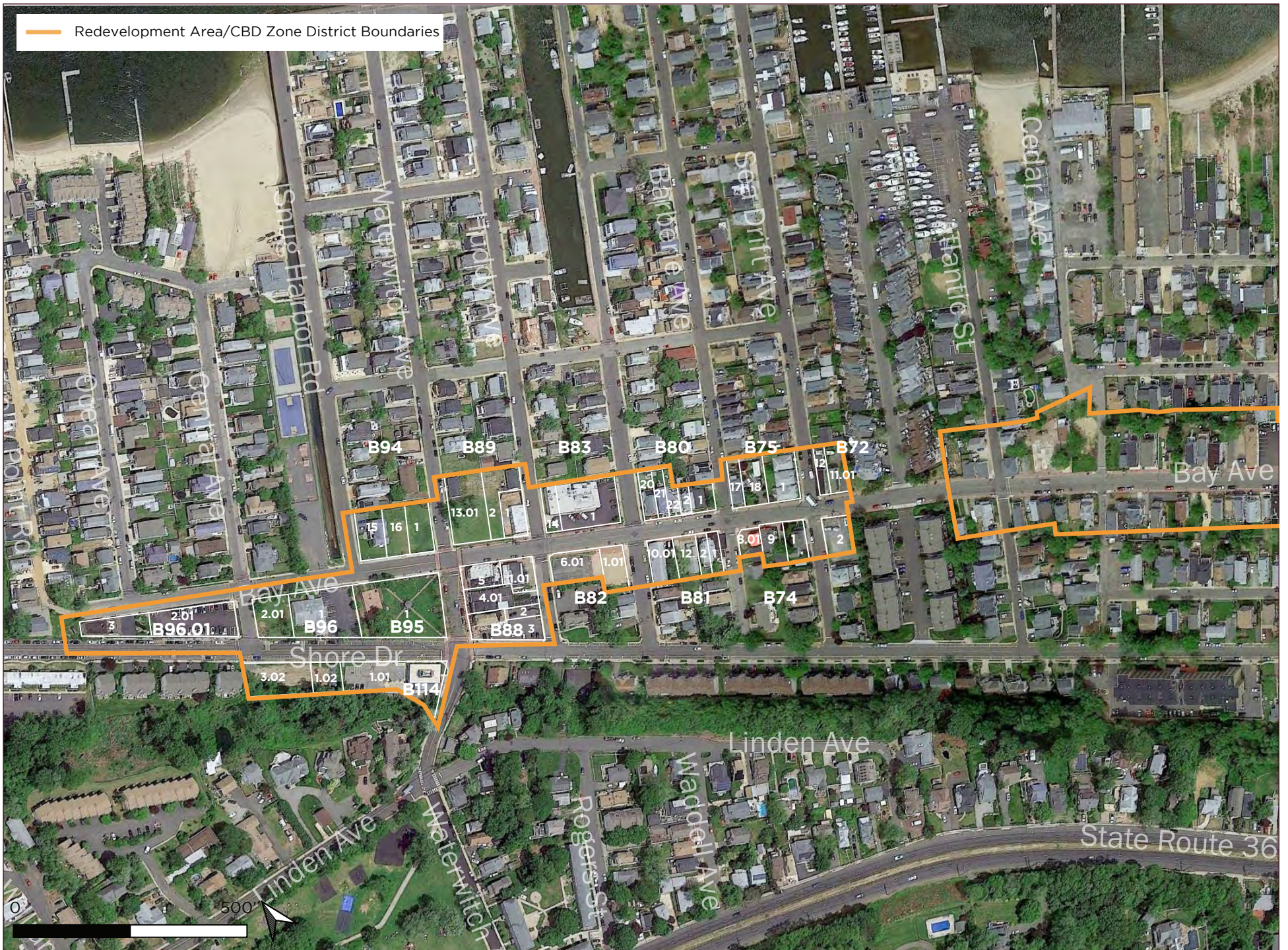


FIGURE 3B: REDEVELOPMENT AREA TAX LOTS: WESTERN SECTION | BOROUGH OF HIGHLANDS, NJ
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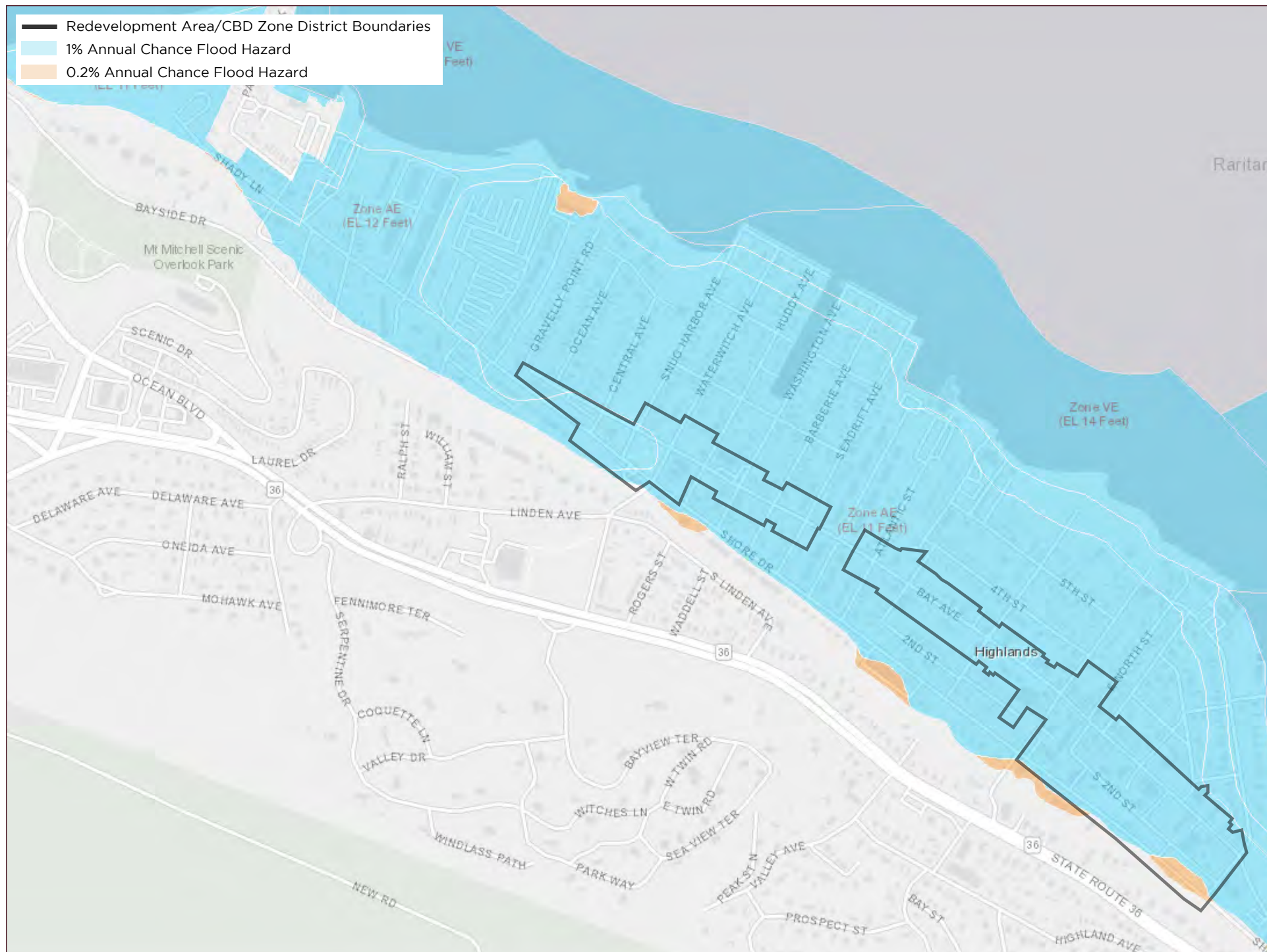


FIGURE 4: FLOOD ZONES | BOROUGH OF HIGHLANDS, NJ

SOURCE: njfloodmapper.org

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Table 1: Redevelopment Area Tax Parcels

Block	Lot	Address
40.01	21.01	40 WEST NORTH STREET
40.01	21.02	42 WEST NORTH STREET
40.01	22.01	38 WEST NORTH STREET
41	2.01	57 BAY AVENUE
41	3	59 BAY AVENUE
41	4	61 BAY AVENUE
41	5	65-67 BAY AVENUE
41	6	69-71 BAY AVENUE
41	7	30 SECOND STREET
41	8	75 BAY AVENUE
41	9	BAY AVENUE
41	10	85-87 BAY AVENUE
41	13.01	95-99 BAY AVENUE
42	1	60 BAY AVENUE
42	10	88 BAY AVENUE
42	12.01	84 BAY AVENUE
42	13	78 BAY AVENUE
42	14	74 BAY AVENUE
42	15	68 BAY AVENUE
45	4.01	102 BAY AVENUE
45	6.01	98 BAY AVENUE
45	7	92 BAY AVENUE - KAY STREET
46	1	103-107 BAY AVENUE
46	2	111 BAY AVENUE
46	3	123 BAY AVENUE
46	4	125 BAY AVENUE
46	5	139 BAY AVENUE
46	6	141 BAY AVENUE
46	7	143 BAY AVENUE
46	8	BAY AVE & WEST NO ST
47	6	132 BAY AVENUE
47	7	130 BAY AVENUE
47	8	128 BAY AVENUE
47	9	126 BAY AVENUE
47	10	124 BAY AVENUE
47	11	122 BAY AVENUE
47	12	120 BAY AVENUE
52	1	CORNWALL ST & BAY
52	2	140 BAY AVENUE
53	1	MILLER ST
53	2	65 MILLER STREET
53	3	9 WEST NORTH STREET
53	4	7 NORTH STREET
53	5	63 MILLER STREET
53	6	BAY AVE & MILLER ST
53	7	BAY AVENUE
53	8	157 BAY AVENUE
53	9	151 BAY AVENUE
54	1	150 BAY AVENUE
54	3.01	146-148 BAY AVE
54	4	144 BAY AVENUE

54	5	38 NORTH STREET
54	7.01	49 MILLER STREET
58	1	154 BAY AVENUE
58	3.01	50 MILLER STREET
58	17.01	192 BAY AVENUE
58	18	190 BAY AVENUE
58	19 (& 20) ¹	188 BAY AVENUE
58	23.01	182 BAY AVENUE
58	24	170 BAY AVENUE
58	25	168 BAY AVENUE
58	26	164 BAY AVENUE
59	5	SECOND ST
59	6	SECOND TO MILLER
59	8	66 MILLER STREET
59	9	165 BAY AVENUE
59	10	171 BAY AVENUE
59	11.01	181 BAY AVENUE
59	11.02	179 BAY AVENUE
59	13.01	187 BAY AVENUE
59	14	191 BAY AVENUE
59	16.01	193-195 BAY AVENUE
63	4	VALLEY STREET
63	5	197 BAY AVENUE
63	6	203 BAY AVENUE
63	7	205 BAY AVENUE
63	9.01	207 BAY AVENUE
63	10	211 BAY AVENUE
63	11	213 BAY AVENUE
63	13.01	215 BAY AVENUE
63	14	219-221 BAY AVENUE
63	15	219-221 BAY AVENUE
63	16	225 BAY AVENUE
63	17	227 BAY AVENUE
63	19.01	231 BAY AVENUE
64	1	196 BAY AVENUE
64	2	208 BAY AVENUE
64	17	230 BAY AVENUE
64	18	228 BAY AVENUE
64	19	226 BAY AVENUE
64	20	222 BAY AVENUE
64	21	218 BAY AVENUE
64	22	218 BAY AVENUE
64	23	216 BAY AVENUE
64	24	214 BAY AVENUE
64	25	210 BAY AVENUE
64	28.01	208 BAY AVENUE
69	1	234 BAY AVENUE
69	2	238 BAY AVENUE
69	4.01	242 BAY AVENUE
69	6.01	29 ATLANTIC STREET

70	1	233 BAY AVENUE
70	2	235 BAY AVENUE
70	3	237 BAY AVENUE
70	15	239 BAY AVENUE
70	16	241 BAY AVENUE
70	17	245 BAY AVENUE
71	4	247 BAY AVENUE-ATLANTIC ST
71	5	249 BAY AVENUE
71	6	251 BAY AVENUE
72	1	28 ATLANTIC STREET
72	2	BAY AVENUE
72	11.01	270 BAY AVENUE
72	12	272 BAY AVENUE
73	2	SEADRIFT AVENUE
74	1	273 BAY AVENUE
74	8.01	83 BARBARIE AVENUE
74	9	277 BAY AVENUE
75	1	274-276 BAY AVENUE
75	17	282 BAY AVENUE
75	18	284 BAY AVENUE
80	1	286 BAY AVENUE
80	2	288 BAY AVENUE
80	20	294 BAY AVENUE
80	21	292 BAY AVENUE
80	22	290 BAY AVENUE
81	1	285 BAY AVENUE
81	2	287 BAY AVENUE
81	10.01	295 BAY AVENUE

81	12	289 BAY AVENUE
82	1.01	297-299 BAY AVENUE
82	6.01	BAY & HUDDY AVE
83	1 (& 14) ¹	300 BAY AVENUE
88	1.01	311 BAY AVENUE
88	2	71 WATERWITCH AVENUE
88	3	71 WATERWITCH AVENUE
88	4.01	67-69 WATERWITCH AVENUE
88	5	321 BAY AVENUE
89	1	310 BAY AVENUE
89	2	58-60 HUDDY AVENUE
89	13.01	65 WATERWITCH AVENUE
94	1	BAY & WATERWITCH AVENUES
94	15 (15.02 & 15.03)	69-71 SNUG HARBOR AVE
94	16	326 BAY AVENUE
95	1	WATERWITCH & BAY AVENUE
96	1	331 BAY AVENUE
96	2.01	171 BAY AVENUE
96.01	2.01	BAY AVENUE
96.01 (96)	3	409 BAY AVENUE
114	1.01	SHORE DRIVE
114	1.02	SHORE DRIVE
114	3.02	SHORE DRIVE

¹ Properties have been combined when records combine their ownership and area information.

III. VISION, GOALS AND RELATIONSHIP TO LOCAL OBJECTIVES

A. Vision

The overall vision for the Redevelopment Area is a vibrant, walkable downtown along the Bay Avenue corridor and adjoining areas that includes a mix of old and new commercial and residential uses; additional stores, services and attractions; improved parks and public facilities; and stronger connections to the broader community and the Shrewsbury River. Building and site designs will be consistent with Highlands' identity as a waterfront, historic small town, yet allow for a variety of architectural styles and building types. Streets, sidewalks and public spaces will be safer and more attractive as a result of public and private investments in the Redevelopment Area.

B. Redevelopment Plan Goals

The specific goals and objectives of the Redevelopment Plan are as follows:

- 1) Provide regulations for the reuse of buildings and the appropriate redevelopment of properties in the Redevelopment Area with a mix of residential and nonresidential land uses that support the Borough's planning and economic development objectives.
- 2) Address flooding through improved building and site design and increased use of green infrastructure.
- 3) Require building and site design that is aesthetically attractive, relates to Highlands' existing character and incorporates sustainability measures.
- 4) Enhance the pedestrian environment through provision of active ground floor uses in mixed-use areas and appropriate site design on residential properties.
- 5) Improve pedestrian and bicycle safety in the Redevelopment Area.
- 6) Provide adequate parking, loading and access for uses in the Redevelopment Area.
- 7) Provide additional open space and attractions within the Redevelopment Area.
- 8) Better connect the Redevelopment Area to adjoining neighborhoods, the Shrewsbury River, community amenities, nearby regional attractions and transportation resources.

C. Relationship to Master Plan

This Redevelopment Plan is consistent with the goals and objectives of the master planning efforts of the Borough of Highlands, as described further below, as it implements various recommendations of the 2004 Master Plan and updates as well other planning studies seeking the strengthen the vitality of the Borough's downtown and other business districts.

The Borough of Highlands has completed several plans and studies which attempt to address an ongoing lack of investment and business activity in the Borough, particularly on the Bay Avenue commercial corridor. These problems were noted prior to the destruction brought about by Superstorm Sandy but were exacerbated after the storm. The Borough has recommended a series of strategies to revitalize the Bay Area commercial corridor in recent years, several of which have been implemented. A previously untapped recommendation is to investigate the designation of eligible properties as areas in need of redevelopment to encourage a rebirth of the commercial corridor.

The Borough of Highlands' most recent comprehensive Master Plan was adopted in 2004 (the "2004 Master Plan"). To promote economic development in the downtown, the 2004 Master Plan recommended "investigating the potential for redevelopment within the downtown to address problems, identify opportunities and provide a guide for future reinvestment," and "[a]ssembling sites that can be offered for new business development," among other strategies. At the time of writing the 2004 Master Plan, the Redevelopment Area roughly corresponded to the boundaries of the B-2 Central Business District, which was intended to "accommodate a higher density concentration of retail, service, office and entertainment uses than other commercial districts in the Borough."

A reexamination of the 2004 plan, along with a land use plan element, was adopted in 2009 (the "2009 Master Plan Reexamination"). The 2009 Master Plan Reexamination recommended several changes to the Borough's Development Regulations for the B-1 Neighborhood Business District and the B-2 Central Business District, which generally comprised the east and west ends of Bay Avenue and Shore Drive. The recommended changes related to flooding, parking, permitted uses, bulk requirements, and design to advance the Borough's goal to "[s]trengthen commercial districts, especially the Bay Avenue Central Business District."

The current Master Plan document consists of a reexamination report and amendments, which were adopted by the Borough's Land Use Board on December 27, 2016 (the "2016 Master Plan Update"). The 2016 Master Plan Update "places special emphasis on facilitating recovery from Superstorm Sandy's impacts, as well as promoting resiliency to future storm impacts and other potential natural hazards." The plan describes the impact of Superstorm Sandy on the Borough:

Superstorm Sandy struck the coast of New Jersey on October 29, 2012, and caused extensive damage to the Borough of Highlands from both storm surge and wind damage. Approximately 1,250 homes within the Borough were damaged or destroyed as well as over 60% of all Borough businesses. All of the Borough's sewage pump stations went offline due to floodwater inundation and/or power system failure. Trees and power lines throughout the Borough fell, in many cases damaging buildings and homes. (pp. 23)

The 2014 Strategic Recovery Planning Report further noted that "14 downtown restaurants were destroyed, of these, six remain closed." The 2016 Master Plan Update addressed the lack of business investment and activity in the downtown, stating that this "ongoing concern... was only exacerbated by the impacts of Superstorm Sandy."

The 2016 Master Plan Update contains significant discussion about the Redevelopment Area. In particular, it recommended elimination of the B-1 and B-2 districts and overlay zones, and establishment of a unified Central Business District (CBD) zone "to better accommodate the desired uses for the downtown area [and to] minimize nonconformities and reduce the number of variances that may be required to encourage redevelopment in underutilized lots and areas damaged by Superstorm Sandy or that may be damaged in future storm events." The 2016 Master Plan Update recommended that the new CBD Zone be governed by a form-based code to "ensure all

redevelopment occurs in a manner that is consistent with the image and character of the Borough.” The 2016 Master Plan Update assured consistency with past plans, noting that “many of the recommendations from the 2009 Report will be integrated into the new zone district.” It recommended that the Borough should encourage downtown building design and streetscape features “that promotes and emphasizes the nautical, seaside, small town nature of Highlands.” In addition to the creation of a new CBD Zone, the 2016 Master Plan Update recommended allowing parking as a conditional use in business districts outside of the waterfront to encourage “more opportunities for innovative parking arrangements.” The plan also recommended that residential uses be permitted on all floors above the ground level in mixed-use buildings. In terms of redevelopment, the 2016 Master Plan Update recommended that “[r]edevlopment studies should include the waterfront, downtown neighborhoods, and the Miller Street corridor.”

The Borough amended its Development Regulations to remove reference to the B-1 and B-2 districts and overlays, create reference to the CBD Zone, and update permitted uses in the zone, including allowing parking as a permitted conditional use in the CBD Zone (see Ordinance 18-01, adopted in February of 2018, and Ordinance 18-06, adopted in May of 2018). No new regulations were adopted related to permitting residential uses on the upper floors of mixed-use buildings.

The most recent Zoning Map was adopted by Ordinance 18-22 in December of 2018, which established the Central Business District (CBD) zone and demarcated it “along Bay Avenue from South Street to the VFW and along Miller Street from Bay Avenue to the Waterfront to replace current existing zoning and overlay districts; with the exception of the existing Multi-Family Zone District located along Marina Bay Court.” The Redevelopment Area is entirely within the CBD Zone. A Form-Based Code and Design Guidelines document for the CBD Zone was prepared in May of 2019 but has not yet been adopted.

Since the 2016 Master Plan Update, area in need of redevelopment investigations and plans were adopted for the Captain’s Cove Marina and the Shadow Lawn Mobile Home Park, in 2018. No area in need of redevelopment investigations have been conducted for areas within the CBD Zone until the investigation of the Redevelopment Area described herein.

A full list of the 2016 Master Plan Update Goals & Objectives related to commercial land uses and economic development/redevelopment can be found in the publicly-available 2016 Master Plan Update.

There have been a number of plans and studies for the Redevelopment Area:

- Central Business District Design Manual, 1995
- Intraborough Bicycle Plan, June 2011
- Highlands Recovery Plan, 2013
- Rutgers Bloustein School Studio Report, Spring 2014
- “Getting to Resilience” Recommendations Report, June 2014
- Strategic Recovery Planning Report, September 2014

This report identified 13 priority actions that are “most urgently needed to improve public safety, increase resistance to damage from future storms, and stimulate economic recovery’ (NJ DCA).” Of relevance to redevelopment of the Redevelopment Area, priority action #9 was to, “[u]ndertake redevelopment study(ies) and prepare plan(s) for areas determined to be in need of redevelopment. Previous plans have recommended redevelopment efforts in several

areas of the borough, including the waterfront and downtown neighborhoods. Moreover, there have also been recommendations to... elevat[e] buildings in the downtown area. All of these recommendations could be reviewed and, if feasible and acceptable, accomplished through the redevelopment planning process.”

In addition, priority area #11 stated, “The [Getting to Resilience (GTR)] Report... recommends that the Borough’s plans (including the Master Plan and any redevelopment plan) include explicit references and recommendations related to resiliency.”

- Coastal Storm Risk Management Presentation/Briefing, March 2017
- Capital Improvement Program for 2017
- Stormwater Pollution Prevention Plan, April 2018
- Form-Based Code & Design Guidelines, May 2019 (not adopted)
- Final Integrated Feasibility Report and Environmental Assessment, Raritan Bay and Sandy Hook Bay, Highlands, New Jersey, Coastal Storm Risk Management, May 2020

This document by the U.S. Army Corps of Engineers assesses the feasibility and environmental impact of a series of intervention options to reduce flood risk between the study period of 2026 to 2076.

D. Relationship to Local Objectives

The Redevelopment Plan sets forth definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements. In particular, the Redevelopment Plan provides development regulations allowing for a range of land uses which regulate development intensity and residential density. The Redevelopment Plan encourages reuse of buildings and new construction, in tandem with upgrading of existing infrastructure and community facilities.

E. Relationship to Highlands Zoning Ordinance

This Redevelopment Plan does not supersede the Zoning and Land Use Regulations of the Borough of Highlands in Chapter 21 of the Borough’s Revised General Ordinances (the “Zoning Ordinance”), except as specifically set forth in the development regulations for the Redevelopment Area. The Redevelopment Area is located within, and is defined by the boundaries of, the Central Business District (CBD). The boundaries of the CBD Zone and adjacent zoning districts in the Borough are shown on the Zoning Map adopted in December of 2018. Uses and bulk requirements permitted in the CBD Zone are currently governed by the Borough’s Zoning Ordinance.

The Redevelopment Area shall overlay the existing zoning, and consist of three overlay zone districts, which in a number of instances provide different zone regulations than the underlying zoning district. Final adoption of this Redevelopment Plan by the Mayor and Council shall be considered an amendment of the Borough of Highlands Zoning Map.

F. Definitions and Terminology

The definitions set forth in the Zoning Ordinance shall apply to this Redevelopment Plan.

As used in this Redevelopment Plan, the following terms shall have the meanings indicated:

“Base Flood Elevation” or “BFE” shall mean the flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect (BFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

“BFE+1” shall mean Base Flood Elevation plus one foot.

“Body piercing, tattoo and skin art studio” shall mean any establishment where a body piercing and/or tattoo artist conducts the business of piercing the skin or other parts of the body.

“Land Use Board” shall mean the Borough of Highlands Land Use Board.

“Mayor and Council” shall mean the governing body of the Borough of Highlands.

“Special Flood Hazard Area” shall mean the areas of special flood hazard for the Borough of Highlands, Community No. 345297, which pursuant to Section 21-115 of the Zoning Ordinance are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

1. A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated June 20, 2018.
2. Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panels 34025C0067G, 34025C0069F, 34025C0086G, and 34025C0088G; whose effective date is June 20, 2018.

“Zoning Map” shall mean a document entitled “Zoning Map, Highlands Borough, New Jersey” dated July, 2018, as may be periodically amended.

Except as otherwise provided herein, words not defined above or in this document that appear in this Redevelopment Plan shall be interpreted in accordance with the definitions in the Zoning Ordinance as set forth in Section 21-8: “Definitions.” If a term used in this Redevelopment Plan is not defined in the Zoning Ordinance, the definition in the Municipal Land Use Law (the “MLUL”), N.J.S.A. 40:55D-1 et seq., or the LRHL shall apply.

Throughout this Redevelopment Plan, a conscious distinction is made in the regulations between “shall” and “should.” “Shall” or “must” means that a developer is required to comply with the specific regulation, without any deviations. “Should” means that a developer is encouraged to comply but is not required to do so. If the exact recommendation cannot be met, the Land Use Board will entertain any modification that meets the underlying spirit and intent of the regulation and/or the Redevelopment Plan generally.

IV. GENERAL RECOMMENDATIONS

Chapters V through IX of this Redevelopment Plan provide specific regulations for land uses and other development regulations as are typically included in a redevelopment plan. This chapter provides additional recommendations for the Redevelopment Area.

A. *Design*

- Implement building and site design to mitigate flooding and improve stormwater management. Given the Redevelopment Area's location and history, ensuring that new development and renovations can withstand flood events will help attract investment and types of uses desired by the community.
- Incorporate sustainability measures. Green design provides benefits to business and property owners, as well as to the environment.
- Make downtown more physically attractive and welcoming. Survey respondents and community meeting attendees cited physical improvements as an important part of this Redevelopment Plan. Improvements to the streetscape and lighting, additional trees and other plantings, murals and burying utility wires were among the suggestions for upgrading the appearance of the Central Business District.
- Preserve historic character and identity. At the same time, as changes are made to the area there is still a strong desire to maintain and enhance Highlands' identity as a waterfront, historic small town.
- Provide gateway treatments at important intersections. Providing streetscape features such as paver crosswalks, signage, public art, and buildings with prominent design elements would reinforce the Central Business District's identity as a distinct place.
- Focus on key sites with the potential to spur additional redevelopment. There are a number of properties within the Redevelopment Area that are adequate in size or possess other factors that make them appropriate for larger-scale development and have the ability to positively influence nearby areas.

B. *Coordination*

- Improve connections to the Shrewsbury River, Sandy Hook Bay, the Twin Lights and other nearby attractions. While the waterfront is located outside the Redevelopment Area, Highlands' setting on the Shrewsbury River and Sandy Hook Bay at the northern tip of the Jersey Shore is essential to its character. Nearby beaches and the Twin Lights also bring large numbers of visitors to the area who represent a significant potential market for shops, services and eateries in the Central Business District.
- Align redevelopment efforts in the Central Business District with other redevelopment and planning initiatives. There are opportunities for synergy between projects in Highlands such as the Captain's Cove and Shadow Lawn redevelopments, improved waterfront access, upgrades to utility infrastructure and potential "Transit Village" designation.

C. *Uses*

- Continue to permit and support a range of commercial uses and attractions. Highlands has a variety of existing businesses, but would benefit from additional complementary uses, including businesses not currently located in the Redevelopment Area, attractions, arts, culture and entertainment.

- Permit residential-only development in certain locations. While commercial uses and mixed-use development will continue to be permitted throughout the CBD Zone District, there are sections of the Redevelopment Area where new residential development will also be permitted.
- Provide housing for a diverse population. New and renovated residential units should include a range of sizes, types and prices.

D. Circulation

- Incorporate “Complete Streets” principles in street and site design. Private and governmental actions implementing this Redevelopment Plan should consider the needs of pedestrians, bicyclists, public transit users, and motorists during design and throughout all stages of any new roadway or streetscape project, in order to make streets safer for all users.
- Promote pedestrian activity and bicycle usage. Taking the above recommendation one step further, building and site design should consider the existing prevalence of non-motorized transportation in the Redevelopment Area and environs and support walking and bicycling.
- Utilize creative design techniques to provide adequate parking. While parking is necessary to support most uses, addressing parking requirements onsite is not feasible or necessary for all uses. Allowing shared parking among uses, providing additional publicly available parking, and allowing payment in lieu of providing parking are some of the measures that should be considered.

V. FLOOD REQUIREMENTS

A. Definitions

1. Definitions from Existing Zoning

The following definitions are taken from the Borough of Highlands Zoning Ordinance and reproduced here.

BASE FLOOD ELEVATION (BFE). This is defined in Zoning Ordinance Article XXIV, Flood Damage Protection, as follows:

The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ($BFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

FLOODPROOFING. The Zoning Ordinance defines Floodproofing and explains the two types of floodproofing:

Measures applied to a building that are intended to prevent or provide resistance to displacement, buoyancy and damage from flooding up to a certain elevation, so as to eliminate or reduce potential flood damage to the building and its contents. There are two (2) types of floodproofing:

- *Wet floodproofing, which are measures that allow floodwaters to enter a building, and thereby balance hydrostatic pressure on the structure during a flood. Wet floodproofing generally includes using flood-resistant materials, protecting mechanical and utility equipment, and using openings or breakaway walls; and*
- *Dry floodproofing, which are measures that prevent floodwaters from entering a building. Dry floodproofing generally includes making the building watertight through sealing openings, installing waterproof doors and windows, or sealing walls with waterproof coatings, impermeable membranes and/or a supplementary layer of masonry or concrete.*

It should be noted that for the CBD of Highlands, dry floodproofing is a strategy that can be used to protect retail or commercial space below the BFE; but it is not allowed as a measure to protect residential buildings, except for parts of a building that are used for access, parking, or storage. With dry floodproofing, building walls and foundations may require retrofitting to be strong enough to withstand hydrostatic pressure from water and scouring, shearing, and overturning forces.

LOWEST FLOOR. This is defined in Zoning Ordinance Article XXIV, Flood Damage Protection, as follows:

*The **lowest floor** of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building*

access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

2. New Definitions Used in This Redevelopment Plan

In addition, this Redevelopment Plan adds one definition for development in the CBD: **BFE+1**. This is a term created for and used as shorthand to mean “Base Flood Elevation plus one foot.”

B. CBD's Base Flood Elevation

Nearly all of Highlands' entire CBD Zone lies in FEMA's designated “AE” zone. The designated Base Flood Elevation here is 11 feet (based on the North American Vertical Datum of 1988)¹, as shown on Figure 4. The ground elevation along Bay Avenue ranges from roughly 4 feet to nearly 6 feet². Properties on the south side of Shore Drive within the CBD Zone are generally higher, at 8 to 9 feet elevation.

According to Borough zoning, all residential living spaces are required to be elevated at least one foot above the Base Flood Elevation of 11 feet in the CBD Zone. Therefore, the “lowest floor” of residential living space will have to be located at least about 5 or 7 feet *above grade* for most parcels along Bay Avenue. Facing this situation, most residential builders will decide to create an even higher space under the building, to accommodate parking, so that the “lowest floor” may be closer to ten (10) feet *above grade*. This elevation makes it a challenge to create a relationship between building uses and the public sidewalk. Some of the Design Standards in Chapter IX of this Redevelopment Plan address this challenge.

C. Relationship to Highlands' CBD Zoning

1. Restrictive Existing Regulations

The existing CBD zoning has several items that have tended to discourage new development and adaptive reuse in downtown Highlands, including a low floor area ratio, low permitted building coverage and height, and onerous parking ratios. This Redevelopment Plan provides a zoning overlay option to replace the use and bulk standards of the CBD zoning with more flexible and generous standards. The overlay also provides new building and site design guidelines that will help foster friendly, active streetscapes even when the active spaces of buildings are elevated far above the sidewalk.

2. Ground-Floor Uses

In the current CBD zoning, existing single-family homes are permitted to remain. Other residential is permitted only “above the first floor.” This Redevelopment Plan clarifies that the buildings may be elevated to have retail / commercial or residential uses above a parking level, or may have retail / commercial uses on the ground floor frontage of multi-story buildings along Bay Avenue, with such non-residential uses dry-floodproofed to meet FEMA requirements.

¹ Source: FEMA FIRM for Monmouth County, NJ Panel 88 of 457. Last updated June 20, 2018.

² Source: FEMA FIRM map at <https://apps.nationalmap.gov/viewer/>, using Spot Elevation Query in toolbar.

3. Flood-related Resiliency Requirements in Zoning

Specific standards for areas of Special Flood Hazard in the Zoning Ordinance (§21-124 and 21-125) – regardless of zoning district– include the following. The difference in how residential and non-residential spaces must be flood-proofed is significant. Refer to the original zoning text for the full requirements.

§21-124.5 Enclosure Openings

All new construction and substantial improvements having fully enclosed areas below the “lowest floor” that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

§21-125.1 Residential Construction

New construction and substantial improvement of any residential structure located in an A or AE Zone shall have the “lowest floor,” including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the Base Flood Elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

§21-125.2 Nonresidential Construction

The zoning specifies that:

All new construction and substantial improvement of any commercial, industrial or other nonresidential structures located in the AE Zone shall have the “lowest floor,” including the basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

- *Either elevated to or above the Base Flood Elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; or*
- *To be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water.*

The first of the two approaches would result in a gradual shifting of ground-floor retail spaces to an elevated zone. If a property owner elects to elevate their commercial/retail, they should consider their adjacent properties and review the aesthetics, curb appeal and streetscape as part of the elevation.

§21-126 Coastal A Zones

The Coastal A Zone of the Special Flood Hazard Area is an area that is subject to ‘Moderate Wave Action,’ and includes a large swath of Highlands along the beach coastline. It does not include the AE zone, and therefore does not affect building in the CBD Zone. Nevertheless, it is instructive to compare the requirements of the Coastal A zone with those of the AE zone, to see how building form could differ. In the Coastal A zone, all new construction and

substantial improvements are required to be elevated on pilings or columns to a minimum height of Base Flood Elevation plus one foot. All space below is required to allow *the unimpeded flow of water, except for breakaway walls*. With such requirements, no lobbies, showrooms, or other active retail spaces could be provided below BFE+ 1 foot in the A zone, even if such spaces were dry-floodproofed.

In contrast, the CBD Zone lies in the AE zone, and therefore is permitted to include dry-floodproofed at-grade space for retail or commercial uses, which helps to preserve the traditional downtown feeling of sidewalks lined by shops and restaurants.

D. Highlands CBD Design Manual (1995)

The Borough's *Highlands CBD Design Manual, Neighborhood Preservation Program* (the "Design Manual") was approved in 1995. It is primarily focused on design changes and improvements to historic buildings and retail storefronts & signage. The Design Manual is very detailed in terms of specific building components such as doors, windows, cladding, and cornices, and leans towards traditional materials and architectural styles. However, because it was written before Superstorm Sandy and before flood control regulations became more onerous, it is not well suited to alone guide anticipated new development in the CBD. For new construction and renovations to existing buildings, this Redevelopment Plan supersedes the older Design Manual. Applicants may choose to seek guidance from the Design Manual as well, but where a conflict occurs, this Redevelopment Plan shall govern.

VI. LAND USE REGULATIONS

A. Introduction

This section provides regulations for future land uses within the Redevelopment Area. The designations are based on analysis of existing land uses, suitability for new uses and the availability of redevelopable land. The proposed land uses recognize existing conditions within the Redevelopment Area, while in some instances proposing changes in use to further the goals and objectives of this Redevelopment Plan.

B. Redevelopment Overlay Districts

The Redevelopment Plan includes three redevelopment overlay zone districts as designated on Figure 5, which are as follows:

CBD Redevelopment Overlay 1 (C-RO-1)

The C-RO-1 Overlay Zone includes properties on both sides of Bay Avenue between Barberie Avenue and Cedar Avenue. It is the only redevelopment overlay district that permits new residential-only development, in addition to uses permitted in the underlying CBD Zone District.

CBD Redevelopment Overlay 2 (C-RO-2)

The C-RO-2 Overlay Zone covers the largest portion of the Bay Avenue corridor in the CBD Zone District. It continues to allow a wide mix of commercial and other nonresidential uses, as well as upper floor residential uses in mixed-use buildings, as permitted in the underlying CBD Zone District.

CBD Redevelopment Overlay 3 (C-RO-3)

The C-RO-3 Overlay Zone is located in areas where greater building height and larger scale development can be accommodated and would be appropriate. The intention is to focus more intense development in limited locations within the Redevelopment Area.

Generally, the uses listed for the underlying CBD Zone continue to be permitted throughout the CBD, with some modifications, notably where all-residential buildings are permitted and where ground-floor commercial or retail is required. Floodproofing requirements, described below, also restrict what uses may go above and below the Base Flood Elevation. In addition, public parks and open space are added as permitted use to the C-RO-2 and C-RO-3 Overlay Zone.

It should be noted that uses on properties for which the zoning designation is changed may continue as legal non-conforming uses as a matter of law, regardless of any change in the zoning designation. It is only when the property owner seeks to change the existing use to another use that the new zoning standards will apply.

C. Permitted Uses

All uses permitted in the underlying CBD zoning district shall continue to be permitted. The following additional uses are permitted in each of the redevelopment overlay districts as discussed below.

1. CBD Redevelopment Overlay 1 (C-RO-1)

In addition to uses permitted in the underlying CBD Zone District, such as existing single-family homes, stand-alone retail or commercial, and mixed-use buildings with residential over retail or commercial uses, the C-RO-1 Overlay Zone also permits the following uses:

- a. Townhouses.
- b. Multi-family dwellings.
- c. Body piercing, tattoo and skin art studio as a conditional use, subject to the following requirements:
 - i. Tattoo samples shall not be displayed in such a manner as to be visible to the general public outside the studio.
 - ii. Window displays shall not contain sample artwork or posters that have not been professionally mounted or framed.
 - iii. The studio shall not be located within 1,000 feet of a school.
 - iv. All establishments must comply with all health requirements of the Borough of Highlands and the Health Department of the State of New Jersey.

2. CBD Redevelopment Overlay 2 (C-RO-2)

The C-RO-2 Overlay Zone comprises a large number of fairly small parcels that abut residential zones, generally located along both sides of Bay Avenue between Huddy and Barberie Avenues and between Cedar Avenue and Miller Street, and also on the north side of Bay Avenue between Miller Street and Shrewsbury Avenue.

This district permits the same uses as in the underlying CBD Zone District, including existing single-family homes, stand-alone retail or commercial, and mixed-use buildings with residential over retail or commercial uses, as well as the additional uses listed below. Where a parcel does *not* have frontage along Bay Avenue, all-residential townhouses and multi-family dwellings are permitted. However, all-residential townhouse and multi-family developments are prohibited on lots having frontage along Bay Avenue; here, retail or commercial uses are required on the ground-floor of residential buildings. The required ground-floor retail or commercial use in mixed-use buildings along Bay Avenue shall have a minimum depth of 25 feet and shall occupy the full width of the building front, except for a permitted break for building entries and a parking garage entry.

In addition to uses permitted in the underlying CBD Zone District, the C-RO-2 Overlay Zone also permits the following uses:

- a. Public parks and open space.
- b. Townhouses, but only on parcels without frontage on Bay Avenue.
- c. Multi-family dwellings, but only on parcels without frontage on Bay Avenue.
- d. Body piercing, tattoo and skin art studio as a conditional use, subject to the following requirements:

- i. Tattoo samples shall not be displayed in such a manner as to be visible to the general public outside the studio.
- ii. Window displays shall not contain sample artwork or posters that have not been professionally mounted or framed.
- iii. The studio shall not be located within 1,000 feet of a school.
- iv. All establishments must comply with all health requirements of the Borough of Highlands and the Health Department of the State of New Jersey.

3. CBD Redevelopment Overlay 3 (C-RO-3)

The C-RO-3 Overlay Zone includes more parcels with wider lots offering more flexibility in building design, and in a location where greater building height and larger scale development can be accommodated without affecting adjoining single-family homes.

The C-RO-3 Overlay Zone allows the same uses as in the C-RO-2 Overlay Zone, with the same prohibition on all-residential townhouse and multi-family dwellings on lots having frontage along Bay Avenue. Along Bay Avenue in this C-RO-3 Overlay Zone, retail or commercial uses are required on the ground-floor of residential buildings. The same requirement for the depth and width of ground-floor retail or commercial applies along Bay Avenue as in the C-RO-2 Overlay Zone. Where a parcel does *not* have frontage along Bay Avenue, all-residential townhouses and multi-family dwellings are permitted.

As described in **Building Height**, below, an additional 10 feet and an additional story of height permitted in the C-RO-3 Overlay Zone.

In addition to uses permitted in the underlying CBD Zone District, the C-RO-3 Overlay Zone also permits the following uses:

- a. Public parks and open space.
- b. Townhouses, but only on parcels without frontage on Bay Avenue.
- c. Multi-family dwellings, but only on parcels without frontage on Bay Avenue.
- d. Body piercing, tattoo and skin art studio as a conditional use, subject to the following requirements:
 - i. Tattoo samples shall not be displayed in such a manner as to be visible to the general public outside the studio.
 - ii. Window displays shall not contain sample artwork or posters that have not been professionally mounted or framed.
 - iii. The studio shall not be located within 1,000 feet of a school.
 - iv. All establishments must comply with all health requirements of the Borough of Highlands and the Health Department of the State of New Jersey.

4. Active Retail Encouraged on Ground Floors along Bay Avenue

Where ground-floor retail or commercial is required in multi-story buildings along Bay Avenue, active *retail* uses are encouraged. Such active uses tend to create more pedestrian foot traffic, vibrancy, and visual interest at the sidewalk, and include restaurants, cafes, retail shops, grocery stores, banks, certain types of walk-in service retail, such as hair salons and realtors, and art-related uses such as galleries, studios, and workspaces. On the other hand, office-type commercial uses, such as professional offices, law and accountant offices, insurance offices, and medical offices, are discouraged from the ground floor of buildings along Bay Avenue because they tend not to contribute activity to the street; in fact, they often cover their windows with blinds for privacy, making for a less inviting streetscape.

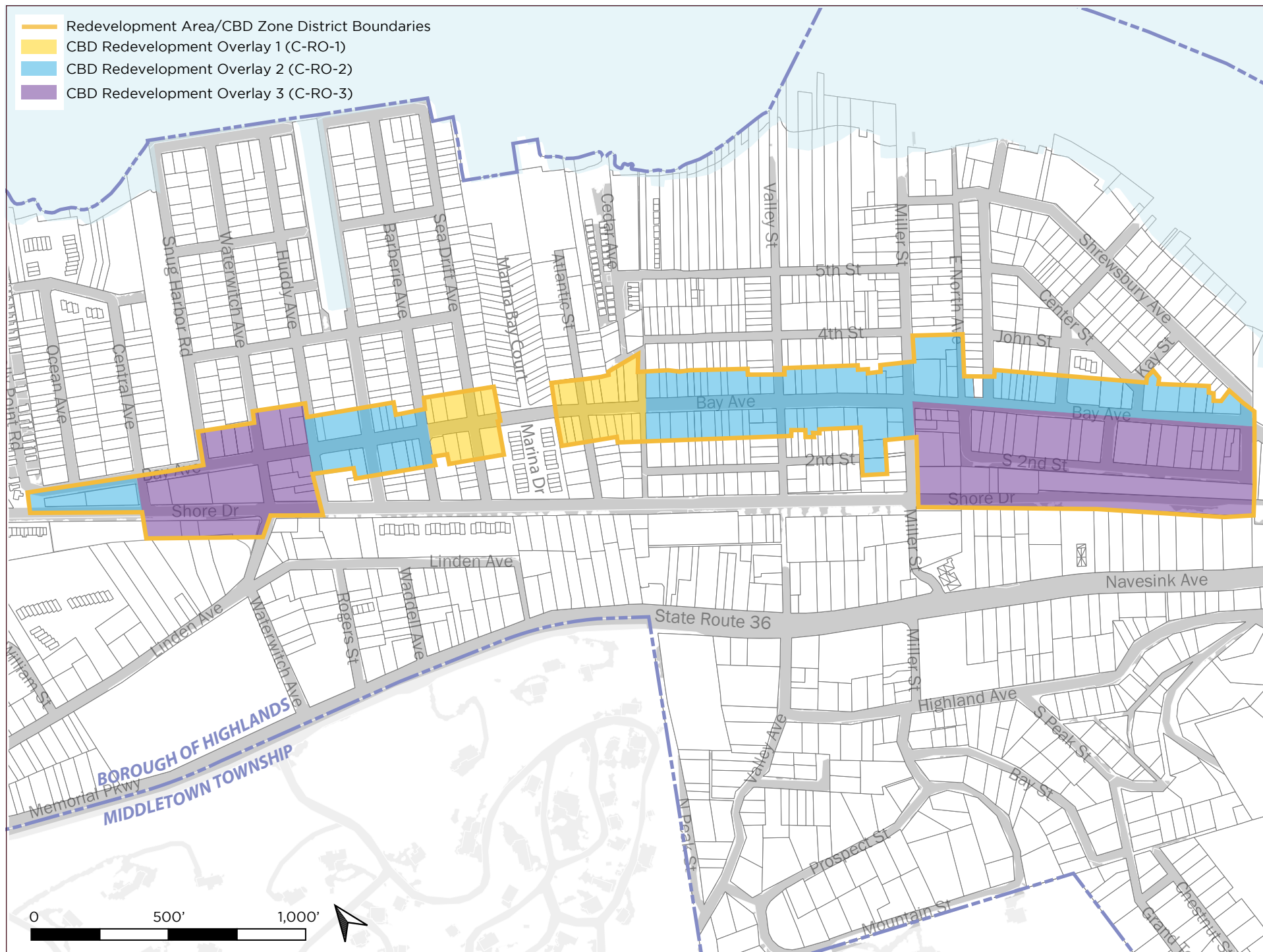


FIGURE 5: REDEVELOPMENT OVERLAY DISTRICTS | BOROUGH OF HIGHLANDS, NJ

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VII. BULK REGULATIONS

A. Setbacks

Minimum required building setbacks are largely the same as in underlying zoning, as follows.

1. Front Setback

No front setback is required; a zero-foot front setback is permitted.

Where a property is a through lot that adjoins Bay Avenue on one side and another public street on the opposite frontage, Bay Avenue shall be defined as the front street.

2. Rear Setback

The minimum rear setback is 12 feet.

3. Side Setback

No side yard setback is required where a property borders another property that is also located in the CBD Zone, however, if any side yard is to be provided, it shall be at least five (5) feet wide.

Where the side lot line of a property in the CBD Zone *directly* adjoins a property in a residence zone (that is, not where an intervening public street creates a separation), a side yard of minimum five (5) feet wide is required, and shall include a buffer as described in existing zoning, **Section 21-65.3 Buffers**.

B. Coverage

Maximum **lot coverage** is 80 percent.

As an incentive to enhance the Bay Avenue streetscape, **lot coverage for buildings fronting Bay Avenue may be increased to 88 percent** if: (1) retail or commercial uses are included on the full width of the ground floor frontage, except where space is needed for building entries and for parking access, (2) such retail or commercial space has a minimum depth of 25 feet, and (3) a front setback area of minimum depth of 8 feet is provided across the full lot width, to be designed as follows. The path to the ground-floor retail entry shall remain unobstructed, but the remainder of the setback area shall be designed as a small plaza, and shall include decorative paving and low and medium-height landscaping; small ornamental trees are encouraged as well. The setback area shall include seating that is available to the general public, such as a bench or a low stone wall around a landscaping area. Pedestrian-scaled lighting and bicycle racks are encouraged as well. Setback areas may not be fenced off from the public sidewalk.

Maximum **building coverage** is 80 percent.

C. Floor Area Ratio

Floor area ratio (FAR): The maximum permitted FAR is 2.0.

D. Building Height

1. Measurement of Height

As in existing zoning, building height is measured to different points depending on the roof shape. The following definition of building height remains the same as in zoning, and in effect provides an incentive for pitched roofs because it measures height to the midpoint:

BUILDING HEIGHT: The vertical distance as measured from the grade plane to the average height of the highest roof surface. In the case of sloped roofs, the average height is the mid-point between the lowest roof eave of the top floor and the roof ridge. In the case of a building that has multiple roof levels, the highest roof levels must be used to determine the building height. Chimney, elevator equipment and mechanical utility equipment and any associated screening or enclosures may exceed the permitted "building height" by up to ten (10) feet, or up to ten (10%) percent above the permitted building height, whichever is less.

2. C-RO-1 and C-RO-2 Overlay Zones

In the C-RO-1 and C-RO-2 Overlay Zones, the maximum permitted number of stories shall be three (3) stories over a level of parking and/or retail/commercial space, and the maximum height in feet shall be 40 feet.

3. C-RO-3 Overlay Zone

In the C-RO-3 Overlay Zone, the maximum permitted number of stories shall be four (4) stories over a level of parking and/or retail/commercial space, and the maximum height in feet shall be 50 feet. Refer to Design Standards further below in **IX.A.4. Massing and Articulation / Stepbacks** for required top-floor stepbacks on buildings with four stories over parking and/or retail/commercial.

E. Required Open Spaces

1. Private Open Space

For residential uses, this Redevelopment Plan continues the requirement for open space from existing zoning **§21-91, A.4.b**, with one minor change to allow porches as follows. For any building containing residential uses, outdoor living space is still required 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 and elevated in the form of balconies, decks, *porches*, and/or roof top terraces. The area provided shall be private, for the exclusive use of the adjoining residential unit and shall be sufficiently screened or otherwise designed to insure such privacy and exclusive use. Compared to existing zoning, *porches* – which are typically defined as an outdoor space that is covered with a roof – are a new permitted format for the required private outdoor open space, and should provide more flexibility in building design because they can be covered with a roof or another floor of uses.

2. Publicly-Accessible Open Space

Buildings with ground-floor retail or commercial space are encouraged to provide room for outdoor dining, café seating, merchandise sales, and/or informal public seating within front setbacks or any street-facing setbacks. Benches, landscape planters, and small ornamental trees and bushes are encouraged in these front areas as well. The section above on **Coverage** describes a permitted increase in lot coverage for parcels along Bay Avenue in the C-RO-2 or C-RO-3 Overlay Zones, if a

building provides such a setback area in front of retail / commercial space and includes landscaping, seating, and other features.

VIII. PARKING AND CIRCULATION

A. Vehicular Parking

1. Parking Supply

The parking supply for new development shall meet the requirements of Borough **Ordinance O-21-29**, which amended Section 21-65.14 of the Zoning Ordinance to address off-street parking requirements. It should be noted that the new Ordinance continues to permit required parking to be provided on-site or off-site, and contains provisions to make it easier to provide parking for new development in the CBD, such as:

- Residential uses are permitted to count first any available on-street parking spaces, before determining the number of parking spaces that must be provided off-street.
- Restaurants and bars shall provide one space for each four seats or stools, the same as before, but the onerous requirement based on gross floor area (GFA) is removed.
- For all *other* non-residential uses in the CBD (i.e., excluding restaurants and bars), the requirement remains one space for every 300 square feet GFA; however, a new exemption allows the first 1,000 SF of GFA to be exempt from any parking requirements.
- If the required non-residential parking supply cannot be provided on-site, the developer is required to pay an annual fee to the Highlands Capital Improvement Fund based on the number of deficient spaces so that the Borough may provide the parking at one of its municipal lots.
- Where a shared parking approach for uses with different peak demand periods could result in a total overall lower parking requirement, the Borough may allow the construction of the lesser number of spaces, provided the site plan shows how the additional space will be provided if necessary.

2. Parking Access

Where possible on corner lots and through lots, structured parking and open parking areas under buildings should not be accessed from Bay Avenue, but rather should be accessed from the rear of the lot or from a side street. Such access allows for a more inviting and safer street frontage, without the interruption of garage doors or driveways.

The permitted number and width of driveways and curb cuts from a public street are discussed in existing zoning, **Section 21-65.5, Driveways**. In addition, in the CBD, continuous curb cuts (such as lead to a row of pull-in parking spaces) are prohibited.

3. Parking Design

The Borough's **Parking Ordinance (Amending Section 21-65-14 of the Borough Code)** requires that on-site non-residential parking areas shall be "delineated by a treated wood guide rail ... a minimum of 30 inches above grade and consist of vertical and horizontal members." The purpose of the guide rail is to screen and improve the appearance of parking areas.

The Ordinance also specifies that parking garages, where permitted and constructed, shall incorporate “features to add visual interest and improve the overall appearance of the structure as viewed from the street.”

This Redevelopment Plan encourages exposed *residential* parking areas (except for driveways) to include a street frontage buffer in order to soften the view and screen the parking area. Such buffer could consist of a low wall or fence of two to three feet height, and plantings in a variety of species, including evergreens, tall native grasses, and/or other plantings that maintain shape and texture through the winter.

B. Bicycle Parking

For buildings containing more than three (3) residential units, indoor bicycle parking racks shall be provided within a secure, access-controlled room inside each building or garage at a minimum ratio of one indoor bicycle parking space for every 4 residential units. At least 15 square feet of area shall be provided for each bicycle space to account for maneuvering room around handlebars and pedals; double-height racks to stack bicycles are permitted in order to meet this requirement. Bicycle racks must be securely anchored and designed to allow the bicycle frame and one wheel to be secured.

Outdoor bicycle racks shall also be provided near the primary pedestrian entry, as follows. A minimum ratio of one (1) outdoor bicycle parking space shall be provided for every eight (8) residential units, as well as one (1) outdoor bicycle space for every 2,000 square feet of retail or commercial space. Bicycle racks must be securely anchored and designed to allow the bicycle frame and one wheel to be secured.

IX. DESIGN STANDARDS

A. Building Design

1. Building Orientation and Access

For parcels with frontage along Bay Avenue, the front facade shall face Bay Avenue. For parcels not adjoining Bay Avenue, but located along Shore Drive, the front facade shall face Shore Drive. For parcels not located along either of these streets, the orientation of the front facade is flexible.

The primary entry door to ground-floor retail or commercial uses shall be located within the front facade.

The primary entry door to residential uses – which are prohibited on the ground floor in this flood zone – in an all-residential building may be placed within an at-grade residential lobby or vestibule in the front facade at the ground level, connecting via an internal staircase to the elevated “lowest floor”; or may be located on the elevated “lowest floor,” accessed by an external staircase and porch at the front facade.

Upper-story uses in mixed-use buildings, such as residential apartments built over ground-floor retail or commercial, may have the primary entry door located on a side or rear facade.

2. Preserving the Connection between the Building and the Street

The following section describes how buildings can best be designed to maintain a relationship to the street and sidewalk, even when elevated above the sidewalk or located above parking areas.

Ground Floor Retail

This Redevelopment Plan allows ground-floor retail or commercial space in multi-story buildings with frontage along Bay Avenue in the C-RO-2 and C-RO-3 Overlay Zones (see the “Permitted Uses” section of Chapter VI), which would help reinforce an inviting, interesting streetscape. Other standards in this Redevelopment Plan govern building design elements such as facade transparency, location of the front door and parking access, and building massing and articulation, to ensure that such ground-floor retail or commercial space is best configured for a pedestrian-friendly streetscape.

Elevated Retail

This Redevelopment Plan allows retail or commercial space to be elevated above the BFE+1 in multi-story buildings. In such a configuration, it is important to provide a connection between the raised retail entry and the sidewalk. A porch or deck should be provided in front of the elevated retail storefront, and should be accessed by generously-proportioned stairs and/or ramps. Where possible, a series of terraces or landings should be used to soften the stairs and ramps, making them more inviting. Seating and landscaping should be incorporated into the design of these features. The depth of the porch or deck, and the configuration of its railings, should not block views of the retail entry door from the sidewalk. The porch or terrace should be designed to be an inviting space that encourages people to come up and explore, such as with seating, landscaping, and shade elements, and pedestrian-scaled lighting. The retail or commercial storefront should include a high proportion of windows, as well as attractive signage.

Upper-Level Residential Uses

Flood control regulations prohibit residential living space on the ground floor in the Central Business District, where it would be below the BFE+1. However, residential entry doors to lobbies or halls are permitted and encouraged on the ground floor. Alternately, if the primary residential entry is located on a raised “lowest floor,” the following measures are strongly encouraged in order to create a friendly street presence: a generous front porch should occupy the full width of the front facade and should be connected to the sidewalk level with a prominent staircase.

In some cases, the front setback would need to be increased in order to accommodate a staircase to the raised “lowest floor.” Ideally, the staircase would make a straight run from the front door onto the porch down towards the front lot line, or would make at most one 90-degree turn so that it finishes parallel to the sidewalk. Any turn in the staircase should happen at a low-enough height that the front door remains visible from the sidewalk, rather than being obscured by stair railings.

Adapting the Ground Floor of Existing Buildings

Where permitted by zoning and flood control regulations, existing mixed-use or commercial buildings can be adapted by wet-floodproofing the lower-value, less-critical areas of the ground-floor (such as restaurant seating or merchandise display areas), allowing them to flood through intentional openings in the walls. These “sacrificial” floodable areas would be located within the front of the ground-floor space in order to allow views into the space from traditional storefront windows at sidewalk level. The more critical areas of the ground floor (such as mechanical equipment, cash registers, and kitchen appliances) would be elevated above BFE+1 at the rear or center of the space, located on a dry-floodproofed raised-floor podium or hung from the ceiling, and connected to the wet-floodproofed areas by an internal staircase or ramp. This approach works only where the existing building's ground floor has a sufficiently high floor-to-ceiling height to accommodate a useable raised floor area at or above the required BFE+1.

Existing all-residential buildings with residential space on the ground floor may be adapted by dry-floodproofing the ground floor and converting it to retail or commercial use, which is permitted below the Base Flood Elevation. Alternately, the ground-floor space could be wet-floodproofed and converted to parking and/or storage. The residential space lost from the ground floor can be re-created on a new top floor, built on the roof of the existing building, provided it still complies with height limits. The existing building may need structural retrofits to accommodate the new top floor.

3. Facade Transparency

Retail / Commercial Uses

At least 50 percent of the front facade area of retail and commercial spaces (whether ground-floor or elevated) should have large storefront-style plate glass windows and fully-glazed doors, in order to maximize visibility into the space. Where a building's retail or commercial space wraps the corner at a side street, the side frontage shall include windows comprising at least 50 percent of that floor's facade area for at least the front ten (10) feet of the space.

Roll-up or fold-away windows or walls are encouraged for front facades of restaurants, cafés, and other retail businesses in order to allow the interior space to be more open and well-ventilated during good weather or during a pandemic.

Residential Uses

The primary entry door for residential uses shall include a glazed area, such as a row of glass lites or a large panel of glass. To further accentuate the door, side lite windows and wall-mounted sconce lighting are encouraged.

Residential uses on upper floors should include windows comprising at least 25 percent of the facade area along all street-facing facades. In order to strengthen the relationship between private interior space and the public sidewalk, multi-family buildings should place common areas such as lobbies, mail rooms, and amenity spaces at the front facade, where they can take advantage of larger areas of windows.

Garages

Garage doors shall be paneled, and shall include a row of glazed lites (window panes), which may be frosted or opaque for privacy and security concerns. Alternately, mesh or metal screens are permitted in lieu of lites in garage doors in order to facilitate inflow of floodwaters in a wet-floodproofing configuration.

Open Parking Areas

Where open parking areas are provided below residential uses, it is recommended that they be screened along street-facing frontages by means of landscaping around the perimeter, raised planted berms, open lattice or screen walls, low fences, or similar measures.

4. Massing and Articulation

Vertical Bays

The following applies to all new buildings exceeding 40 feet in length or width. Such buildings shall be broken down along all street-facing facades into a series of vertical bays each not to exceed 30 feet in width. Each bay shall be defined by a physical change in plane of at least one (1) foot relative to adjacent bays, such as is provided by a recessed or projecting bay, stacked balconies or porches, or stacked projecting bay windows. Differentiation based only on facade colors or materials is insufficient to define a bay.

Stepbacks

Buildings having four stories over a level of parking and/or retail / commercial uses, as permitted in Overlay 3 , shall provide stepbacks at the fourth (top) floor along the front and rear facades. The stepbacks shall each have a minimum depth of six (6) feet compared to the primary facade plane of the floor below, and shall be designed as balconies, porches, or terraces for adjoining living spaces. A roof is permitted over stepback areas.

Roof Form

Sloping roofs with deep eaves or overhangs are the preferred roof forms, and are incentivized by the definition of where building height is measured. Cross-gables and dormers are encouraged on sloping roofs. Any areas of flat roof should receive horizontal emphasis such as deep overhangs, parapets, and/or cornices. On larger buildings, the roofline shape should vary in relation to the massing of vertical bays below.

Articulation

Building facades should be articulated and enlivened with elements such as bay windows, balconies, piers, corner boards, overhangs, awnings or canopies, porches, windows and varied materials and textures, so as to avoid large uninterrupted areas of blank walls. Shutters, if used, should be large enough to actually cover the window they frame, even if they will remain fixed in place.

On buildings with ground-floor retail or commercial uses, architectural accents should be used to highlight the ground floor, such as: a cornice band above the storefront floor, flat sheltering canopies over entryways and large expanses of windows, wall-mounted sconce or gooseneck lighting, decorative tilework, and attractive signage. In addition, higher floor heights are encouraged for ground floors.

Gateway Massing

Special gateway treatments are encouraged on buildings located at important intersections to reinforce the Central Business District's identity as a distinct place and create a sense of entry to the Borough. The three identified Gateways to the CBD are: Waterwitch Avenue at Huddy Park, between Bay Avenue and Shore Drive; Bay Avenue at Miller Street; and Bay Avenue at Shrewsbury Avenue and the Veterans Memorial Park.

Buildings fronting onto these Gateway intersections should have accent massing to emphasize the corner, such as towers, cupolas, additional variation in roofline shape or height, bay windows, and generous front porches. Parking lots and garages should be placed away from these important intersections where possible.

Green Design

Buildings should include projecting overhangs, flat canopies, brise-soleils / sunshades and the like to shield against solar gain, provide shade, and increase building energy efficiency. Roof coverings painted in highly-reflective, light colors are encouraged. Green roofs and the use of porous paving on the ground level are encouraged as a means to help detain and infiltration stormwater and floodwaters.

5. Architectural Style and Materials

Building Styles

A broad design palette is permitted, provided that buildings have high-quality design. Buildings are encouraged to make reference to prevailing historic styles and vernacular materials of the Jersey Shore, such as (but not limited to) shingle cottages, "gingerbread" trim, generous front porches (often on all levels of a building), and gambrel or hipped roof forms with dormers. However, references to historical motifs should be used in moderation and only where they form a cohesive design.

Façade Materials

Preferred façade materials include fiber cement and wood siding in horizontal clapboards or shingles, board and batten siding, brick, cultivated stone, or other masonry. Stucco and EIFS are discouraged. Materials should be able to withstand periodic inundation by floodwaters.

Application of Materials

No more than three different materials should be used as primary materials within each building bay. Within the chosen primary materials, variation in color, texture, and/or pattern may be employed to create further distinctions. Changes in materials, colors, texture, or pattern that occur across a horizontal line should be marked by a change in plane, dimensional band or belt cornice, a recessed channel, or similar horizontal feature. Materials should be extended around corners and extensions to a logical vertical break in plane, in order to avoid a “pasted on” appearance. The level of materials, detailing, and articulation should be consistent along all building facades, not just street-facing facades.

B. Public Improvements

1. Gateway Treatments

Special gateway treatments are encouraged at important intersections to reinforce the Central Business District’s identity as a distinct place and create a sense of entry to the Borough. The three identified Gateways to the CBD are: Waterwitch Avenue at Huddy Park, between Bay Avenue and Shore Drive; Bay Avenue at Miller Street; and Bay Avenue at Shrewsbury Avenue and the Veterans Memorial Park. These gateway locations also correspond to the intersections identified for special treatment in the 1995 *Highlands CBD Design Manual*.

The public streetscape should be emphasized at these Gateways through such features as unit-paver crosswalks, signage, public art, and landscaped sidewalk plantings and accent street trees.

2. Street Landscaping and Open Spaces

Street Trees

Survey respondents noted that downtown Highlands has few street trees. In part this is due to the very narrow sidewalk widths and the need to provide adequate clear walking paths for pedestrians. Street trees need generous planting volume to grow and thrive. While in some towns, street trees are planted in the parking lane, between designated car parking spots, Highland’s need to elevate buildings above Base Flood Elevation and the resulting preponderance of ground-level on-site parking could result in so many curb cuts that it could be difficult to fit enough regularly-spaced trees between garage faces to give the overall appearance of a tree-lined street. Trees in the parking lane also make it difficult to street-sweep and plow snow. Furthermore, periodic salt water flooding may make for an inhospitable tree environment.

Front Setback Landscaping

Instead, this Redevelopment Plan provides an incentive of increased lot coverage for buildings along Bay Avenue that provide a front setback area with landscaping and seating. These small front setback areas will contribute greatly to the appeal of Bay Avenue for pedestrians. Refer to the earlier section on **Building Standards / Coverage**.

X. REDEVELOPMENT ACTIONS

This Redevelopment Plan provides for several actions in support of the overall Redevelopment Plan goals and objectives, as follows:

A. Outline of Proposed Actions

Construction of new structures and other improvements will take place as proposed in Chapters V through IX of this Redevelopment Plan. Infrastructure will be constructed as set forth in one or more redevelopment agreements or as set forth in connection with site plan approval. Redevelopers should adhere to the overall parameters for development presented in this Redevelopment Plan.

B. Properties to Be Acquired

The Redevelopment Area was designated as a “non-condemnation Redevelopment Area”; no properties are currently identified for acquisition by eminent domain for redevelopment purposes.

C. Relocation

Any redeveloper will be required to provide for the temporary and permanent relocation, as necessary, of residents in the project area in accordance with applicable statutes and regulations.

The Redevelopment Area and surrounding areas include a substantial amount of decent, safe and sanitary dwelling units affordable to displaced residents.

D. Other Actions

In addition to the actions described above, several other actions may be taken to further the goals of this Plan. These actions may include, but shall not be limited to:

- Demolition of existing structures as necessary to allow for new construction.
- The option to consolidate and/or resubdivide lots to the extent necessary.
- Provisions for utilities and other infrastructure necessary to service and support new development.
- Environmental remediation as necessary to effectuate the Redevelopment Plan.
- Creation and/or vacation of easements as may be necessary for redevelopment.
- The Borough may from time to time enter into redevelopment agreement(s) with property owners to the facilitate the goals of the Redevelopment Plan in accordance with the LRHL.
- Any and all other actions and powers authorized by State law, including, but not limited to, the LRHL.

XI. GENERAL ADMINISTRATIVE REQUIREMENTS

A. Site Plan and Subdivision Review

For any development plan requiring site plan approval, prior to commencement of construction, a site plan for construction of improvements within the Redevelopment Area, prepared in accordance with the requirements of the MLUL, shall be submitted by the applicant for review and approval by the Highlands Land Use Board, unless such approval has previously been granted. One- and two-family homes are specifically exempt from site plan review. Subdivision approval shall also be required for any lot consolidations or mergers.

B. Easements

No building shall be constructed over a public easement in the Redevelopment Area without prior written approval of the Engineer of the Borough of Highlands.

C. Adverse Influences

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

D. Non-Discrimination Provisions

No covenant, agreement, lease, conveyance, or other instrument shall be affected or executed by the Borough of Highlands Mayor and Council or by a developer or any of his or her successors or assignees, whereby land within the Redevelopment Area is restricted upon the basis of race, creed, color, ancestry, sex, national origin, family status, disability, or sexual orientation in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color, ancestry, sex, national origin, family status, disability, or sexual orientation.

E. Affordable Housing Provisions

The Redevelopment Area includes 155 tax lots, of which approximately 100 are developed with buildings that include one or more residential units, either as a freestanding residential use or within a mixed-use structure. There are no known dwelling units in the Redevelopment Area subject to formal affordability controls. While there may be existing housing units that are affordable to low and moderate income households, it is not known precisely how many (if any) exist, and whether any such units will be removed as a result of implementation of the redevelopment plan. Any residents displaced by redevelopment of a building containing a dwelling unit will be provided statutory relocation services.

F. Deviation Requests

The Highlands Land Use Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Highlands Land Use Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Redevelopment Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

Notwithstanding the above, any changes to the uses, heights, and densities permitted in the Redevelopment Area shall be permitted only by means of an amendment of the Redevelopment Plan by the Borough governing body and only upon a finding that such deviation would be consistent with and the furtherance of the goals and objectives of this Redevelopment Plan.

G. Escrows

Any redeveloper shall be responsible to post sufficient escrows to cover any and all costs of the professional consultants retained by the Borough of Highlands to review the proposed redevelopment project and advise the Borough on any and all aspects of the redevelopment process.

H. Electric Vehicle Charging Infrastructure

Pursuant to the LRHL at N.J.S.A. 40A:12A-7, the Redevelopment Plan mandates the provision of public electric vehicle charging infrastructure in a manner that appropriately connects with an essential public charging network. There are multiple existing municipal parking lots in the Redevelopment Area, of which one or more may be considered for siting of the charging network. In addition, pursuant to P.L. 2021, c.171, which was signed into law on July 9, 2021, electric vehicle supply/service equipment and parking spaces pre-wired for electric vehicle supply/service are now permitted accessory uses in all zoning or use districts Statewide, and certain nonresidential and multifamily residential developments are subject to installation of electric vehicle charging infrastructure.

XII. PLAN CONSISTENCY REVIEW

A. Relationship to Master Plans of Adjacent Municipalities

The Borough of Highlands shares municipal boundaries with the Borough of Atlantic Highlands, the Township of Middletown and the Borough of Sea Bright. However, the Redevelopment Area is located in the interior of Highlands and is not proximate to any of the adjacent municipalities. Furthermore, the Redevelopment Plan continues to permit the uses currently permitted in the Borough's Central Business District and certain additional complementary uses. Therefore, this Redevelopment Plan will not impact any of the adjacent municipalities or their master plans.

B. Relationship to the Monmouth County Master Plan

Monmouth County's current Master Plan was adopted in 2016. The Monmouth County Master Plan designates Highlands as a "Priority Growth - Reinvestment Area/Site Overlay (PG-RAS)." These are defined as "(a)reas or sites located within the PGIA where more intense or significant development, redevelopment, revitalization, and hazard mitigation investments are highly encouraged."

The Redevelopment Plan is also consistent with the goals of the Monmouth County Master Plan, notably the following: "Promote beneficial development and redevelopment that continues to support Monmouth County as a highly desirable place to live, work, play, and stay."

C. Relationship to the State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (the "SDRP") was originally adopted in 1992. The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) is to:

Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been re-adopted once during the 29 years since its original adoption. A new State Strategic Plan (SSP) has been proposed as the revision to the 2001 SDRP. A timeframe for the adoption of the SSP is uncertain.

This Redevelopment Plan is thoroughly consistent with the SDRP and the draft SSP, as it epitomizes the smart growth principles set forth in both documents. In particular, the Redevelopment Plan promotes the preservation and reuse of developed property, and development of vacant properties, in an area well served by infrastructure, roads and transit, while also promoting upgrades to mitigate impacts from flooding. This Redevelopment Plan therefore furthers the goals, strategies and policies of the SDRP and the proposed SSP.

XIII. PROCEDURE FOR AMENDING THE PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of law. Applicable fees and escrows shall be payable to the Borough of Highlands for any request to amend this Plan.

No amendment to this Redevelopment Plan shall be approved without the review and recommendation of the Land Use Board, and a public hearing and adoption by the Borough Council. A copy of any proposed change to the Redevelopment Plan shall be filed with the Office of the Borough Clerk.