



ORDINANCE 4-2003

AMENDING AND SUPPLEMENTING THE DEVELOPMENT REGULATIONS - ADDING AN R-3 SINGLE FAMILY ZONE

WHEREAS, the Planning Board of the Borough of Atlantic Highlands having conducted a review of the Master Plan and Zoning Ordinances of the Borough in connection with its reexamination of the Master Plan pursuant to the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-89, and the Planning Board having adopted by Resolution a report on the findings of such reexamination which report recommends changes to the current Ordinances; and,

WHEREAS, portions of the Borough have very steep slopes and the area is impacted by landslides, washouts and the geological phenomenon known as "slump blocking". The existence of slump blocks and the potential for additional slump blocking and landslide events were documented in the United States Geological Survey Professional Paper of James P. Minard, 1974, entitled "Slump Blocks in the Atlantic Highlands of New Jersey". Slump blocking can cause a large surface layer, up to twenty acres or more, to move in a rotational fashion down a sloped area. Previous slump blocks are characterized by steep areas adjacent to the bay followed by flat areas and then additional steep areas. There is evidence of a number of these both on Bayside Drive and the upper streets in this area of the Borough. There have also been recent landslide events in the Borough where hillsides and slopes collapsed during new construction activities. In one event the soil disturbance was so extensive that it resulted in soil spillage onto the street in such volume that vehicles, including firefighting vehicles, were unable to use the street; and,

WHEREAS, critical causative elements of landslides, washouts and slump blocking are excessive building coverage and impervious coverage, increasing water runoff during storm events and creating erosion and soil saturation, and excessive surface loading and water infiltration into the ground; and,

WHEREAS, the area east of Sears Landing Road is almost entirely unsewered and many of the septic systems serving this area adversely affect land stability and create health issues. A pertinent issue is the amount of land required for safe operation of a septic tank and disposal field. NJDEP regulations (N.J.A.C. 7.9A) require minimum separation

distances from septic components to dwellings and property lines that are difficult to meet with existing zoning. Additionally, the lot space actually available for septic systems is further limited in this area because regulations do not permit some system components in areas exceeding 25 per cent slope and requirements of increased setbacks from certain areas with groundwater seepage to protect against pollution. Further constraints arise from the added space needed to install replacement septic systems when old systems fail; from the use of gravity-flow septic systems, which can only operate at points downhill from the houses they serve; and from the low levels of nitrate dilution achievable in certain kinds of soils. A review by the Planning Board Engineer finds that a minimum lot size of 3/4 acre or 30,000 square feet is adequate; and,

WHEREAS, other lands near steep slope areas are impacted by, can contribute to and aggravate these problems; and,

WHEREAS, the Borough finds that these causative elements can be controlled, in part, through the implementation of zoning regulations which include increased lot size and dimension, limitations on the bulk, height and size of buildings and structures, and limitations on the percentage of lot area that may be occupied by structures; and,

WHEREAS, the Borough further finds that in order to minimize the potential for future landslide, washout and slump blocking events, to provide adequate space and conditions for septic systems and to protect the health, safety and welfare of its residents, it is necessary and reasonable to adopt such zoning regulations through the creation of a new R-3 Single Family Residential Zone District.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey that the Development Regulations of the Borough of Atlantic Highlands, Article 5 "Zoning District Regulations" is hereby amended and supplemented as follows:

Section 5.2.A - add "R-3 Single-Family Residential"

Exhibit 5-1, The Zoning District Map, shall be revised to include the new R-3 Single Family Residential Zone District Boundaries as shown on the attached map, dated 1/22/2003. This Zone shall be bounded to the south: by the Atlantic Highlands/Middletown border line; to the west: by Sears Landing Road going north to the southern then westerly

property lines of block 22 lot 2 then to the southern then westerly property lines of block 23 lot 1 then along Ocean Boulevard to the westerly property line of block 17 lot 16; to the north: by the northerly property lines of block 17 lot 16 through block 1 lot 2; and to the east: by the Atlantic Highlands/Highlands border. This revision shall be made in conformity with the requirements Section 5.1.A.6. a. & b.

Exhibit 5-2 Schedule of Zoning District Requirements – The following standards shall be added to the Schedule:

Zone District R-3

Minimum Lot Size

Interior Lots

Area..... 30,000 sq. ft.
 Frontage & Width..... 100 ft.

Corner Lots

Area..... 30,000 sq. ft.
 Frontage & Width..... 100 ft.

Minimum Yard Requirements

Principal Buildings and Structures

Front Yard 25 ft.
 Side Yard 15 ft.
 Total Two Side Yards..... 30 ft.
 Rear Yard..... 30 Ft.

Accessory Buildings and Structures

Side Yard 10 ft.
 Rear Yard..... 5 ft.

Lot Shape Requirements (3) Minimum Diameter

Interior Lots 65 ft.
 Corner Lots..... 60 ft.

Maximum Building Height

Principal Building or Structure..... 35 ft. / 2 ½ Stories
 Accessory Building or Structure 1 Stories

Maximum Lot Coverage

Impervious Surface 30%
 Building 12%

Maximum Useable Floor Area Ratio 17.5%

Minimum Gross Floor Area

One Story Building 1,500 sq. ft.
 More Than One Story

First Floor 900 sq. ft.
Total Floors 1,800 sq. ft.

Exhibit 5 – 4 Schedule of Uses – The following shall be added to the Schedule:

Zone District R-3

RESIDENTIAL

Single Family Detached DwellingsP
Home ProfessionC
Community Residence for the Developmentally
Disabled and Victims of Domestic Violence
Up to 6 residents.....P
More than 6 but less than 16 residentsC

RECREATION, AMUSEMENT, ENTERTAINMENT

Swimming Pool, PrivateA
Municipal Recreation Facilities Such As Playfields
Tennis Courts or Swimming Pools.....P

PARKING/LOADING

On-Site Parking Related to the Principal UseR
Off-Street Loading.....R

OTHER

Non-Commercial Radio or T.V. Antennae.....A
Signs as Set Forth in Section 7.24.....A
Fences, Walls.....A

Section 7.18.C.2 and 7.27.A – add “R-3” to existing R-1 and R-2.

Any application for expansion or enlargement of the existing structure on an improved lot in the R-3 zone that is otherwise conforming with all standards other than being deficient in lot area, shall be deemed conforming in lot area and shall not require a variance for that lot area deficiency.

BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as provided by law.