



BOROUGH OF ATLANTIC HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 15-2023

**AN ORDINANCE OF THE BOROUGH OF ATLANTIC HIGHLANDS,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING
CHAPTER 150 DEVELOPMENT REGULATIONS TO FURTHER
REGULATE DEVELOPMENT AND DESIGN IN THE CBD CENTRAL
BUSINESS DISTRICT AND HBD HISTORIC BUSINESS DISTRICT**

WHEREAS, the Borough of Atlantic Highlands (“Borough”) is a municipal entity organized and existing under the laws of State of New Jersey and located in Monmouth County; and

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-28 permits the governing body to adopt or amend a zoning ordinance after the planning board has adopted the land use plan element and the housing plan element of a master plan, and specifies that all of the provisions of such zoning ordinance or any amendment or revision thereto shall either be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, the Borough of Atlantic Highlands adopted its last Master Plan in May 2019; and

WHEREAS, the Borough has adopted Chapter 150 Development Regulations establishing zone districts to regulate the development of land in the Borough; and

WHEREAS, the zone districts include the HBD Historic Business District and CBD Central Business District; and

WHEREAS, some of the specific objectives of the Master Plan include (1) limit future development and population density; (2) encourage structural and aesthetic improvements in the business and entertainment districts to strengthen their commercial attraction, promote a viable economic base, and expand the choice of goods, services and employment available within the Borough; (3) retain the small-town residential character while continuing to thrive as an active, livable waterfront community; and

WHEREAS, recent developments in the area of the Borough regulated by the HBD and CBD zones have been contrary to the goals of the Master Plan; and

WHEREAS, the Borough Council of the Borough of Atlantic Highlands has determined that in light of the foregoing it is in the best interest of the Borough to adopt and implement this Ordinance that is in keeping with goals of the Master Plan and is in best interest of the Borough and health, safety and welfare of its residents and visitors;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Atlantic Highlands, County of Monmouth and State of New Jersey that:

Section 1. Amend Chapter 150 – Development Regulations

§150-29 A. (2)- Schedule of district Zone requirements. District regulations for zone districts within the Borough of Atlantic Highlands are hereby established and are attached hereto, as **amended** Exhibited 5-2, and are hereby made a part of this Chapter, together with all notations, references and designations shown thereon³².

§150-42. Mixed-use commercial/residential; mixed-use light industrial/business office/residential.

A. Mixed-use commercial/residential. A mixed-use building containing commercial and residential uses may be permitted in the HBD (Historic Business District) and CBD (Central Business District), provided that such use adheres to the minimum standards of the zone district **found in 150 Attachment 1 Exhibit 5-2 (Schedule of Zoning District Requirements)** and to the following specific conditions.

(1) Residential dwelling units shall be confined to the upper stories of the building. Street-level space shall be occupied by the principal uses permitted in the district and required accessory uses. A minimum of 40% of the street level frontage shall be occupied by principal uses permitted in the zone not including residential uses. ~~Parking for residential dwelling units may be provided on site and shall comply with RSIS standards.~~

(2) No **market-rate** dwelling unit shall contain more than two bedrooms. Dens, lofts and other such areas capable of serving as bedrooms shall be construed as bedrooms. **Three-bedroom affordable housing units are permitted for the purposes of meeting the requirements of §150-30.G.**

(3) Plans for the overall use of the building shall be submitted. Any building which is in a state of disrepair or otherwise violates property maintenance standards shall be repaired or rehabilitated to conform to applicable municipal requirements.

(4) Each dwelling unit shall have the following minimum habitable floor area:

- (a) One-bedroom dwelling unit: 750 square feet
- (b) Two-bedroom dwelling unit: ~~900~~ 950 square feet
- (c) **Three-bedroom affordable dwelling unit: 1,000 square feet.**

(5) Maximum permitted residential density shall be 40 dwelling units to the acre (du/acre).

(6) In the CBD Zone parking for all uses (residential and non-residential) must be provided on site; parking for residential units must comply with RSIS standards. In the HBD Zone, parking for residential uses must be provided on site and shall comply with RSIS standards. Public parking lots shall not be used for any such calculation for needed residential parking requirements in the HBD Zone. The number of spaces provided for all uses in both CBD and HBD Zones must comply with §150-89.B.(1).(b) and §150-89.B.(1).(c).

(7) The façade on any ground level street frontage should contain at least 65% glazing.

(8) Any proposed development in the CBD Zone shall provide a minimum of 10 foot buffer from any property located in a single-family residential zone. The buffer shall be adequately landscaped with evergreen trees and shrubs along with deciduous trees to create a visually impervious screen. Alternatively, a six (6) foot tall visually impervious fence may also be provided in lieu of full landscaping screen, although landscaping must still be provided.

§150-83.G Architectural and building design

(1) – (22) [no changes]

(23) Architectural and building design standards in the HBD and CBD Zones. All development in the HBD and CBD zones shall adhere to the following standards:

(a) The façade on any ground level street frontage dedicated to the principal use of the building (not including accessory parking and other accessory rooms) should contain at least 65% glazing.

(b) Ground floor parking areas shall be appropriately screened by faux wall. Decorative punch-outs shall be provided along the faux wall.

(c) All garages should incorporate a decorative garage door that is consistent with building design that is electronically opened and

immediately automatically closed unless opened by the traveling vehicle. Roll up shutters or chain link doors are not permitted.

(d) All utilities should be interior to the building and fitted with remote readers where possible.

(e) Where HVAC units are proposed for the roof, they shall be screened within the roof parapet or roof design.

(f) All buildings should be designed to be include exterior façade treatment from each vantage point and that are consistent in their quality and finish on all elevations similar to front façade.

(g) All buildings shall have a distinctive base, middle and top.

(h) Buildings shall be designed using a color palette that complements the architectural context of the surrounding area.

(i) Blank or featureless walls should be avoided.

(j) High quality durable decorative materials should be incorporated in the ground floor façade along a public right-of-way.

(k) Retail entrances shall be at street level and open directly onto the sidewalk.

(l) The primary exterior building materials shall be brick, wood, stone, composite stone, lath applied stucco, metal, glass, and other similarly durable and attractive materials. Aluminum siding, vinyl siding, concrete block, perma-stone, and EIFS or similar cementitious concrete panels should be prohibited.

(m) No building shall have a wall with an uninterrupted length of more than 30 feet without including a change in the vertical plane of the façade. This may be achieved through any one or combination, including but not limited to the following:

i) Pilasters, bay windows, building step-backs, and other façade recesses or projections.

ii) The step-back or projection shall be minimum of 18 inches from the primary building façade.

iii) The changes in the building façade plane shall occur for the full height of the building, above the ground floor.

(n) All façade vents for air conditioning or heating units, where needed, shall be incorporated into the window design such that vent grills and windows appear as a single unit. This is best achieved by lining up vent

grills with the vertical or horizontal edge of the adjacent window and matching the window's length or width or using a spandrel panel to fill any voids. Vent grills shall be hidden behind decorative iron or metal work which compliments the style of the building.

(o) All retail and restaurant ground floor tenant spaces shall be serviced by a ventilation shaft thru the roof of the building and not over the retail window transom.

(p) Where the foundation of a building is exposed, it should be covered with decorative material. Foundation plantings may also be incorporated between the building and the sidewalk or decorative planters may be utilized to accent the sidewalk and building.

(r) All lands not used for buildings, parking, circulation, or utilities, should include landscape improvements that contain design features such as native plants, pollinator areas, permeable materials or green infrastructure elements.

§150-89. Improvement Standards.

A. [no changes]

B. Off-street parking.

(1) – (4) [no changes]

(5) Location of parking

(a) – (g) [no changes]

(h) No parking area for a use in the LI, MR, ~~or~~ HB, **or CBD Zone** may be located in any other zone. However, parking areas for the ~~CBD~~, HBD, and WB Zones may be located in any zone other than a single-family district, provided that said area is within 100 feet of the ~~CBD~~, HBD, or WB Zone, **and provided that parking for residential uses in the HBD Zone must be provided on site.**

(i) In the HBD ~~or~~ CBD Zones, the off-street parking requirement **for non-residential uses** may be satisfied in whole or in part by evidence that the required amount of parking has been or will be provided in public parking lots available for the use of the general public. Such parking space, for commercial purposes, shall be located within 300 feet walking distance of the principal use as measured from the geometric center of the parking facility located on Railroad Avenue, but in no case shall the parking areas be on the opposite side of State Highway 36 from the principal use. The

public parking lots shall not be used for any such calculation for needed residential parking requirements.

(j) Parking for **non-residential** uses in the HBD Zone ~~shall~~ **may** be provided by public parking or private parking lots located outside the HBD Zone District. No site plan approval in the HBD District shall be granted unless adequate parking capacity outside the district is demonstrated.